Rec'd 12/19/13
CP

United States District Court
District of Massachusetts

KONINKLIJKE PHILIPS N.V. and PHILIPS ELECTRONICS NORTH AMERICA CORPORATION,	
Plaintiffs/Counterclaim-Defendants,	
v.	**Civil Action No. 10-11041-NMG**
ZOLL MEDICAL CORPORATION,	
Defendant/Counterclaim-Plaintiff.	

VERDICT FORM

In answering these questions, you are to follow all of the instructions I have given you in the Court's charge. As used herein, "Philips" means the Plaintiffs/Counterclaim-Defendants Koninklijke Philips N.V. and Philips Electronics North America Corporation and "ZOLL" means the Defendant/Counterclaim-Plaintiff ZOLL Medical Corporation.

WE, THE JURY, UNANIMOUSLY FIND AS FOLLOWS:

I. Patent Infringement: Philips's Patents

A. Philips's '460 Self-Test Patent

1) Has Philips proven by a preponderance of the evidence that ZOLL's defibrillators **directly infringe** the following claim of the '460 patent?

U.S. Patent No. 5,800,460				
	AED Plus		AED Pro	
	YES	NO	YES	NO
Claim 7	✓		✓	

2) Has Philips proven by a preponderance of the evidence that others directly infringed the following claim of the '460 patent through use of ZOLL's defibrillators, and that ZOLL **knowingly contributed to** such infringement?

U.S. Patent No. 5,800,460				
	AED Plus		AED Pro	
	YES	NO	YES	NO
Claim 7		✓		✓

3) Has Philips proven by a preponderance of the evidence that others directly infringed the following claim of the '460 patent through use of ZOLL's defibrillators, and that ZOLL **knowingly induced** such infringement?

U.S. Patent No. 5,800,460				
	AED Plus		AED Pro	
	YES	NO	YES	NO
Claim 7		✓		✓

B. Philips's '374 Self-Test Patent

1) Has Philips proven by a preponderance of the evidence that ZOLL's defibrillators **directly infringe** the following claims of the '374 patent?

U.S. Patent No. 5,879,374												
	AED Plus		AED Pro		R Series		E Series		M Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Claim 42	✓		✓		✓							
Claim 43	✓		✓		✓						✓	
Claim 66		✓		✓				✓		✓		
Claim 67	✓		✓		✓							
Claim 68	✓		✓		✓							
Claim 73		✓		✓								

2) Has Philips proven by a preponderance of the evidence that <u>others</u> directly infringed the following claims of the '374 patent through use of ZOLL's defibrillators, and that ZOLL **knowingly contributed to** such infringement?

U.S. Patent No. 5,879,374												
	AED Plus		AED Pro		R Series		E Series		M Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Claim 42		✓		✓		✓						
Claim 43		✓		✓		✓						✓
Claim 66		✓		✓				✓		✓		
Claim 67		✓		✓		✓						
Claim 68		✓		✓		✓						
Claim 73		✓		✓								

3) Has Philips proven by a preponderance of the evidence that <u>others</u> directly infringed the following claims of the '374 patent through use of ZOLL's defibrillators, and that ZOLL **knowingly induced** such infringement?

U.S. Patent No. 5,879,374												
	AED Plus		AED Pro		R Series		E Series		M Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Claim 42		✓		✓		✓						
Claim 43		✓		✓		✓						✓
Claim 66		✓		✓				✓		✓		
Claim 67		✓		✓		✓						
Claim 68		✓		✓		✓						
Claim 73		✓		✓								

C. Philips's '454 Waveform Patent

1) Has Philips proven by a preponderance of the evidence that ZOLL's defibrillators **directly infringe** the following claim of the '454 patent?

U.S. Patent No. 5,607,454												
	AED Plus		AED Pro		R Series		E Series		M Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Claim 51	✓		✓		✓		✓		✓		✓	

2) Has Philips proven by a preponderance of the evidence that <u>others</u> directly infringed the following claim of the '454 patent through use of ZOLL's defibrillators, and that ZOLL **knowingly contributed to** such infringement?

U.S. Patent No. 5,607,454												
	AED Plus		AED Pro		R Series		E Series		M Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Claim 51		✓		✓		✓		✓		✓		✓

3) Has Philips proven by a preponderance of the evidence that <u>others</u> directly infringed the following claim of the '454 patent through use of ZOLL's defibrillators, and that ZOLL **knowingly induced** such infringement?

