**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF TEXAS**
**MARSHALL DIVISION**

| | | |
|---|---|---|
| NINGDE AMPEREX TECHNOLOGY LIMITED, | § | |
| | § | |
| *Plaintiff,* | § | |
| | § | |
| v. | § | CIVIL ACTION NO. 2:22-CV-232-JRG |
| | § | |
| ZHUHAI COSMX BATTERY CO., LTD., | § | |
| | § | |
| *Defendant.* | § | |

# VERDICT FORM

In answering the following questions and completing this Verdict Form, you are to follow all the instructions that I have given you in the Court's Final Jury Instructions. Your answers to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Final Jury Instructions. You should refer to and consider the Final Jury Instructions as you answer the questions in this Verdict Form.

As used herein, the following terms have the following meanings:

- **"Plaintiff"** or **"ATL"** refers to Plaintiff Ningde Amperex Technology Limited.
- **"Defendant"** or **"CosMX"** refers to Defendant Zhuhai CosMX Battery Co., Ltd.
- The **"'987 Patent"** refers to U.S. Patent No. 10,964,987.
- The **"'363 Patent"** refers to U.S. Patent No. 10,833,363.
- The **"'352 Patent"** refers to U.S. Patent No. 11,329,352.
- The "**Asserted Patents**" refers collectively to the '987 Patent, the '363 Patent, and the '352 Patent.
- The **"Asserted Claims"** refers collectively to Claims 1 and 17 of the '987 Patent, Claim 1 of the '363 Patent, and Claim 1 of the '352 Patent.

**IT IS VERY IMPORTANT THAT YOU FOLLOW THE INSTRUCTIONS PROVIDED IN THIS VERDICT FORM**

**READ THEM CAREFULLY AND ENSURE YOUR VERDICT COMPLIES WITH THEM**

**QUESTION NO. 1a:**

Did ATL, the Plaintiff, prove by a preponderance of the evidence that CosMX, the Defendant, infringed Claim 1 and/or Claim 17 of the **'987 Patent**?

Yes: ✓ **OR** No: _____

**QUESTION NO. 1b:**

Did ATL, the Plaintiff, prove by a preponderance of the evidence that CosMX, the Defendant, infringed Claim 1 of the **'363 Patent**?

Yes: ✓ **OR** No: _____

**QUESTION NO. 1c:**

Did ATL, the Plaintiff, prove by a preponderance of the evidence that CosMX, the Defendant, infringed Claim 1 of the **'352 Patent**?

Yes: ✓ **OR** No: _____

**Please proceed to Question No. 2.**

**QUESTION NO. 2:**

Did CosMX, the Defendant, prove by clear and convincing evidence that any of the Asserted Claims are invalid?

**Answer "Yes" or "No" for each Asserted Claim listed below.**

U.S. Patent No. 10,964,987

Claim 1 Yes: _____ **OR** No: ✓

Claim 17 Yes: _____ **OR** No: ✓

U.S. Patent No. 10,833,363

Claim 1 Yes: ✓ **OR** No: _____

U.S. Patent No. 11,329,352

Claim 1 Yes: ✓ **OR** No: _____

**Please proceed to the next page.**

**If you have answered "No" for each of Question Nos. 1a, 1b, and 1c, then DO NOT answer Question No. 3, and instead proceed directly to Question No. 5.**

**Otherwise, please answer Question No. 3 below:**

**QUESTION NO. 3:**

Did ATL, the Plaintiff, prove by a preponderance of the evidence that CosMX, the Defendant, **willfully** infringed **ANY** of the Asserted Claims that you found were infringed?

Yes: ✓ **OR** No: _____

**Please proceed to the next page.**

**For any of the Asserted Claims that you found are BOTH INFRINGED (by answering "Yes" to Question Nos. 1a, 1b, or 1c) AND NOT INVALID (by answering "No" for the same claim on Question No. 2), please answer the question below:**

**QUESTION NO. 4:**

What sum of money, if paid now in cash in the form of a running royalty, do you find ATL has proven by a preponderance of the evidence it is entitled to for CosMX's infringement up until today?

Answer in United States Dollars and Cents, if any:

$ 3,701,108

**Please proceed to Question 5.**

**QUESTION NO. 5:**

Did CosMX, the Defendant, prove by clear and convincing evidence that ATL's threat of Chinese patent litigation in ATL's June 21, 2021 letter was both objectively baseless ***and*** an attempt to interfere directly with the business relationships of one or more competitors through the use of the litigation process?

Yes: _____ **OR** No: ✓

**If you answered "Yes" to this Question No. 5, please proceed to the next page.**

**If you answered "No" to this Question No. 5, please proceed to the final page of this verdict form (the signature page).**

**QUESTION NO. 6a:**

Did CosMX prove by a preponderance of the evidence that ATL has engaged in anticompetitive conduct in a relevant market, based on the instructions the Court has provided to you?

Yes: _____ **OR** No: ✓

**If you answered "No" to this Question 6a, you should not answer any further questions and should proceed to the final page of this verdict form (the signature page). If you have answered "Yes" to this question, proceed to the next question.**

**QUESTION NO. 6b:**

Did CosMX prove by a preponderance of the evidence that ATL had a specific intent to achieve monopoly power in a relevant market and that there was a dangerous probability that ATL would achieve its goal of monopoly power in that market?

Yes: _____ **OR** No: _____

**If you answered "No" to this Question 6b, you should not answer any further questions and should proceed to the final page of this verdict form (the signature page). If you have answered "Yes" to this question, proceed to the next question.**

**QUESTION NO. 6c:**

Did CosMX prove by a preponderance of the evidence that ATL's anticompetitive conduct proximately caused injury to CosMX's business or property?

Yes: _____ **OR** No: _____

**If you answered "No" to this Question 6c, you should not answer any further questions and should proceed to the final page of this verdict form (the signature page). If you have answered "Yes" to this question, proceed to the next question.**

**QUESTION NO. 6d:**

What sum of money, if any, did CosMX prove by a preponderance of the evidence would fairly and reasonably compensate CosMX for the injury to its business or property?

Answer in United States Dollars and Cents, if any:

$_____

**You can proceed to the final page of this verdict form (the signature page).**

**FINAL PAGE OF JURY VERDICT FORM**

You have now reached the end of the Verdict Form and should review it to ensure that it accurately reflects your unanimous determinations. The Jury Foreperson should then sign and date the Verdict Form in the spaces below. Once this is done, notify the Court Security Officer that you have reached a verdict. The Jury Foreperson should keep the Verdict Form and bring it when the jury is brought back into the courtroom.

Signed this 9th day of February, 2024

_____
Jury Foreperson