

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STEUBEN FOODS, INC.,)
)
 Plaintiff,)
)
 v.)
)
 SHIBUYA HOPPMANN CORP.,)
 SHIBUYA KOGYO CO., LTD., and)
 HP HOOD LLC,)
)
 Defendants.)
)

REDACTED

C.A. No. 1:19-cv-02181-CFC-CJB

JURY FORM

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 PATENT INFRINGEMENT

A. U.S. Patent No. 6,702,985 (“the ’985 Patent”)

Question 1:

Has Steuben proven, by a preponderance of the evidence, that Shibuya and Hood infringed under the doctrine of equivalents any of the following claims of the ’985 Patent?

(Mark “YES” in favor of Plaintiff or “NO” in favor of Shibuya and Hood.)

'985 Patent Claim	INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS? (Answer “YES” or “NO” to Each)	
	YES	NO
Claim 3 (including claim 1)	Yes	
Claim 7 (including claim 1)	Yes	

Continue to the next question.

B. U.S. Patent No. 6,209,591 (“the ‘591 Patent”)

Question 2:

Has Steuben proven, by a preponderance of the evidence, that the second sterile region of the accused P7 machine is no more than insubstantially different from the second sterile region of the invention of the ‘591 patent?

(Mark “Yes” in favor of Steuben or “No” in favor of Shibuya and Hood.)

'591 Patent Claim	INFRINGEMENT?	
	(Answer “YES” or “NO”)	
	YES	NO
Claim 26	Yes	

Continue to the next question.

C. U.S. Patent No. 6,536,188 (“the ’188 Patent”)

Question 3:

Has Steuben proven, by a preponderance of the evidence, that Shibuya and Hood infringed any of the following claims of the ’188 Patent?

(Mark “YES” in favor of Plaintiff or “NO” in favor of Shibuya and Hood.)

'188 Patent Claim	INFRINGEMENT?	
	(Answer “YES” or “NO” to Each)	
	YES	NO
Claim 19	Yes	
Claim 22 (including claims 19 and 21) (P7 only)	Yes	

Continue to the next question.

II. FINDINGS ON PATENT VALIDITY

a. Obviousness

Question 4 (Obviousness)

Have Shibuya and Hood proven, by clear and convincing evidence, that any of the following claims are invalid as being obvious?

Mark "YES" in favor of Shibuya and Hood.

Mark "NO" in favor of Steuben.

	YES (Invalid)	NO (Not Invalid)
'985 Patent		
Claim 3 (Foti + Bjerborn)		No
Claim 7 (Foti + Bjerborn)		No
'591 Patent		
Claim 26 (Shibuya Patent Application + Takei + Procomac)		No

Continue to the next question.

b. Enablement

Question 5 (Enablement)

Have Shibuya and Hood proven, by clear and convincing evidence, that any of the following claims are invalid because the patents fail to enable a person having ordinary skill in the art, at the time the patent application was filed, to make and use the full scope of claimed invention without undue experimentation:

- (i) claimed bottling rates of “greater than 100 bottles per minute” (’188 patent claims 19 and 22); **or**
- (ii) “more than 350 bottles per minute” (for ’591 patent claim 26)?

Mark “YES” in favor of Shibuya and Hood.

Mark “NO” in favor of Steuben.

	YES (Invalid)	NO (Not Invalid)
'188 Patent		
Claim 19		No
Claim 22		No
'591 Patent		
Claim 26		No

Continue to the next question.

c. Written Description

Question 6 (Written Description)

Have Shibuya and Hood proven, by clear and convincing evidence, that any of the following claims are invalid because the specification fails to describe to a person having ordinary skill in the art the full scope of the claim:

- (i) bottling rates of “greater than 100 bottles per minute” (’188 patent claims 19 and 22); **or**
- (ii) bottling rates of “more than 350 bottles per minute” (for ’591 patent claim 26)?

Mark “YES” in favor of Shibuya and Hood.

Mark “NO” in favor of Steuben.

	YES (Invalid)	NO (Not Invalid)
'188 Patent		
Claim 19		No
Claim 22		No
'591 Patent		
Claim 26		No

Continue to the next question.

III. DAMAGES

If you find at least one claim infringed (in Questions 1-3) and not invalid (in Questions 4-6), answer the question in this section. Otherwise, please proceed to the last page.

Question 7 (Reasonable Royalty):

What amount do you determine to be a reasonable royalty amount to compensate Plaintiff for Shibuya and Hood's infringement?

Total Reasonable Royalty	\$ <u>38,322,283.78</u>
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You have now reached the end of the verdict form and you should review it to ensure it accurately reflects your unanimous determinations. You must each sign and date the verdict form in the space below and notify the Jury Officer after you have reached a verdict.

Name

Date

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11/22/21