# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY CAMDEN VICINAGE

EAGLE VIEW TECHNOLOGIES, INC., <i>et al.</i> ,	) ) Civil Action No.: 1:15-cv-07025 ) (RMB-JS)
Plaintiffs,	) VERDICT FORM
V.	)
XACTWARE SOLUTIONS, INC., et al.,	) ) )
Defendants.	)

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## **VERDICT FORM**

#### I. FINDINGS ON INFRINGEMENT

Question 1. Do you find that EagleView has proven by a preponderance of the evidence that Xactware's Xactimate in combination with **P**roperty InSight or Roof InSight and the "Mass Production Tool" **directly** infringed the following claims of the following EagleView patents?

Check "Yes" (for EagleView) or "No" (for Xactware) for each Claim.

'436 Patent: Claim 2	Yes	No
'436 Patent: Claim 36	Yes	No
'840 Patent: Claim 10	Yes	No
'376 Patent: Claim 20	Yes	No
'454 Patent: Claim 26	Yes	No
<u>'770 Patent: Claim 12</u>	Yes	No

Question 2. Do you find that EagleView has proven by a preponderance of the evidence that Xactware's Xactimate in combination with Aerial Sketch version 2 directly infringed the following claims of the following EagleView patents?

Check "Yes" (for EagleView) or "No" (for Xactware) for each Claim.

<u>'840 Patent: Claim 10</u>	Yes	No
<u>'376 Patent: Claim 20</u>	Yes	No
<u>'454 Patent: Claim 26</u>	Yes	No
<u>'770 Patent: Claim 12</u>	Yes	No

Question 3. Do you find that EagleView has proven by a preponderance of the evidence that one or both of Xactware and Verisk indirectly infringed the following claims of the following EagleView patents?

Check "Yes" (for EagleView) or "No" (for Xactware and Verisk listed separately) for each Claim.

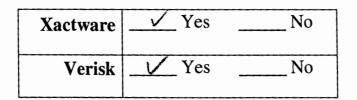
	Xactware		Verisk	
'436 Patent: Claim 2	Yes	No	Yes	No
<u>'436 Patent: Claim 36</u>	Yes	No	Yes	No
<u>'840 Patent: Claim 10</u>	Yes	No	Yes	No
'376 Patent: Claim 20	Yes	No	<u> </u>	No
<u>'454 Patent: Claim 26</u>	Yes	No	Yes	No
<u>'770 Patent: Claim 12</u>	Yes	No	<u> </u>	No

# II. WILLFUL INFRINGEMENT

# Answer Question 4 only if you have found at least one Asserted Claim infringed by Xactware or Verisk.

Question 4. Do you find that EagleView has proven by a preponderance of the evidence that the infringement by one or both of Xactware and Verisk was willful?

Check "Yes" (for EagleView) or "No" (for Xactware and Verisk listed separately).



# **IV. FINDINGS ON VALIDITY**

## '436 Patent

## Claim 2

Question 5. Do you find that Xactware and Verisk have proven by clear and convincing evidence that Claim 2 of the '436 Patent is invalid as obvious in light of the prior art presented?

\_\_\_\_\_ Yes (for Xactware and Verisk) \_\_\_\_\_ No (for EagleView)

## Claim 36

Question 6. Do you find that Xactware and Verisk have proven by clear and convincing evidence that Claim 36 of the '436 Patent is invalid as obvious in light of the prior art presented?

\_\_\_\_\_ Yes (for Xactware and Verisk) \_\_\_\_\_ No (for EagleView)

## '840 Patent

Question 7. Do you find that Xactware and Verisk have proven by clear and convincing evidence that Claim 10 of the '840 Patent is invalid as anticipated by the prior art presented?

\_\_\_\_\_Yes (for Xactware and Verisk)  $\checkmark$  No (for EagleView)

Question 8. Do you find that Xactware and Verisk have proven by clear and convincing evidence that Claim 10 of the '840 Patent is invalid as obvious in light of the prior art presented?

\_\_\_\_\_ Yes (for Xactware and Verisk) \_\_\_\_\_ No (for EagleView)

#### '376 Patent

**Question 9.** Do you find that Xactware and Verisk have proven by clear and convincing evidence that Claim 20 of the '376 Patent is invalid as anticipated by the prior art presented?

\_\_\_\_\_Yes (for Xactware and Verisk) \_\_\_\_\_No (for EagleView)

Question 10. Do you find that Xactware and Verisk have proven by clear and convincing evidence that Claim 20 of the '376 Patent is invalid as obvious in light of the prior art presented?

\_\_\_\_\_ Yes (for Xactware and Verisk) \_\_\_\_\_ No (for EagleView)

## '454 Patent

Question 11. Do you find that Xactware and Verisk have proven by clear and convincing evidence that Claim 26 of the '454 Patent is invalid as obvious in light of the prior art presented?

\_\_\_\_\_Yes (for Xactware and Verisk) \_\_\_\_\_No (for EagleView)

## '770 Patent

Question 12. Do you find that Xactware and Verisk have proven by clear and convincing evidence that Claim 12 of the '770 Patent is invalid as obvious in light of the prior art presented?

\_\_\_\_\_ Yes (for Xactware and Verisk) \_\_\_\_\_ No (for EagleView)

#### **IV. DAMAGES**

Answer the following questions only if you have found at least one Asserted Claim valid and infringed.

#### **Lost Profits**

Question 13. What amount of lost profits, if any, do you find EagleView has proven by a preponderance of the evidence that it is entitled to recover because of infringement?

### **Reasonable Royalty**

Question 14. For any infringement that is not compensated by lost profits above, what amount do you determine to be a reasonable royalty amount to compensate EagleView for infringement?

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You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Foreperson should then sign and date the verdict form in the spaces below and notify the Court Security Guard that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it when the jury is

Dated: September 25, 2019

By:

Foreperson