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United States District Court For the Northern District of California

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MAY 14 2010

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Dongxiao Yue, et al., NO. C 08-00019 JW  
Plaintiffs, VERDICT  
v.  
Chordiant Software, Inc.,  
Defendant.

WE THE JURY IN THE ABOVE-ENTITLED  
CASE UNANIMOUSLY FIND AS FOLLOWS:

COPYRIGHT VALIDITY  
NETBULA JAVA

QUESTION NO. 1

Did Plaintiffs prove by a preponderance of evidence that Plaintiffs own a valid  
copyright in Netbula JAVA Software Development Kit?

Answer: (check one)

Yes  No

[Proceed to Question 2.]

**QUESTION NO. 2**

Did Plaintiffs prove by a preponderance of evidence that Plaintiffs own a valid copyright in Netbula JAVA Distributable Files?

*Answer: (check one)*

Yes  No

*[Proceed to Question 3.]*

**COPYRIGHT VALIDITY  
NETBULA WINDOWS**

**QUESTION NO. 3**

Did Plaintiffs prove by a preponderance of evidence that Plaintiffs own a valid copyright in Netbula Software Development Kit for Windows?

*Answer: (check one)*

Yes  No

*[Proceed to Question 4.]*

**QUESTION NO. 4**

Did Plaintiffs prove by a preponderance of evidence that Plaintiffs own a valid copyright in Netbula Distributable Files for Windows?

*Answer: (check one)*

Yes  No

*[If you answered "No" to Questions 1-4, have your presiding juror date and sign this verdict form and send out a note that you have reached a verdict. If you answered, "Yes" to Questions 3 or 4, proceed to Question 5.]*

**LICENSE  
NETBULA WINDOWS**

**QUESTION NO. 5**

Did Defendant prove by a preponderance of evidence that it had a license to Netbula Software Development Kit for Windows?

Answer: (check one)

Yes \_\_\_\_\_ No

[Proceed to Question 6.]

**QUESTION NO. 6**

Did Defendant prove by a preponderance of evidence that it had a license to Netbula Distributable Files for Windows?

Answer: (check one)

Yes \_\_\_\_\_ No

[If you answered, "Yes" to Question 5, proceed to Question 7. If you answered, "Yes," to Question 6, proceed to Question 8. If you answer "No" to either Question 5 or 6, proceed to Question 11.]

**QUESTION NO. 7**

Did Plaintiffs prove by a preponderance of evidence that Defendant breached the license contract by using Netbula Software Development Kit for Windows with more than one developer on more than one computer?

Answer: (check one) N/A

Yes \_\_\_\_\_ No \_\_\_\_\_

[Proceed to Question 8 only if you answered "Yes" to Question 6.]

1 **QUESTION NO. 8**

2 *[Answer this Question, only if you answered, "Yes" Question 6.]*

3 Did Plaintiffs prove by a preponderance of evidence Defendant breached the  
4 license contract by distributing more than 1000 copies of Netbula Distributable Files  
5 for Windows? *N/A*

6 *Answer: (check one)*

7 Yes \_\_\_\_\_ No \_\_\_\_\_

8  
9 *[Proceed to Question 9.]*

10  
11 **COPYRIGHT INFRINGEMENT FOR**  
12 **NETBULA JAVA & WINDOWS**

13 **QUESTION NO. 9**

14 *[Answer this Question, only if you answered, "Yes" to Questions 1 or 2.]*

15 Did Plaintiffs prove by a preponderance of evidence that Defendant infringed  
16 Plaintiffs' copyright in Netbula JAVA Software Development Kit?

17 *Answer: (check one)*

18 Yes  No \_\_\_\_\_

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20 *[Proceed to Question 10.]*

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1 **QUESTION NO. 10**

2 Did Plaintiffs prove by a preponderance of evidence that Defendant infringed  
3 Plaintiffs' copyright in Netbula JAVA Distributable Files?

4 *Answer: (check one)*

5 Yes  No

6  
7 *[Proceed to Question 11.]*

8  
9 **QUESTION NO. 11**

10 *[Answer this Question, only if you answered, "Yes" to Question 3 and "No" to*  
11 *Question 5.]*

12 Did Plaintiffs prove by a preponderance of evidence that Defendant infringed  
13 Plaintiffs' copyright in Netbula Software Development Kit for Windows?

14 *Answer: (check one)*

15 Yes  No

16  
17 *[Proceed to Question 12.]*

18 **QUESTION NO. 12**

19 *[Answer this Question, only if you answered, "Yes" to Question 4 and "No" to*  
20 *Question 6.]*

21 Did Plaintiffs prove by a preponderance of evidence that Defendant infringed  
22 Plaintiffs' copyright in Netbula Distributable Files for Windows?

23 *Answer: (check one)*

24 Yes  No

25  
26 *[Proceed to Question 13.]*

**DAMAGES FOR BREACH OF LICENSE CONTRACT**

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**QUESTION NO. 13**

*[Answer Question 13 only if you answered "Yes," to Question 7.]*

What amount, if any, do you award Plaintiffs for compensatory damages for breach of the license contract for Defendant's use of Netbula Software Development Kit for Windows with more than one developer on more than one computer?

