IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APPLE INC., _Plaintiff,_ v. MASIMO CORPORATION and SOUND UNITED, LLC, _Defendants._	C.A. No. 22-1377-JLH C.A. No. 22-1378-JLH

VERDICT FORM

Instructions: When answering the following questions and completing this Verdict Form, please follow the directions provided and follow the Jury Instructions that you have been given. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning of usage of any legal term that appears in the questions below.

As used herein:

1.   "Apple" refers to Plaintiff Apple Inc.;

2.   "Masimo" refers to Defendants Masimo Corporation and Sound United, LLC;

3.   The "D'279 Patent" refers to U.S. Patent No. D883,279;

4.   The "D'842 Patent" refers to U.S. Patent No. D947,842;

5.   The "D'131 Patent" refers to U.S. Patent No. D735,131;

6.   The "'783 Patent" refers to U.S. Patent No. 10,627,783;

7.   The "'054 Patent" refers to U.S. Patent No. 10,987,054; and

8.   The "'483 Patent" refers to U.S. Patent No. 11,474,483.

QUESTION 1:

For each of the following patent claims and products, did Apple prove by a preponderance of the evidence that Masimo infringed the claim?

The claim of the D'279 Patent

Product(s)	YES (For Apple)	NO (For Masimo)
Original Design (Masimo W1, Freedom, Health Module)		✓
Wave Design (Masimo W1, Freedom, Health Module)		✓

The claim of the D'842 Patent

Product(s)	YES (For Apple)	NO (For Masimo)
Original Design (Masimo W1, Freedom, Health Module)	✓	
Wave Design (Masimo W1, Freedom, Health Module)		✓

The claim of the D'131 Patent

Product(s)	YES (For Apple)	NO (For Masimo)
Original Charger	✓	

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Claim 16 of the '783 Patent

Product(s)	YES (For Apple)	NO (For Masimo)
Masimo W1 (Original and Wave)		✓
Masimo Freedom		✓

Claim 13 of the '483 Patent

Product(s)	YES (For Apple)	NO (For Masimo)
Masimo W1 (Original and Wave)		✓
Masimo Freedom		✓

Claim 1 of the '054 Patent

Product(s)	YES (For Apple)	NO (For Masimo)
Masimo W1 (Original and Wave)		✓
Masimo Freedom		✓

QUESTION 2:

For each of the following claims, did Masimo prove by clear and convincing evidence that the claim is invalid for obviousness?

Patent	YES (For Masimo)	NO (For Apple)
Claim 16 of the '783 Patent		✓
Claim 13 of the '483 Patent	✓	
Claim 1 of the '054 Patent		✓

QUESTION 3:

For each of the following claims, did Masimo prove by clear and convincing evidence that the claim is invalid for lack of ornamentality?

Patent	YES (For Masimo)	NO (For Apple)
The claim of the D'279 Patent		✓
The claim of the D'842 Patent		✓

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Answer Questions 4, 5, and 6 only if you:

- **Answered "Yes" for <u>ANY</u> of the claims in Question 1;**

  <u>AND</u>

- **Answered "No" for those <u>SAME CLAIMS</u> in Questions 2 and 3, if applicable.**

Otherwise, skip and DO NOT answer Questions 4, 5, and 6, and instead please proceed directly to the final page of this Verdict Form and sign and date that page.

<u>QUESTION 4:</u>

Do you award Apple $250 as a statutory remedy for Masimo's infringement to date of any of Apple's Design Patents?

YES (For Apple)	NO (For Masimo)
✓	

<u>QUESTION 5:</u>

Did Apple prove by a preponderance of the evidence that Masimo should pay damages of $250 for infringement to date of any of Apple's Utility Patents?

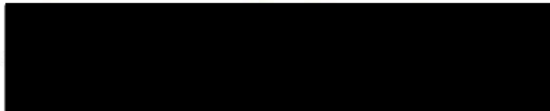| YES (For Apple)	NO (For Masimo)
	✓

QUESTION 6:

Did Apple prove by a preponderance of the evidence that Masimo's infringement was willful?

YES (For Apple)	NO (For Masimo)
✓	

You have now reached the end of this verdict form and you should review it to ensure that it entirely reflects your unanimous determinations. The Foreperson should then sign the verdict form in the space below and notify the Court Security Officer that you have reached a verdict. The Foreperson should retain possession of the verdict form and will bring it to the courtroom with the jury.

Signed: _____

Dated: 10 / 25 / 24