

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CHROMADEX, INC. and TRUSTEES
OF DARTMOUTH COLLEGE,

Plaintiffs,

v.

ELYSIUM HEALTH, INC.,

Defendant.

C.A. No. 18-1434-CFC

PLAINTIFFS' VERDICT FORM¹

¹ Plaintiffs reserve the right to revise this verdict form based on pre-trial and trial rulings by the Court, evidence adduced at trial, or revisions to the Final Jury Instructions.

Instructions: When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Please refer to the Jury Instructions for guidance on the law applicable to the subject matter covered by each question.

I. FINDINGS ON INFRINGEMENT CLAIMS

A. The '807 Patent

Question 1:

Did Plaintiffs prove, by a preponderance of the evidence, that Elysium's Accused Product infringes claims 1–3 of the '807 Patent?

“YES” is a finding for Plaintiffs, and “NO” is a finding for Elysium.

See Jury Instructions Section ___.

'807 Patent	Infringed? (Answer “YES” or “NO” to Each)
Claim 1	
Claim 2	
Claim 3	

Continue to the next question.

B. The '086 Patent

Question 2:

Did Plaintiffs prove, by a preponderance of the evidence, that Elysium's Accused Product infringes claim 2 of the '086 Patent?

"YES" is a finding for Plaintiffs, and "NO" is a finding for Elysium.

See Jury Instructions Section ___.

'086 Patent	Infringed? (Answer "YES" or "NO")
Claim 2	

Continue to the next question.

II. WILLFUL INFRINGEMENT

If you found one or more claims of the Dartmouth Patents infringed by Elysium, please answer Question 3.

Question 3:

Have Plaintiffs proven, by a preponderance of the evidence, that Elysium willfully infringed any of the Asserted Claims?

“YES” is a finding for Plaintiffs, and “NO” is a finding for Elysium.

See Jury Instructions Section __.

YES _____

NO _____

Continue to next question.

III. FINDINGS ON VALIDITY

A. The '807 Patent

Answer this question (Question 4) only as those claims that you answered “YES” to in Question 1. **Otherwise do not answer the question.**

Question 4:

Did Elysium prove, by clear and convincing evidence, that any of claims 1, 2, or 3 of the '807 Patent is invalid?

If you find the claim invalid, answer “YES,”; otherwise, answer “NO.”

“NO” is a finding for Plaintiffs, and “YES” is a finding for Elysium.

See Jury Instructions Sections ___.

'807 Patent	Invalid? (Answer “YES” or “NO” to Each)
Claim 1	
Claim 2	
Claim 3	

Continue to next question.

B. The '086 Patent

Answer this question (Question 5) only if you answered “YES” to Question 2.
Otherwise do not answer the question.

Question 5:

Did Elysium prove, by clear and convincing evidence, that claim 2 of the '086 Patent is invalid?

If you find the claim invalid, answer “YES,”; otherwise, answer “NO.”

“NO” is a finding for Plaintiffs, and “YES” is a finding for Elysium.

See Jury Instructions Sections ____.

'086 Patent	Invalid? (Answer “YES” or “NO”)
Claim 2	

Continue to next question.

IV. DAMAGES

If you found one or more claims of the Dartmouth Patents both infringed and not invalid, please answer Questions 6–8.

Question 6 (Dartmouth Damages):

What amount do you determine to be a reasonable royalty amount to compensate Plaintiff Dartmouth for Elysium’s infringement prior to January 15, 2021?

See Jury Instructions Section ___.

Total Dartmouth Reasonable Royalty	\$ _____
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Continue to the next question.

Question 7 (ChromaDex Lost Profits):

What amount of damages do you award to compensate Plaintiff ChromaDex for lost profits caused by Elysium's infringement after January 15, 2021?

See Jury Instructions Section ___.

Total ChromaDex Lost Profits	\$ _____
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Continue to the next question.

Question 8 (ChromaDex Reasonable Royalty):

For any infringement after January 15, 2021 that is not compensated by lost profits above, what amount do you determine to be a reasonable royalty amount to compensate Plaintiffs for Elysium's infringement?

See Jury Instructions Section __.

Total ChromaDex Reasonable Royalty	\$ _____
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Continue to the next question.

You have now reached the end of the verdict form, and you should review it to ensure that it accurately reflects your unanimous determinations. All jurors 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 bring it to the courtroom with the jury.

Dated: _____

Signed: _____
Foreperson

Juror

Juror

Juror

Juror

Juror

Juror

Juror