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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Bard Peripheral Vascular, Inc. and David
Goldfarb, M.D.,

Plaintiffs,

v.

W. L. Gore & Associates, Inc.

Defendant

No. CV 03-0597 PHX MHM

VERDICT

(Redacted)

W. L. Gore & Associates, Inc.

Counterclaimant,

v.

Bard Peripheral Vascular, Inc., David Goldfarb,
M.D., and C. R. Bard, Inc.

Counterdefendants.

VERDICT FORM

You, the jury, are to answer the following questions based on the evidence admitted at trial and according to the instructions the court has given you. Start with Question No. 1 and proceed through the questions following the directions included in this Verdict Form.

When answering the questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

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.

I. **INFRINGEMENT**

Question No. 1 (Direct Infringement):

Considering each claim and product separately, have Plaintiffs proved that it is more likely than not that the following Gore products directly infringe any of the following claims of the '135 patent? Answer "yes" (for Plaintiffs) or "no" (for Gore). On each line within each chart below, if you answer "yes" for Literal Infringement, you should not answer for doctrine of equivalents for that line. (See Instruction Nos. 13-18).

Patent Claim 20		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Standard Grafts (Standard Walled Ringed; Standard Walled Removable Ringed; Thin Walled Ringed; Thin Walled Removable Ringed; Standard Walled; Thin Walled)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Stretch Grafts (Standard Walled Stretch; Standard Walled Large Diameter Stretch; Standard Walled Removable Ringed Stretch; Standard Walled Bifurcated Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Grafts and INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
ACUSEAL Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Cardiovascular Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VIABAHN Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
EXCLUDER Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
TAG Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VIATORR Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 21		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Standard Grafts (Standard Walled Ringed; Standard Walled Removable Ringed; Thin Walled Ringed; Thin Walled Removable Ringed; Standard Walled; Thin Walled)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Stretch Grafts (Standard Walled Stretch; Standard Walled Large Diameter Stretch; Standard Walled Removable Ringed Stretch; Standard Walled Bifurcated Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Grafts and INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
ACUSEAL Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Cardiovascular Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VIABAHN Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
EXCLUDER Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
TAG Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VIATORR Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 22		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Standard Grafts (Standard Walled Ringed; Standard Walled Removable Ringed; Thin Walled Ringed; Thin Walled Removable Ringed; Standard Walled; Thin Walled)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Stretch Grafts (Standard Walled Stretch; Standard Walled Large Diameter Stretch; Standard Walled Removable Ringed Stretch; Standard Walled Bifurcated Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Grafts and INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
ACUSEAL Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Cardiovascular Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VIABAHN Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
EXCLUDER Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
TAG Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VIATORR Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 23		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Standard Grafts (Standard Walled Ringed; Standard Walled Removable Ringed; Thin Walled Ringed; Thin Walled Removable Ringed; Standard Walled; Thin Walled)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Stretch Grafts (Standard Walled Stretch; Standard Walled Large Diameter Stretch; Standard Walled Removable Ringed Stretch; Standard Walled Bifurcated Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Grafts and INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
ACUSEAL Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Cardiovascular Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VIABAHN Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
EXCLUDER Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
TAG Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VIATORR Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 24		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Standard Grafts (Standard Walled Ringed; Standard Walled Removable Ringed; Thin Walled Ringed; Thin Walled Removable Ringed; Standard Walled; Thin Walled)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Stretch Grafts (Standard Walled Stretch; Standard Walled Large Diameter Stretch; Standard Walled Removable Ringed Stretch; Standard Walled Bifurcated Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Grafts and INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
ACUSEAL Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Cardiovascular Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VIABAHN Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
EXCLUDER Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
TAG Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VIATORR Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 25

Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Standard Grafts (Standard Walled Ringed; Standard Walled Removable Ringed; Thin Walled Ringed; Thin Walled Removable Ringed; Standard Walled; Thin Walled)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Stretch Grafts (Standard Walled Stretch; Standard Walled Removable Ringed Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Grafts and INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
ACUSEAL Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Cardiovascular Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 26		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Standard Grafts (Standard Walled Ringed; Standard Walled Removable Ringed; Thin Walled Ringed; Thin Walled Removable Ringed; Standard Walled; Thin Walled)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Stretch Grafts (Standard Walled Stretch; Standard Walled Removable Ringed Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 27		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Standard Grafts (Standard Walled Ringed; Standard Walled Removable Ringed; Thin Walled Ringed; Thin Walled Removable Ringed; Standard Walled; Thin Walled)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Stretch Grafts (Standard Walled Stretch; Standard Walled Large Diameter Stretch; Standard Walled Removable Ringed Stretch; Standard Walled Bifurcated Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Grafts and INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
ACUSEAL Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Cardiovascular Patch	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VIABAHN Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
EXCLUDER Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
TAG Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VIATORR Stent-Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Question No. 2 (Indirect Infringement -- Stretch Products):

Considering each claim and product separately, have Plaintiffs proved that it is more likely than not that the following Gore stretch products indirectly infringe any of the following claims of the '135 patent? Answer "yes" (for Plaintiffs) or "no" (for Gore). On each line within each chart below, if you answer "yes" for Literal Infringement, you should not answer for doctrine of equivalents for that line. (See Instruction Nos. 13-20).

Patent Claim 20		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Stretch Grafts (Standard Walled Stretch; Standard Walled Large Diameter Stretch; Standard Walled Removable Ringed Stretch; Standard Walled Bifurcated Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 21		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Stretch Grafts (Standard Walled Stretch; Standard Walled Large Diameter Stretch; Standard Walled Removable Ringed Stretch; Standard Walled Bifurcated Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 22		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Stretch Grafts (Standard Walled Stretch; Standard Walled Large Diameter Stretch; Standard Walled Removable Ringed Stretch; Standard Walled Bifurcated Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 23		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Stretch Grafts (Standard Walled Stretch; Standard Walled Large Diameter Stretch; Standard Walled Removable Ringed Stretch; Standard Walled Bifurcated Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 24		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Stretch Grafts (Standard Walled Stretch; Standard Walled Large Diameter Stretch; Standard Walled Removable Ringed Stretch; Standard Walled Bifurcated Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 25		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Stretch Grafts (Standard Walled Stretch; Standard Walled Removable Ringed Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 26		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Stretch Grafts (Standard Walled Stretch; Standard Walled Removable Ringed Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Patent Claim 27		
Gore Product	Literal Infringement	Infringement under the doctrine of equivalents
Stretch Grafts (Standard Walled Stretch; Standard Walled Large Diameter Stretch; Standard Walled Removable Ringed Stretch; Standard Walled Bifurcated Stretch; Thin Walled Bifurcated Stretch; Standard Walled Ringed Stretch; Standard Walled Ringed Dialysis; Standard Walled Removable Ringed Stretch; Thin Walled Removable Ringed Stretch; Thin Walled Ringed Stretch; Thin Walled Stretch)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPATEN Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
INTERING Stretch Grafts	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Regardless of whether or not you found infringement of claims 20-27 of the '135 patent, please proceed to Section II below.

II. INVALIDITY

Gore asserts that claims 20-27 of the '135 patent are invalid for various reasons.

Question No. 3 (Anticipation):

Considering each claim separately, has Gore proved that it is highly probable that any of the asserted claims (claims 20 to 27) of the '135 patent is invalid by "anticipation"? Answer "yes" (for Gore) or "no" (for Plaintiffs). (See Instruction Nos. 21-22, 26-31).

	Dr. Norton's use in "Mrs. B"
Claim 20	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 21	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 22	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 23	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 24	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 25	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 26	
Claim 27	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

	Matsumoto Publication
Claim 20	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 21	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 22	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 23	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 24	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 25	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 26	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 27	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Question No. 4 (Obviousness):

Considering each claim separately, has Gore proved that it is highly probable that any of the asserted claims of the '135 patent is invalid for "obviousness"? Answer "yes" (for Gore) or "no" (for Plaintiffs). (See Instruction Nos. 21-22, 27, 28 & 33).

