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United States District Court District of Massachusetts

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)
) Civil Action No.) 11-11681-NMG
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Verdict Form

1. Patent Infringement

(a) Have plaintiffs proved, by a preponderance of the evidence, that defendants' 15-25% procedures infringe the asserted claims of the '886 patent? ("Yes" is a verdict for plaintiffs and "No" is a verdict for defendants.)

Claim 6	Yes	 No	
Claim 15	Yes	No	
Claim 16	Yes	 No	
Claim 53	Yes	 No	
Claim 54	Yes	 No	
Claim 62	Yes	 No	

(b) Have plaintiffs proved, by a preponderance of the evidence, that defendants' Disaccharide Building Block ("DBB") procedure infringes the asserted claims of the '886 patent? ("Yes" is a verdict for plaintiffs and "No" is a verdict for defendants.)

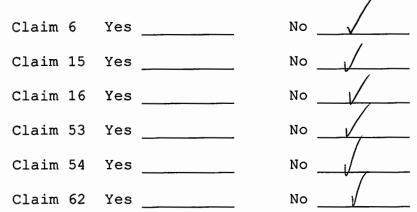
Claim 6	Yes	 No	
Claim 15	Yes	 No	
Claim 16	Yes	 No	
Claim 53	Yes	No	
Claim 54	Yes	No	
Claim 62	Yes	 No	

[If you answer "Yes" as to any of the claims in Questions 1(a) and 1(b) continue to Question 2. If you answer "No" as to all the claims in Questions 1(a) and 1(b), continue to Question 4.]

2. Patent Validity

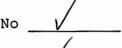
With respect to the following four grounds for patent invalidity, have defendants proved, by clear and convincing evidence, that any of the asserted claims of the '886 patent is invalid? ("Yes" is a verdict for defendants and "No" is a verdict for plaintiffs.)

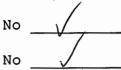
A. Anticipation

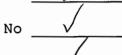


B. Obviousness

Claim	6	Yes	







Claim 62 Yes

C. Lack of Enablement



D. Lack of Written Description

Claim 6 Yes 🗸

No	

- Claim 15 Yes
- No
- Claim 16 Yes
- No

- Claim 53 Yes _____/
- No _____
- Claim 54 Yes _____/
- No _____
- Claim 62 Yes ✓
- No _____

[If you answer "Yes" with respect to any of the patent claims in Questions 1(a) or 1(b) (infringement) and "No" with respect to any of those same patent claims in Question 2 (not invalid), proceed to Question 3. Otherwise proceed to Question 4.]

ard plaintiffs, for (words)
(words)
(numbers)
have not proved or a portion of the ou have determined for all of the
ard plaintiffs, for ement?
(words)

(numbers)

4. Enforceability

(a) 15-25% Procedures

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1) Do the 15-25% procedures comply with USP <207>?

Yes ______ No _____

[If you answer Question 4(a)(1) "Yes", answer Questions 4(a)(2) and 4(a)(3). If you answer Question 4(a)(1) "No", proceed to Question 4(b).]

2) Have defendants proved, by clear and convincing evidence, that plaintiffs have waived their right to recover for infringement of the '886 patent with respect to the 15-25% procedures? ("Yes" is a verdict for defendants and "No" is a verdict for plaintiffs.)

Yes	 No

3) Have defendants proved, by a preponderance of the evidence, that plaintiffs are estopped from enforcing the '886 patent with respect to the 15-25% procedures? ("Yes" is a verdict for defendants and "No" is a verdict for plaintiffs.)

Yes	 No

(b) Disaccharide Building Block ("DBB") Procedure

1) Does the DBB procedure comply with USP <207>?

Yes	✓	No

[If you answer Question 4(b)(1) "Yes", answer Questions 4(b)(2) and 4(b)(3). If you answer Question 4(b)(1) "No", your deliberations are complete.]

2) Have defendants proved, by clear and convincing evidence, that plaintiffs have waived their right to recover for infringement of the '886 patent with respect to the DBB procedure? ("Yes" is a verdict for defendants and "No" is a verdict for plaintiffs.)
Yes No

3) Have defendants proved, by a preponderance of the evidence, that plaintiffs are estopped from enforcing the '886 with respect to the DBB procedure? ("Yes" is a verdict for defendants and "No" is a verdict for plaintiffs.)

Yes		No	
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YOUR DELIBERATIONS ARE COMPLETE. THE FOREPERSON WILL SIGN THE VERDICT FORM AND NOTIFY THE MARSHAL IN WRITING THAT THE JURY HAS COME TO A DECISION WITHOUT REVEALING THE VERDICT TO THE MARSHAL. THE JURY WILL THEN BE INVITED TO THE COURTROOM TO RETURN ITS VERDICT.

Dated: 1212017 Jury Foreperson: