IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INTERNATIONAL BUSINESS MACHINES CORPORATION, Plaintiff, v. ZYNGA INC. Defendant.	C.A. No. 22-590-GBW **JURY TRIAL DEMANDED**

VERDICT FORM

In answering the below questions, you are to follow all the Court's jury instructions.

INFRINGEMENT

QUESTION 1a: Did IBM prove by a preponderance of the evidence that Zynga infringed Claim 8 of the '849 patent?

Checking "YES" below is a finding for IBM.

Checking "NO" below is a finding for Zynga.

Claim 8: ☑ YES ☐ NO

If you answered "NO" for Question 1a, please skip to Question 2a. Otherwise, proceed to Question 1b.

QUESTION 1b: If you answered "YES" to any claim in Question 1a, check the box below for each accused game that you found IBM proved by a preponderance of the evidence to infringe claim 8 of the '849 patent:

101 Okey Plus:	☐
Black Diamond Slots:	☐
Boggle With Friends:	☐
Çanak Okey Plus:	☐
Crosswords With Friends:	☑
CSR Racing 2:	☑

CARVANA EXHIBIT 1016, PAGE 1 OF 7

Dawn of Titans:	☐
Empires & Allies:	☐
Empires & Puzzles:	☑
Farmville 2:	☑
Farmville 2: Country Escape:	☑
Farmville 2: Tropic Escape:	☑
Farmville 3:	☑
Game of Thrones Slots:	☐
Gin Rummy Plus:	☐
Harry Potter: Puzzles & Spells:	☑
Hit It Rich!:	☑
Merge Dragons!:	☐
Merge Magic!:	☐
New Words With Friends:	☐
Okey Plus:	☐
Puzzle Combat:	☐
Spades Plus:	☐
Toon Blast:	☐
Toy Blast:	☐
Wizard of Oz Magic Match:	☐
Wonka Slots:	☐
Wonka's World of Candy:	☐
Words With Friends 1:	☐
Words With Friends 2:	☐
Wizard of Oz Slots:	☑
Zynga Poker:	☐

Proceed to Question 2a.

CARVANA EXHIBIT 1016, PAGE 2 OF 7

QUESTION 2a: Did IBM prove by a preponderance of the evidence that Zynga infringed Claim 13 of the '849 patent?

Checking "YES" below is a finding for IBM.

Checking "NO" below is a finding for Zynga.

Claim 13: ☑ YES ☐ NO

If you answered "NO" for Question 2a, please skip to Question 3. Otherwise, proceed to Question 2b.

QUESTION 2b: If you answered "YES" to any claim in Question 2a, check the box below for each accused game that you found IBM proved by a preponderance of the evidence to infringe claim 13 of the '849 Patent:

101 Okey Plus:	☐
Bid Whist Plus:	☐
Black Diamond Slots:	☐
Boggle With Friends:	☐
Çanak Okey Plus:	☐
Crosswords With Friends:	☑
CSR Racing 2:	☑
Dawn of Titans:	☐
Empires & Allies:	☐
Empires & Puzzles:	☑
Farmville 2:	☑
Farmville 2: Country Escape:	☑
Farmville 2: Tropic Escape:	☑
Farmville 3:	☑
Game of Thrones Slots:	☐
Gin Rummy Plus:	☐
Harry Potter: Puzzles & Spells:	☑
Hit It Rich!:	☑
Merge Dragons!:	☐
Merge Magic!:	☐
New Words With Friends:	☐

CARVANA EXHIBIT 1016, PAGE 3 OF 7

Okey Plus:	☐
Puzzle Combat:	☐
Spades Plus:	☐
Toon Blast:	☐
Toy Blast:	☐
Wizard of Oz Magic Match:	☐
Wonka Slots:	☐
Wonka's World of Candy:	☐
Words With Friends 1:	☐
Words With Friends 2:	☐
Wizard of Oz Slots:	☑
Zynga Poker:	☐

Proceed to Question 3.

QUESTION 3: Did IBM prove by a preponderance of the evidence that Zynga's Empires & Puzzles infringed claim 1 of the '719 Patent?

Checking "YES" below is a finding for IBM.

Checking "NO" below is a finding for Zynga.

☑ YES ☐ NO

If you answered "NO" to both Questions 1a and 2a, skip to Question 5. Otherwise, answer Question 4.

WILLFUL INFRINGEMENT

You must answer Question 4 below if you answered "YES" to Question 1a or Question 2a above.

QUESTION 4: Did IBM prove by a preponderance of the evidence that Zynga's infringement of the '849 patent was willful?

Checking "YES" below is a finding for IBM.

Checking "NO" below is a finding for Zynga.

☑ YES ☐ NO

Proceed to Question 5.

INVALIDITY

You must answer Questions 5 and 6 below.

QUESTION 5: Did Zynga prove by clear and convincing evidence that the following claims of the '849 Patent are invalid?

Checking "YES" below is a finding for Zynga.

Checking "NO" below is a finding for IBM.

Claim 8:	☐ YES	☑ NO
Claim 13:	☐ YES	☑ NO

QUESTION 6: Did Zynga prove by clear and convincing evidence that claim 1 of the '719 Patent is invalid?

Checking "YES" below is a finding for Zynga.

Checking "NO" below is a finding for IBM.

☐ YES ☑ NO

Proceed to the following page.

CARVANA EXHIBIT 1016, PAGE 5 OF 7

DAMAGES

If you marked "YES" for either Question 1a or Question 2a and "NO" for the corresponding claims in Question 5, you found the claim infringed and not invalid, and you must answer Question 7.

***QUESTION 7:** What sum of money do you find IBM has proven by a preponderance of the evidence would be a reasonable royalty to compensate IBM for Zynga's use of the '849 patent from May 2, 2016 to July 3, 2023?*

Amount (in U.S. dollars): $40,000,000.00

If you marked "YES" for Question 3 and "NO" for Question 6, you must answer Question 8 below.

***QUESTION 8:** What sum of money do you find IBM has proven by a preponderance of the evidence would be a reasonable royalty to compensate IBM for Zynga's use of the '719 patent from March 2, 2017 to July 10, 2022?*

Amount (in U.S. dollars): $4,900,000.00

PATENTABLY DISTINCT

QUESTION 9: Did Zynga prove by clear and convincing evidence that Claim 13 of the '849 Patent is not patentably distinct from the claims of the '209 Patent?

Checking "YES" below is a finding for Zynga.

Checking "NO" below is a finding for IBM.

☐ YES ☑ NO

The signature page appears on the next page.

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

Dated: 9/13/2024