Write in your amount: *N/A*

\$ \_\_\_\_\_

*[Proceed to Question 14.]*

**QUESTION NO. 14**

*[Answer Question 14 only if you answered "Yes," to Question 8.]*

What amount, if any, do you award Plaintiffs for compensatory damages for breach of the license contract for Defendant's distribution of more than 1000 copies of Netbula Distributable Files for Windows? *N/A*

Write in your amount:

\$ \_\_\_\_\_

*[Proceed to Question 15, only if you answered "Yes" to any of the Questions 9-12. If you answered "No" to Question 9 and 10 and 11 and 12, go to Question 23.]*

**United States District Court**  
For the Northern District of California

**DAMAGES FOR  
COPYRIGHT INFRINGEMENT**

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**QUESTION NO. 15**

*[Answer Question 15 only if you answered "Yes," to Question 9.]*

What amount, if any, do you award Plaintiffs for actual damages for Defendant's copyright infringement of Plaintiffs' Netbula Java Software Development Kit?

*Write in your amount:*

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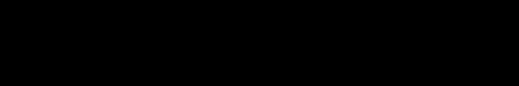
*[Proceed to Question 16.]*

**QUESTION NO. 16**

*[Answer Question 16 only if you answered "Yes," to Question 9.]*

What amount, if any, do you award Plaintiffs of Defendant's net profits of Chordiant Marketing Director as the result of Defendant's copyright infringement of Plaintiffs' Netbula Java Software Development Kit?

*Write in your amount: [Deduct from any award of net profits any amount that you took into account in your award of actual damages in response to Question 15.]*

\$  \_\_\_\_\_

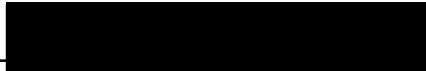
*[Proceed to Question 17.]*

1 **QUESTION NO. 17**

2 *[Answer Question 17 only if you answered "Yes," to Question 10.]*

3 What amount, if any, do you award Plaintiffs for actual damages for  
4 Defendant's copyright infringement of Plaintiffs' Netbula Java Distributable Files?

5 *Write in your amount:*

6 \$  \_\_\_\_\_

7  
8 *[Proceed to Question 18.]*

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10 **QUESTION NO. 18**

11 *[Answer Question 18 only if you answered "Yes," to Question 10.]*

12 What amount, if any, do you award Plaintiffs of Defendant's net profits of  
13 Chordiant Marketing Director as the result of Defendant's copyright infringement of  
14 Plaintiffs' Netbula Java Distributable Files?

15 *Write in your amount: [Deduct from any award of net profits any amount that*  
16 *you took into account in your award of actual damages in response to Question 17.]*

17 \$  \_\_\_\_\_

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19 *[Proceed to Question 19.]*

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1 **QUESTION NO. 19**

2 *[Answer Question 19 only if you answered "Yes," to Question 11.]*

3 What amount, if any, do you award Plaintiffs for actual damages for  
4 Defendant's copyright infringement of Plaintiffs' Netbula Software Development Kit  
5 for Windows?

6 *Write in your amount:*

7 \$  \_\_\_\_\_

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9 *[Proceed to Question 20.]*

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11 **QUESTION NO. 20**

12 *[Answer Question 20 only if you answered "Yes," to Question 11.]*

13  
14 What amount, if any, do you award Plaintiffs of Defendant's net profits of  
15 Chordiant Marketing Director as the result of Defendant's copyright infringement of  
16 Plaintiffs' Netbula Software Development Kit for Windows?

17 *Write in your amount: [Deduct from any award of net profits any amount that*  
18 *you took into account in your award of actual damages in response to Question 19.]*

19 \$  \_\_\_\_\_

20  
21 *[Proceed to Question 21.]*

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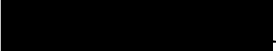
1 **QUESTION NO. 21**

2 *[Answer Question 21 only if you answered "Yes," to Question 12.]*

3

4 What amount, if any, do you award Plaintiffs for actual damages for  
5 Defendant's copyright infringement of Plaintiffs' Netbula Distributable Files for  
6 Windows?

7 *Write in your amount:*

8 \$  \_\_\_\_\_

9

10 *[Proceed to Question 22.]*

11

12 **QUESTION NO. 22**

13 *[Answer Question 22 only if you answered "Yes," to Question 12.]*

14

15 What amount, if any, do you award Plaintiffs of Defendant's net profits of  
16 Chordiant Marketing Director as the result of Defendant's copyright infringement of  
17 Plaintiffs' Netbula Distributable Files for Windows?

18 *Write in your amount: [Deduct from any award of net profits any amount that*  
19 *you took into account in your award of actual damages in response to Question 21.]*

20 \$  \_\_\_\_\_

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22 *[Proceed to Question 23.]*

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**QUESTION NO. 23**

**Total Award for Breach of License Contract Damages:**

*[Add together any amounts that you have awarded in response to Questions 13-14.]*

\$ N/A

*[Proceed to Question 24.]*

**QUESTION NO. 24**

**Total Award for Copyright Infringement Damages:**

*[Add together any amounts that you have awarded in response to Questions 15-22.]*

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*[COMPLETION OF THE VERDICT FORM: After you have all agreed to the answers contained on this Verdict Form, the Presiding Juror is instructed to indicate your decision on this Verdict Form. The Presiding Juror is instructed to date and sign this form and send out a **note** that the jury has reached a verdict. The Presiding Juror is instructed to place the completed Verdict Form in the special folder provided to you and to bring it into the Courtroom.]*

DATED: 5/14/10



Signature of Presiding Juror



Print Name of Presiding Juror

**United States District Court**  
For the Northern District of California