

EX2023

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

MHL CUSTOM, INC.,

Plaintiff,

v.

WAYDOO USA, INC. and
SHENZHEN WAYDOO
INTELLIGENCE TECHNOLOGY
CO., LTD.,

Defendants.

C.A. No.: 21-091-RGA-MPT

JURY VERDICT FORM

We, the jury, unanimously agree to the answers to the following questions and return them, under the instructions of this court, as our verdict in this case.

INFRINGEMENT

Questions regarding infringement of U.S. Patent No. 9,359,044 (the '044 patent) and U.S. Patent No. 9,586,659 (the '659 patent) must be answered regardless of your findings with respect to its validity or invalidity.

For infringement, "Yes" is a finding for MHL and "No" is a finding for Waydoo.

1. Do you find by a preponderance of the evidence that the Accused Products infringe any of the following claims of the '044 patent and the '659 patent?

Claim	Yes	No
'044 patent, claim 1	✓	
'044 patent, claim 2	✓	
'044 patent, claim 5	✓	
'044 patent, claim 6	✓	
'659 patent, claim 1	✓	

Claim	Yes	No
'659 patent, claim 2	☒	☐

WILLFUL INFRINGEMENT

The following questions regarding willful infringement should only be answered if you answered "Yes" to any of the questions above.

For willful infringement, "Yes" is a finding for MHL and "No" is a finding for Waydoo.

2. Do you find by a preponderance of the evidence that Waydoo's actions constituted willful infringement of any of the Asserted Claims of the '044 patent?

Yes ☒ No ☐

3. Do you find by a preponderance of the evidence that Waydoo's actions constituted willful infringement of any of the Asserted Claims of the '659 patent?

Yes ☒ No ☐

PRIOR ART

Questions regarding whether the Evolo Report constitutes prior art must be answered regardless of your findings with respect to infringement or non-infringement.

"Yes" is a finding for Waydoo and "No" is a finding for MHL.

4. Do you find by clear and convincing evidence that the Evolo Report was publicly accessible before October 10, 2013?

Yes ☐ No ☒

"Yes" is a finding for MHL, "No" is a finding for Waydoo.

5. Do you find by a preponderance of the evidence that the Evolo Report is not enabling?

Yes ☒ No ☐

ANTICIPATION

Questions regarding anticipation of the '044 patent and '659 patent should be answered only if you answered "Yes" to Question 4 and "No" to Question 5.

"Yes" is a finding for Waydoo and "No" is a finding for MHL

6. Do you find by clear and convincing evidence that any of the following claims of the '044 patent and the '659 patent is invalid because it is anticipated by the Evolo Report?

Claim	Yes	No
'044 patent, claim 1		
'044 patent, claim 2		
'044 patent, claim 5		
'044 patent, claim 6		
'659 patent, claim 1		
'659 patent, claim 2		

OBVIOUSNESS

Questions regarding obviousness of the '044 patent and '659 patent must be answered regardless of your findings with respect to infringement or non-infringement.

"Yes" is a finding for Waydoo and "No" is a finding for MHL.

7. Do you find by clear and convincing evidence that any of the following claims of the '044 patent and the '659 patent is invalid because it would have been obvious based on *Woolley* in combination with *Namanny*?

Claim	Yes	No
'044 patent, claim 1		✓
'044 patent, claim 2		✓
'044 patent, claim 5		✓
'044 patent, claim 6		✓
'659 patent, claim 1		✓
'659 patent, claim 2		✓

ENABLEMENT

Questions regarding enablement of the '044 patent and '659 patent must be answered regardless of your findings with respect to infringement or non-infringement.

“Yes” is a finding for Waydoo and “No” is a finding for MHL.

8. Do you find by clear and convincing evidence that any of the following claims of the '044 patent and the '659 patent is invalid because the patents do not enable a person of ordinary skill in the art to make and use the claimed invention.

Claim	Yes	No
'044 patent, claim 1		✓
'044 patent, claim 2		✓
'044 patent, claim 5		✓
'044 patent, claim 6		✓
'659 patent, claim 1		✓
'659 patent, claim 2		✓

DAMAGES

Questions regarding damages should be answered only if you find at least one patent claim is both infringed and not invalid.

9. Do you find that a reasonable royalty based on a hypothetical negotiation between MHL and Waydoo would be a dollar amount per eFoil sold or a percentage of sales? Check the appropriate box below (only one).

- ☒ Dollar amount per eFoil
- ☐ Percentage of sales

If the answer to Question 9 is “Dollar amount per eFoil,” answer only Question 10, or, if the answer to Question 9 is “Percentage of sales,” answer only Question 11.

10. Through December 31, 2022, what do you find, by a preponderance of the evidence, to be (a) the reasonable royalty rate, (b) the royalty base (the total number of accused eFoil

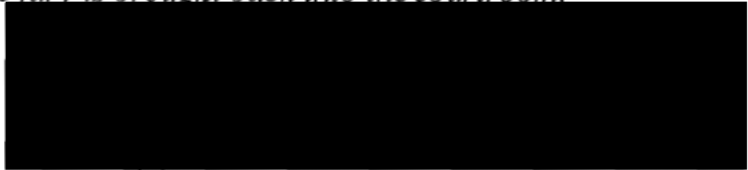
sold), and (c) the total amount of damages (in dollars) that results from multiplying the royalty rate and the royalty base? Fill in the appropriate answers below.

- (a) Royalty Rate: \$ 500 per eFoil
 (b) Royalty Base: 2,668 eFoil sold
 (c) Total Damages: \$ 1,334,000.00

11. Through December 31, 2022, what do you find, by a preponderance of the evidence, to be (a) the reasonable royalty rate, (b) the royalty base (net sales in dollars), and (c) the total amount of damages (in dollars) that results from multiplying the royalty rate and the royalty base? Fill in the appropriate answers below.

- (a) Royalty Rate: \$ _____ per eFoil
 (b) Royalty Base: _____ eFoil sold
 (c) Total Damages: \$ _____

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Foreperson should then sign and date the verdict form in the spaces below and notify the Courtroom Deputy that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.


 Date: 3/31/23