

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

CIRBA INC. (d/b/a DENSIFY)
and CIRBA IP, INC.,

Plaintiffs,

v.

VMWARE, INC.,

Defendant.

C.A. No. 19-742-LPS

VERDICT FORM

INFRINGEMENT OF U.S. PATENT NO. 8,209,687

Question No. 1:

Has Densify proven, by a preponderance of the evidence, that VMware has literally infringed any of the following claims of the '687 patent?

"Yes" is a finding for Densify. "No" is a finding for VMware.

Product	Claim	Answer	
vSphere with DRS	Claim 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Claim 7	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
vROps with DRS	Claim 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Claim 7	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
VMC on AWS with DRS 2.0	Claim 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Claim 7	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Question No. 2:

Has Densify proven, by a preponderance of the evidence, that VMware has actively induced direct infringement of any of the following claims of the '687 patent?

"Yes" is a finding for Densify. "No" is a finding for VMware.

Product	Claim	Answer	
vSphere with DRS	Claim 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Claim 7	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
vROps with DRS	Claim 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Claim 7	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
VMC on AWS with DRS 2.0	Claim 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Claim 7	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Question No. 3:

If you have found that VMware directly infringed at least one claim of Densify's '687 patent, or if you have found that VMware has actively induced direct infringement of at least one claim of Densify's '687 patent, has Densify proven, by a preponderance of the evidence, that VMware's infringement of the '687 patent was willful?

"Yes" is a finding for Densify. "No" is a finding for VMware.

<input checked="" type="checkbox"/>	Yes (Willful)
<input type="checkbox"/>	No (Not Willful)

INFRINGEMENT OF U.S. PATENT NO. 9,654,367

Question No. 4:

Has Densify proven, by a preponderance of the evidence, that VMware has literally infringed any of the following claims of the '367 patent?

"Yes" is a finding for Densify. "No" is a finding for VMware.

Claim 1	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 9	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 13	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 17	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Question No. 5:

Has Densify proven, by a preponderance of the evidence, that VMware has actively induced direct infringement of any of the following claims of the '367 patent?

"Yes" is a finding for Densify. "No" is a finding for VMware.

Claim 1	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Claim 9	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Claim 13	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Claim 17	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Question No. 6:

If you have found that VMware infringed at least one claim of Densify's '367 patent, or if you have found that VMware has actively induced direct infringement of at least one claim of Densify's '367 patent, has Densify proven, by a preponderance of the evidence, that VMware's infringement of the '367 patent was willful?

"Yes" is a finding for Densify. "No" is a finding for VMware.

<input checked="" type="checkbox"/>	Yes (Willful)
<input type="checkbox"/>	No (Not Willful)

VALIDITY OF DENSIFY'S U.S. PATENT NO. 8,209,687

Question No. 7:

Has VMware proven, by clear and convincing evidence, that any of the following claims of the '687 patent is invalid as anticipated by DRS 2006?

"Yes" is a finding for VMware. "No" is a finding for Densify.

Claim 3	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Claim 7	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Question No. 8:

Has VMware proven, by clear and convincing evidence, that any of the following claims of the '687 patent is invalid because the claimed subject matter would have been obvious to a person of ordinary skill in the art at the time of the claimed invention based on DRS 2006?

"Yes" is a finding for VMware. "No" is a finding for Densify.

Claim 3	Yes _____	No <input checked="" type="checkbox"/>
Claim 7	Yes _____	No <input checked="" type="checkbox"/>

TRADEMARK INFRINGEMENT

Question No. 9:

Do you find that VMware is liable for trademark infringement?

"Yes" is a finding for Densify. "No" is a finding for VMware.

Yes _____	No <input checked="" type="checkbox"/>
-----------	--

DELAWARE DECEPTIVE TRADE PRACTICES ACT

Question No. 10:

Do you find that VMware is liable for deceptive trade practice?

"Yes" is a finding for Densify. "No" is a finding for VMware.

Yes _____	No <input checked="" type="checkbox"/>
-----------	--

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.