

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
YORK,

Plaintiff,

v.

NORTONLIFELOCK INC.,

Defendant.

Civil Action No. 3:13-cv-00808-MHL

REVISED SPECIAL VERDICT FORM

A. PATENT INFRINGEMENT

Literal Infringement of U.S. Patent No. 8,601,322

1. Do you find that Columbia University has proven by a preponderance of the evidence that Norton directly and literally infringed any of the asserted claims of U.S. Patent No. 8,601,322?

YES: ✓ NO:

If you answered "Yes" to Question 1, please mark the claim(s) you found to be infringed:

Claim 2: ✓
Claim 11: ✓ Claim 27: ✓

Induced or Contributory Infringement of U.S. Patent No. 8,601,322

2. Do you find that Columbia has proven by a preponderance of the evidence that Norton indirectly infringed any of the asserted claims of U.S. Patent No. 8,601,322 by inducing its customers to infringe at least one of claims 2, 11, or 27?

YES: ✓ NO:

If you answered "Yes" to Question 2, please mark the claim(s) you found to be indirectly infringed through induced infringement:

Claim 2: ✓
Claim 11: ✓ Claim 27: ✓

If you answered "Yes" to Question 2, did you find indirect infringement through induced infringement only under the doctrine of equivalents?

YES: NO: ✓

3. Do you find that Columbia has proven by a preponderance of the evidence that Norton indirectly infringed any of the asserted claims of U.S. Patent No. 8,601,322 by contributing to its customers' infringement of at least one of claims 2, 11, or 27?

YES: ✓ NO:

If you answered "Yes" to Question 3, please mark the claim(s) you found to be indirectly infringed through contributory infringement:

Claim 2: ✓
Claim 11: ✓ Claim 27: ✓

If you responded "Yes" to Question 3, did you find indirect infringement through contributory infringement only under the doctrine of equivalents?

YES: _____ NO:

Literal Infringement of U.S. Patent No. 8,074,115

4. Do you find that Columbia University proved by a preponderance of the evidence that Norton directly and literally infringed Asserted Claim 2 of U.S. Patent No. 8,074,115?

YES: NO: _____

Infringement Under the Doctrine of Equivalents of U.S. Patent No. 8,074,115

5. If you answered "No" to Question 4, do you find that Columbia has proven by a preponderance of the evidence that Norton infringed Asserted Claim 2 of U.S. Patent No. 8,074,115 under the doctrine of equivalents? *If you answered "Yes" to Question 4, skip this question.*

~~YES: _____ NO: _____~~

If you answered "Yes" to Question 5, please state below which claim limitation or limitations are met under the doctrine of equivalents:

IF YOU ANSWERED "YES" TO ANY OF QUESTIONS 1 THROUGH 5, PLEASE PROCEED TO QUESTIONS 6 AND 7.

Willful Infringement of U.S. Patent No. 8,601,322

6. Do you find that Columbia has proven by a preponderance of the evidence that Norton's infringement of U.S. Patent No. 8,601,322 was willful? *If you answered "No" to Questions 1, 2, and 3, skip this question.*

YES: NO:

Willful Infringement of U.S. Patent No. 8,074,115

7. Do you find that Columbia has proven by a preponderance of the evidence that Norton's infringement of U.S. Patent No. 8,074,115 was willful? *If you answered "No" to Questions 4 and 5, skip this question.*

YES: NO:

IF YOU FOUND THAT NORTON INFRINGED AT LEAST ONE CLAIM OF THE '322 PATENT OR AT LEAST ONE CLAIM OF THE '115 PATENT, PLEASE PROCEED TO QUESTION 8.

IF YOU FOUND THAT NORTON HAS NOT INFRINGED ANY CLAIM OF THE '322 PATENT OR THE '115 PATENT, PLEASE SKIP QUESTIONS 8 THROUGH 10 AND PROCEED TO QUESTION 11.

B. PATENT INFRINGEMENT DAMAGES

8. What is the total amount that Columbia University is entitled to receive from Norton as a reasonable royalty for Norton's past infringement, as found by you above, through February 28, 2022?

\$ 185,112,727

9. Does the reasonable royalty that you found in response to Question 8 include a royalty for Norton's sales to customers located outside of the United States?

YES: NO:

If you answered "yes" to Question 9, please indicate the reason that you awarded a royalty for Norton's sales to customers located outside of the United States. If you awarded a royalty for sales to customers located outside of the United States, you must check "yes" to at least one of the three questions below. You may check "yes" to more than one question.

a. Did Columbia University prove by a preponderance of the evidence that the infringing product sold to customers located outside of the United States was made in the United States?

YES: NO:

b. Did Columbia University prove by a preponderance of the evidence that the infringing product sold to customers located outside of the United States was distributed from the United States?

YES: NO:

c. Did Columbia University prove by a preponderance of the evidence that Norton's sales to foreign customers were sales that substantially occurred in the United States?

YES: NO:

10. Of the total amount provided in response to Question 8, what part of that total is for sales to customers located in the United States and what part of that total is for sales to customers located outside of the United States (if any)?

(The sum of the two numbers you provide below should equal the total amount provided in response to Question 8.)

\$ 91,075,462
Royalty for Sales to
U.S. Customers

\$ 94,037,265
Royalty for Sales to
Non-U.S. Customers

C. CORRECTION OF INVENTORSHIP - U.S. PATENT NO. 8,549,643

11. Did Columbia University prove by clear and convincing evidence that Professor Salvatore Stolfo and Professor Angelos Keromytis are the sole inventors of U.S. Patent No. 8,549,643 ("the '643 Patent")?

YES: NO:

12. Only if you answered "No" to Question 11, did Columbia University prove by clear and convincing evidence that Professor Stolfo and Professor Keromytis were joint inventors of the '643 Patent, together with Darren Shou?

YES: ✓ NO: _____

IF YOU FOUND THAT PROFESSORS STOLFO AND KEROMYTIS WERE SOLE OR JOINT INVENTORS OF THE '643 PATENT, PLEASE PROCEED TO QUESTIONS 13 AND 14. IF YOU FOUND THAT PROFESSORS STOLFO AND KEROMYTIS WERE NOT SOLE OR JOINT INVENTORS OF THE '643 PATENT, PLEASE SKIP QUESTIONS 13 AND 14.

D. FRAUDULENT CONCEALMENT - U.S. PATENT NO. 8,549,643

13. Did Columbia University prove by clear and convincing evidence that Norton committed fraudulent concealment with regard to U.S. Patent No. 8,549,643?

YES: _____ NO: ✓

14. If you answered "Yes" in response to Question 13, what amount of damages should be awarded to Columbia?

\$ _____

END OF JURY VERDICT FORM

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. After you are satisfied that your unanimous answers are correctly reflected above, the Jury Foreperson should then sign and date this verdict form in the spaces below. Then, notify the Court Security Officer that you have reached a verdict.

Signed this 2nd day of May, 2022.