

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

CHROMADEX, INC. and TRUSTEES
OF DARTMOUTH COLLEGE,

Plaintiffs,

v.

ELYSIUM HEALTH, INC.,

Defendant.

Civil Action No. 18-1434-CFC

ELYSIUM'S [PROPOSED] VERDICT FORM¹

¹ Elysium reserves 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 ALLEGED INFRINGEMENT

A. The '807 Patent

Question 1 (Infringement – '807 Patent):

As to each of claims 1-3 of the '807 Patent do you find, by a preponderance of the evidence, that Elysium's Accused Product infringes?

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

Claim 1

Yes ___ (for Plaintiffs)

No ___ (for Elysium)

Claim 2

Yes ___ (for Plaintiffs)

No ___ (for Elysium)

Claim 3

Yes ___ (for Plaintiffs)

No ___ (for Elysium)

Continue to the next question.

B. The '086 Patent

Question 2 (Infringement – '086 Patent):

Do you find, 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.

Yes ___ (for Plaintiffs)

No ___ (for Elysium)

Continue to the next question.

II. FINDINGS ON ALLEGED INVALIDITY

A. PATENT-INELIGIBLE SUBJECT MATTER

Question 3:

Do you find, by clear and convincing evidence, that the asserted claims of each of the '807 or '086 Patents are invalid because they claim patent-ineligible subject matter?

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

'807 Patent

Yes ___ (for Elysium)

No ___ (for Plaintiffs)

'086 Patent

Yes ___ (for Elysium)

No ___ (for Plaintiffs)

Continue to the next question.

B. ANTICIPATION

Question 4:

Do you find, by clear and convincing evidence, that the asserted claims of the '807 Patent are invalid as anticipated by prior art?

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

Yes ___ (for Elysium)

No ___ (for Plaintiffs)

Continue to the next question.

C. OBVIOUSNESS

Question 5:

Do you find, by clear and convincing evidence, that the asserted claims of each of the '807 or '086 Patents are invalid as obvious in view of the prior art?

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

'807 Patent

Yes ___ (for Elysium)

No ___ (for Plaintiffs)

'086 Patent

Yes ___ (for Elysium)

No ___ (for Plaintiffs)

Continue to the next question.

D. WRITTEN DESCRIPTION

Question 6:

Do you find, by clear and convincing evidence, that the asserted claims of each of the '807 or '086 Patents are invalid for lack of adequate written description?

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

'807 Patent

Yes ___ (for Elysium)

No ___ (for Plaintiffs)

'086 Patent

Yes ___ (for Elysium)

No ___ (for Plaintiffs)

Continue to the next question.

E. ENABLEMENT

Question 7:

Do you find, by clear and convincing evidence, that the asserted claims of each of the '807 or '086 Patents are invalid for lack of enablement?

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

'807 Patent

Yes ___ (for Elysium)

No ___ (for Plaintiffs)

'086 Patent

Yes ___ (for Elysium)

No ___ (for Plaintiffs)

Continue to the next question.

III. DAMAGES

If you found one or more claims of the '807 or '086 Patents infringed and not invalid, please answer the next question. Otherwise, skip to the signature page:

A. Reasonable Royalty

Question 8:

What amount do you determine to be a reasonable royalty to compensate Dartmouth for any finding you made of infringement by Elysium?

Royalty Rate to be Applied to Infringing Sales	___%
Amount of Infringing Sales	\$ _____

Continue to the signature page.

You have now reached the end of the verdict form, and you should review it to ensure that it accurately records your unanimous decisions. 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 accompanied by all members of the jury.

Dated: _____

Signed: _____
Foreperson

Juror

Juror

Juror

Juror

Juror

Juror

Juror