U.S. Patent No. 5,607,454												
	AED Plus		AED Pro		R Series		E Series		M Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Claim 51		✓		✓		✓		✓		✓		✓

D. Philips's '905 Waveform Patent

1) Has Philips proven by a preponderance of the evidence that ZOLL's defibrillators **directly infringe** the following claims of the '905 patent?

U.S. Patent No. 5,749,905												
	AED Plus		AED Pro		R Series		E Series		M Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Claim 4	✓		✓		✓		✓		✓		✓	
Claim 8	✓		✓		✓		✓		✓		✓	

2) Has Philips proven by a preponderance of the evidence that others directly infringed the following claims of the '905 patent through use of ZOLL's defibrillators, and that ZOLL **knowingly contributed to** such infringement?

U.S. Patent No. 5,749,905												
	AED Plus		AED Pro		R Series		E Series		M Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Claim 4		✓		✓		✓		✓		✓		✓
Claim 8		✓		✓		✓		✓		✓		✓

3) Has Philips proven by a preponderance of the evidence that others directly infringed the following claims of the '905 patent through use of ZOLL's defibrillators, and that ZOLL **knowingly induced** such infringement?

U.S. Patent No. 5,749,905												
	AED Plus		AED Pro		R Series		E Series		M Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Claim 4		✓		✓		✓		✓		✓		✓
Claim 8		✓		✓		✓		✓		✓		✓

E. Philips's '978 Waveform Patent

1) Has Philips proven by a preponderance of the evidence that ZOLL's defibrillators **directly infringe** the following claims of the '978 patent?

U.S. Patent No. 5,836,978												
	AED Plus		AED Pro		R Series		E Series		M Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Claim 4		✓		✓		✓		✓		✓		✓
Claim 5		✓		✓		✓		✓		✓		✓

2) Has Philips proven by a preponderance of the evidence that others directly infringed the following claims of the '978 patent through use of ZOLL's defibrillators, and that ZOLL **knowingly contributed to** such infringement?

U.S. Patent No. 5,836,978												
	AED Plus		AED Pro		R Series		E Series		M Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Claim 4		✓		✓		✓		✓		✓		✓
Claim 5		✓		✓		✓		✓		✓		✓

3) Has Philips proven by a preponderance of the evidence that others directly infringed the following claims of the '978 patent through use of ZOLL's defibrillators, and that ZOLL **knowingly induced** such infringement?

U.S. Patent No. 5,836,978												
	AED Plus		AED Pro		R Series		E Series		M Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Claim 4		✓		✓		✓		✓		✓		✓
Claim 5		✓		✓		✓		✓		✓		✓

F. Philips's '212 Waveform Patent

Has Philips proven by a preponderance of the evidence that ZOLL's defibrillators **directly infringe** a) the means-plus-function Claim 1 or b) Claim 5 of the '212 patent?

U.S. Patent No. 6,047,212								
	AED Plus		AED Pro		R Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO
Claim 1	✓		✓		✓		✓	
Claim 5	✓		✓		✓		✓	

G. Philips's '785 CPR Instructions Patent

Has Philips proven by a preponderance of the evidence that ZOLL's defibrillators **directly infringe** the following claims of the '785 patent?

U.S. Patent No. 6,356,785								
	AED Plus		AED Pro		E Series		X Series	
	YES	NO	YES	NO	YES	NO	YES	NO
Claim 1		✓		✓		✓		✓
Claim 7		✓		✓		✓		✓

II. Patent Invalidity: Philips's Patents

A. Philips's '460 Self-Test Patent

Has ZOLL proven by clear and convincing evidence that claim 7 of the '460 patent is invalid?

'460 Patent Claim 7 Yes ____ No ✓

B. Philips's '374 Self-Test Patent

Has ZOLL proven by clear and convincing evidence that the following claims of the '374 patent are invalid?

'374 Patent Claim 42 Yes ____ No ✓

'374 Patent Claim 43 Yes ____ No ✓

'374 Patent Claim 66 Yes ____ No ✓

'374 Patent Claim 67 Yes ____ No ✓

'374 Patent Claim 68 Yes ____ No ✓

'374 Patent Claim 73 Yes ____ No ✓

C. Philips's '454 Waveform Patent

Has ZOLL proven by clear and convincing evidence that claim 51 of the '454 patent is invalid?