	Volder Publication
Claim 20	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 21	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 22	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 23	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 24	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 25	
Claim 26	
Claim 27	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

	Matsumoto and Volder Publications
Claim 20	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 21	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 22	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 23	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 24	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 25	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 26	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 27	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Question No. 5 (Improper Inventorship):

Has Gore proved that it is highly probable that the claims of the '135 patent are invalid for "improper inventorship," because Dr. Volder was a sole inventor or because Dr. Volder or Mr. Cooper was a co-inventor of the subject matter claimed in any of the claims of the '135 patent? Answer "yes" (for Gore) or "no" (for Plaintiffs). (See Instruction Nos. 25).

Dr. Volder Sole Inventor	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Mr. Cooper and Dr. Goldfarb Joint Inventors	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Dr. Volder and Dr. Goldfarb Joint Inventors	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Question No. 6 (Failure to Disclose Best Mode):

Has Gore proved that it is highly probable that any of claims 20-27 of the '135 patent are invalid for failure to disclose the "best mode," because by October 24, 1974 (when Dr. Goldfarb filed his patent application) he had in mind a "best mode" for practicing the claimed invention that was not disclosed in his patent application? Answer "yes" (for Gore) or "no" (for Plaintiffs). (See Instruction Nos. 24).

Claim 20	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 21	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 22	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 23	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Claim 24	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 25	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 26	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 27	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Question No. 7 (Lack of Adequate Written Description):

Has Gore proved that it is highly probable that any claims of the '135 patent are invalid for lack of adequate "written description"? Answer "yes" (for Gore) or "no" (for Plaintiffs). (See Instruction Nos. 23).

Claim 20	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 21	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 22	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 23	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 24	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 25	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 26	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Claim 27	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

If you found any claim infringed and not invalid, please proceed to Section III.

Otherwise, please proceed to Section IV.

III. WILLFULNESS

Question No. 8 (Willful Infringement):

Have Plaintiffs proved that it is highly probable that Gore's infringement of any valid claim of claims 20 through 27 of the '135 patent was willful? (See Instruction Nos. 34).

Answer: Yes (for Plaintiffs) No (for Gore)

Please Proceed to Section IV.

IV. **OPTION**

Question No. 9 (Option):

What is the reasonable period of time that Gore had to exercise its option to obtain a license to the '135 patent at a 5% royalty? (See Instruction Nos. 41).

[Write in Reasonable Period of Time]: Feb 9, 2004

If you have found that Gore has not infringed a valid claim, please proceed to Section VI. If you have found that any of the accused Gore products infringe any valid claim of the '135 patent, please proceed to Section V.

V. DAMAGES

Question No. 10 (Lost Profits):

Have Plaintiffs proved that it is more likely than not that Bard Peripheral Vascular is entitled to damages for lost profits due to Gore's sales of surgical vascular grafts and patches inside the United States? (See Instruction Nos. 36-41).

Yes (for Plaintiffs) No (for Gore)

Question No. 11 (Amount of Lost Profits):

If your answer to Question No. 10 is "yes", answer this question. Otherwise, do not answer this question.

What is the amount of lost profits? (See Instruction Nos. 36-41).

\$ 102,081,578.82

Question No. 12 (Royalty Rate):

If you find that Bard Peripheral Vascular ("Bard PV") has proved that it is more likely than not that it is entitled to reasonable royalty damages for the sales of certain surgical vascular grafts, cardiovascular patches and/or stent-grafts for which Bard Peripheral Vascular is not seeking or entitled to lost profits, what is the reasonable royalty rate to which Bard Peripheral Vascular is entitled? (If you find that Bard Peripheral Vascular is not entitled to reasonable royalty damages, leave the line below blank or insert "zero.") (See Instruction Nos. 41-43).

10 %

Question No. 13 (Royalties):

If you answered Question No. 12 by entering a percentage, answer this question. Otherwise, do not answer this question.

What is the total amount of royalties to which Bard Peripheral Vascular is entitled? (See Instruction Nos. 41-43).

\$ 83,508,292.20

Please proceed to Section VI.

VI. UNANIMOUS VERDICT

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.

Dec 11, 2007
Date