

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

HTC CORPORATION, HTC AMERICA
INC,

Plaintiffs,

v.

TELEFONAKTIEBOLAGET LM
ERICSSON, ERICSSON INC,

Defendants.

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CIVIL ACTION NO. 6:18-CV-00243-JRG

VERDICT FORM

In answering the following questions and filling out this Verdict Form, you are to follow all of the instructions I have given you in the Court's Jury Charge. Some of the questions contain legal terms that are defined and explained in detail in the Jury Charge. Please refer to the Jury Charge if you are unsure about the meaning or usage of any legal term that appears in the questions below. You must answer each question in this Verdict Form and your answer to each question must be unanimous.

In this Verdict Form:

“HTC” refers to:
HTC Corporation and HTC America, Inc., collectively;

“Ericsson” refers to:
Telefonaktiebolaget LM Ericsson and Ericsson, Inc., collectively;

“FRAND” refers to:
Fair, reasonable, and non-discriminatory; and

“Ericsson’s cellular standard-essential patents” refers to:
Ericsson’s 2G, 3G, and 4G/LTE standard-essential patents.

QUESTION NO. 1:

Did HTC prove by a preponderance of the evidence that Ericsson breached its contractual obligation to offer HTC a license, on FRAND terms, to Ericsson's cellular standard-essential patents?

Answer either "YES" or "NO."

YES: _____

NO: _____

QUESTION NO. 2:

Did HTC prove by a preponderance of the evidence that Ericsson breached its duty of good faith in carrying out its contractual obligation to negotiate with HTC for a license to Ericsson's cellular standard-essential patents?

Answer either "YES" or "NO."

YES: ✓

NO:

QUESTION NO. 3:

Did Ericsson prove by a preponderance of the evidence that HTC breached its duty to negotiate with Ericsson in good faith for a license to Ericsson's cellular standard-essential patents?

Answer either "YES" or "NO."

YES: _____

NO: _____

FINAL PAGE 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, your Jury Foreperson should then sign and date this Verdict Form in the spaces below. Once that is done, notify the Court Security Officer that you have reached a verdict.

Signed this day of February, 2019.

Signature of the Jury Foreperson