'454 Patent Claim 51 Yes ____ No ✓

D. Philips's '905 Waveform Patent

Has ZOLL proven by clear and convincing evidence that the following claims of the '905 patent are invalid?

'905 Patent Claim 4 Yes ____ No ✓ '905 Patent Claim 8 Yes ____ No ✓

E. Philips's '978 Waveform Patent

Has ZOLL proven by clear and convincing evidence that the following claims of the '978 patent are invalid?

'978 Patent Claim 4 Yes ____ No ✓ '978 Patent Claim 5 Yes ____ No ✓

F. Philips's '785 CPR Instructions Patent

Has ZOLL proven by clear and convincing evidence that the following claims of the '785 patent are invalid?

'785 Patent Claim 1 Yes ____ No ✓ '785 Patent Claim 7 Yes ____ No ✓

III. Patent Infringement: ZOLL's Patents

A. ZOLL's '187 Patent

1) Has ZOLL proven by a preponderance of the evidence that Philips's defibrillators **directly infringe** the following claims of the '187 patent?

U.S. Patent No. 5,391,187		
	HeartStart XL	
	YES	NO
Claim 1	✓	
Claim 4	✓	

2) Has ZOLL proven by a preponderance of the evidence that others directly infringed the following claim of the '187 patent through use of Philips's defibrillators, and that Philips **knowingly contributed to** such infringement?

U.S. Patent No. 5,391,187		
	HeartStart XL	
	YES	NO
Claim 4		✓

3) Has ZOLL proven by a preponderance of the evidence that others directly infringed the following claim of the '187 patent through use of Philips's defibrillators, and that Philips **knowingly induced** such infringement?

U.S. Patent No. 5,391,187		
	HeartStart XL	
	YES	NO
Claim 4		✓

B. ZOLL's '526 Patent

Has ZOLL proven by a preponderance of the evidence that Philips's electrodes **infringe** the following claims of the '526 patent?

U.S. Patent No. 5,330,526																
	HeartStart FR2 Infant/ Child Pads		HeartStart Infant/Child Smart Pads		Adult Plus MFE Electrode Pads		HeartStart Adult Preconnect MFE Pads		Adult Radio-transparent/ Reduced Skin Irritation Pads		Multi-Function Pediatric Defibrillation Electrodes		HeartStart Adult Smart Pads		Pediatric Radio-transparent/ Reduced Skin Irritation Pads	
Claim	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
1	✓		✓		✓		✓		✓		✓		✓			✓
2		✓		✓				✓		✓				✓		✓
3		✓		✓				✓		✓				✓		✓
8	✓		✓										✓			
9	✓		✓				✓						✓			
11	✓		✓		✓		✓		✓		✓		✓		✓	
12	✓		✓		✓		✓		✓		✓		✓		✓	
19	✓		✓		✓		✓		✓		✓		✓		✓	
23		✓		✓										✓		✓
24	✓		✓		✓		✓		✓		✓		✓			
25	✓		✓										✓			

IV. Patent Invalidity: ZOLL's Patents

A. ZOLL's '187 Patent

Has Philips proven by clear and convincing evidence that the following claims of the '187 patent are invalid?

'187 Patent Claim 1 Yes ____ No ✓ '187 Patent Claim 4 Yes ____ No ✓

B. ZOLL's '526 Patent

Has Philips proven by clear and convincing evidence that the following claims of the '526 patent are invalid?

'526 Patent Claim 1 Yes ____ No ✓ '526 Patent Claim 12 Yes ____ No ✓

'526 Patent Claim 2 Yes ____ No ✓ '526 Patent Claim 19 Yes ____ No ✓

'526 Patent Claim 3 Yes ____ No ✓ '526 Patent Claim 23 Yes ____ No ✓

'526 Patent Claim 8 Yes ____ No ✓ '526 Patent Claim 24 Yes ____ No ✓

'526 Patent Claim 9 Yes ____ No ✓ '526 Patent Claim 25 Yes ____ No ✓

'526 Patent Claim 11 Yes ____ No ✓

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 BUT DO NOT REVEAL YOUR VERDICT TO THE MARSHAL. THE JURY WILL THEN BE INVITED TO THE COURTROOM TO RETURN ITS VERDICT.

Dated: Dec 19, 13 Jury Foreperson: [signature]