

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BOSTON SCIENTIFIC SCIMED, INC.,

Plaintiff,

v.

EDWARDS LIFESCIENCES
CORPORATION,

Defendant.

1:16CV275

EDWARDS LIFESCIENCES PVT, INC.,
EDWARDS LIFESCIENCES LLC,
EDWARDS LIFESCIENCES
CORPORATION,

SPECIAL INTERROGATORIES

Counterclaim and
Third-party Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION;
BOSTON SCIENTIFIC SCIMED, INC.,
SADRA MEDICAL, INC.,

Counterclaim and
Third-Party Defendants.

INSTRUCTIONS:

Please follow the directions provided throughout this Verdict Form. Your answer to each question must be unanimous.

Please refer to the Jury Instructions for guidance on the law applicable to each question.

Please indicate your answer with an "X," you must answer "yes" or "no" for every claim.

I. BOSTON SCIENTIFIC'S CLAIMS - THE '608 PATENT

A. Infringement

Question No. 1:

Did Boston Scientific prove, by a preponderance of the evidence, that Edwards directly infringed or infringes, or induced or contributed to the infringement of any of the following claims of the '608 Patent, as instructed in Instruction Nos. 18 to 23?

Claim 1 X Yes
 _____ No

Claim 2 X Yes
 _____ No

Claim 3 X Yes
 _____ No

Question No. 2:

Did Boston Scientific prove, by a preponderance of the evidence, that Edwards has supplied all or a substantial portion of the components of a product covered by the following claims of the '608 patent from the United States to another country and actively induced their actual assembly in a way that would have directly infringed if it occurred in the United States, as instructed in Instruction No. 24?

Claim 1 X Yes
 _____ No

Claim 2 X Yes
 _____ No

Claim 3 X Yes
 _____ No

Question No. 3:

Did Boston Scientific prove, by a preponderance of the evidence, that Edwards has supplied a component or components especially made or especially adapted for a product, and not a staple article or commodity of commerce suitable for substantial non-infringing use, covered by the following claims of the '608 patent, from the United States to another country intending them to be combined in a way that Edwards knew would have directly infringed if it occurred in the United States, as instructed in Instruction No. 24?

- Claim 1 Yes
 No
- Claim 2 Yes
 No
- Claim 3 Yes
 No

Question No. 4:

Did Edwards prove, by clear and convincing evidence, with respect to each of the following claims of Boston Scientific's '608 patent, that Edwards used the invention of the claim more than one year before the effective filing date of the '608 patent, as instructed in Instruction No. 25?

- Claim 1 Yes
 No
- Claim 2 Yes
 No
- Claim 3 Yes
 No

B. Validity

Question No. 5:

Did Edwards prove, by clear and convincing evidence, that any of the following claims of the '608 patent is invalid as instructed in Instruction No. 27 to 43?

- Claim 1 Yes
 No
- Claim 2 Yes
 No
- Claim 3 Yes
 No

C. Damages

- If you answered "yes" to any claim or claims in Question Nos. 1 to 3, and "no" to Question No. 4 and Question No. 5 *with respect to that same claim*, answer Question No. 6.
- Otherwise, skip Question No. 6 and proceed to answer Question No. 7.

Question No. 6:

What is the total dollar amount that Boston Scientific has proven by a preponderance of the evidence that it is entitled to recover from Edwards for infringement of the claim or claims of the '608 patent, as instructed in Instruction Nos. 46 to 51.

\$ 35,417,685

II. EDWARDS' CLAIMS - THE SPENSER PATENTS

A. Infringement

Question No. 7:

Did Edwards prove, by a preponderance of the evidence, that Boston Scientific directly infringed or infringes, or induced or contributed to the infringement of any of the following claims of the following patents, as instructed in Instruction Nos. 18 to 23?

'575 Patent

Claim 2: Yes
 No

'133 Patent

Claim 1: Yes
 No

Claim 11: Yes
 No

'383 Patent

Claim 1: Yes
 No

Claim 4: Yes
 No

Claim 7: Yes
 No

Question No. 8:

Did Edwards prove, by a preponderance of the evidence, that Boston Scientific has supplied all or a substantial portion of the components of a product covered by any of the following claims of any of the following patents from the United States to another country and actively induced their actual assembly in a way that would have directly infringed if it occurred in the United States, as instructed in Instruction No. 24?

'575 Patent

Claim 2: Yes
 No

'133 Patent

Claim 1: Yes
 No

Claim 11: Yes
 No

'383 Patent

Claim 1: Yes
 No

Claim 4: Yes
 No

Claim 7: Yes
 No

Question No. 9:

Did Edwards prove, by a preponderance of the evidence, that Boston Scientific has supplied a component or components especially made or especially adapted for a product, and not a staple article or commodity of commerce suitable for substantial non-infringing use, covered by any of the following claims of any of the following patents from the United States to another country intending them to be combined in a way that

Boston Scientific knew would have directly infringed if it occurred in the United States, as instructed in Instruction No. 24?

'575 Patent

Claim 2: Yes
 No

'133 Patent

Claim 1: Yes
 No

Claim 11: Yes
 No

'383 Patent

Claim 1: Yes
 No

Claim 4: Yes
 No

Claim 7: Yes
 No

B. Validity

Question No. 10:

Did Boston Scientific prove, by clear and convincing evidence, that any of the following claims of the '575, '133, or '383 patents is invalid, as instructed in Instruction Nos. 27 to 43?

'575 Patent

Claim 2: Yes
 No

'133 Patent

Claim 1: Yes
 No

Claim 11: Yes
 No

'383 Patent

Claim 1: Yes
 No

Claim 4: Yes
 No

Claim 7: Yes
 No

C. DAMAGES

- If you answered "yes" to any claim or claims in Question Nos. 7 to 9, and "no" to Question No. 10 *with respect to that same claim*, answer Question No. 11.
- Otherwise, you have reached the end of your deliberations. Please review the answers to Special Interrogatories to ensure they accurately reflect your unanimous determinations and have your foreperson sign and date this form. Then, notify the court that you have reached a verdict.

Question No. 11:

What is the total dollar amount that Edwards has proven, by a preponderance of the evidence, that it is entitled to recover from Boston Scientific for infringement of the claim or claims of the '575, '133, or '383 patents, as instructed in Instruction Nos. 46 to 58.

The Court has found that the total dollar amount must **not** include Lotus products sold for the United States market. These products were used for FDA approval and are exempted from damages.

\$ _____

- Your deliberations are at an end. Please review the answers to Special Interrogatories to ensure they accurately reflect your unanimous determinations.
- The Jury Foreperson should then sign and date this verdict form in the spaces below and notify the court that you have reached a verdict.

DATED this 11 day of December, 2018.

JURY FOREPERSON _____