

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COMPLETE GENOMICS, INC.,)	
)	
Plaintiff,)	
v.)	
)	
ILLUMINA, INC.,)	C.A. No. 19-970-MN
)	
Defendant.)	
)	
ILLUMINA, INC. and)	
ILLUMINA CAMBRIDGE LTD.,)	
)	
Counterclaim-)	
Plaintiffs,)	
)	
v.)	
)	
COMPLETE GENOMICS, INC.)	
BGI AMERICAS CORP., and)	
MGI AMERICAS INC.,)	
)	
Counterclaim-Defendants.)	

VERDICT FORM

Instructions: When answering the following questions and completing 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 each question.

QUESTIONS AND ANSWERS**I. INFRINGEMENT OF CGI'S U.S. PATENT NO. 9,222,132 (THE "132 PATENT")****A. Direct Infringement**

1. Has Plaintiff Complete Genomics, Inc. ("CGI") proven by a preponderance of the evidence that Illumina directly infringed any of the following claims of the '132 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (CGI)	No (Illumina)
Claim 1	<u>✓</u>	<u> </u>
Claim 2	<u>✓</u>	<u> </u>
Claim 3	<u>✓</u>	<u> </u>
Claim 4	<u>✓</u>	<u> </u>

B. Indirect Infringement - Induced Infringement

1. Has Plaintiff CGI proven by a preponderance of the evidence that Illumina induced infringement of any of the following claims of the '132 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (CGI)	No (Illumina)
Claim 1	<u>✓</u>	<u> </u>
Claim 2	<u>✓</u>	<u> </u>
Claim 3	<u>✓</u>	<u> </u>
Claim 4	<u>✓</u>	<u> </u>

C. Indirect Infringement - Contributory Infringement

1. Has Plaintiff CGI proven by a preponderance of the evidence that Illumina contributed to the infringement of any of the following claims of the '132 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (CGI)	No (Illumina)
Claim 1	<u>✓</u>	<u> </u>
Claim 2	<u>✓</u>	<u> </u>
Claim 3	<u>✓</u>	<u> </u>
Claim 4	<u>✓</u>	<u> </u>

II. INFRINGEMENT OF CGI'S U.S. PATENT 10,662,473 (THE "'473 PATENT")**A. Direct Infringement**

1. Has Plaintiff CGI proven by a preponderance of the evidence that Illumina directly infringed any of the following claims of the '473 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (CGI)	No (Illumina)
Claim 1	<u>✓</u>	<u> </u>
Claim 2	<u>✓</u>	<u> </u>
Claim 3	<u>✓</u>	<u> </u>
Claim 5	<u>✓</u>	<u> </u>

B. Indirect Infringement - Induced Infringement

1. Has Plaintiff CGI proven by a preponderance of the evidence that Illumina induced infringement of another of any of the following claims of the '473 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (CGI)	No (Illumina)
Claim 1	<u>✓</u>	<u> </u>
Claim 2	<u>✓</u>	<u> </u>
Claim 3	<u>✓</u>	<u> </u>
Claim 5	<u>✓</u>	<u> </u>

C. Indirect Infringement - Contributory Infringement

1. Has Plaintiff CGI proven by a preponderance of the evidence that Illumina contributed to the infringement of another of any of the following claims of the '473 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (CGI)	No (Illumina)
Claim 1	<u>✓</u>	<u> </u>
Claim 2	<u>✓</u>	<u> </u>
Claim 3	<u>✓</u>	<u> </u>
Claim 5	<u>✓</u>	<u> </u>

III. VALIDITY OF CGI'S '132 PATENT

The questions regarding validity or invalidity should be answered regardless of your findings with respect to the infringement of the patent.

1. Has Illumina proven by clear and convincing evidence that any of the following claims of the '132 Patent is invalid because it is anticipated by prior invention?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____✓
Claim 2	_____	_____✓
Claim 3	_____	_____✓
Claim 4	_____	_____✓

2. Has Illumina proven by clear and convincing evidence that any of the following claims of the '132 Patent is invalid because it is obvious?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____✓
Claim 2	_____	_____✓
Claim 3	_____	_____✓
Claim 4	_____	_____✓

3. Has Illumina proven by clear and convincing evidence that any of the following claims of the '132 Patent is invalid because it lacks adequate written description?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____✓
Claim 2	_____	_____✓
Claim 3	_____	_____✓
Claim 4	_____	_____✓

4. Has Illumina proven by clear and convincing evidence that any of the following claims of the '132 Patent is invalid because it is not enabled?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____✓
Claim 2	_____	_____✓
Claim 3	_____	_____✓
Claim 4	_____	_____✓

IV. VALIDITY OF CGI'S '473 PATENT

The questions regarding validity or invalidity should be answered regardless of your findings with respect to the infringement of the patent.

1. Has Illumina proven by clear and convincing evidence that any of the following claims of the '473 Patent is invalid because it is anticipated by prior invention?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____✓
Claim 2	_____	_____✓
Claim 3	_____	_____✓

2. Has Illumina proven by clear and convincing evidence that any of the following claims of the '473 Patent is invalid because it is obvious?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____✓
Claim 2	_____	_____✓
Claim 3	_____	_____✓
Claim 5	_____	_____✓

3. Has Illumina proven by clear and convincing evidence that any of the following claims of the '473 Patent is invalid because it lacks adequate written description?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____ ✓
Claim 2	_____	_____ ✓
Claim 3	_____	_____ ✓
Claim 5	_____	_____ ✓

4. Has Illumina proven by clear and convincing evidence that any of the following claims of the '473 Patent is invalid because it is not enabled?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____ ✓
Claim 2	_____	_____ ✓
Claim 3	_____	_____ ✓
Claim 5	_____	_____ ✓

V. WILLFULNESS WITH RESPECT TO CGI PATENTS

If for any asserted claim(s) of the CGI Patents, you answered "Yes" as to any type of infringement and "No" as to invalidity for all questions that pertain to that particular asserted claim, please answer the question below and the question in Section VI. Otherwise, skip to Section VII.

1. Has CGI proven by a preponderance of the evidence that Illumina willfully infringed any valid asserted claim?

Yes (CGI)

No (Illumina)

✓

VI. CGI PATENTS - DAMAGES

1. What damages has CGI proven by a preponderance of the evidence that it is entitled to as a result of Illumina's infringement?

\$ 333,801,990.00

VII. INFRINGEMENT OF ILLUMINA'S U.S. PATENT NO. 9,217,178 (THE "178 PATENT")

A. Direct Infringement

1. Has Illumina proven by a preponderance of the evidence that CGI directly infringed any of the following claims of the '178 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	<u>✓</u>	<u></u>
Claim 6	<u>✓</u>	<u></u>
Claim 14	<u>✓</u>	<u></u>

B. Indirect Infringement - Induced Infringement

1. Has Illumina proven by a preponderance of the evidence that CGI induced infringement of another of any of the following claims of the '178 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	<u></u>	<u>✓</u>
Claim 6	<u></u>	<u>✓</u>
Claim 14	<u></u>	<u>✓</u>

C. Indirect Infringement - Contributory Infringement

1. Has Illumina proven by a preponderance of the evidence that CGI contributed to the infringement of another to any of the following claims of the '178 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____✓
Claim 6	_____	_____✓
Claim 14	_____	_____✓

VIII. INFRINGEMENT OF ILLUMINA'S U.S. PATENT NO. 9,303,290 (THE "'290 PATENT")**A. Direct Infringement**

1. Has Illumina proven by a preponderance of the evidence that CGI directly infringed any of the following claims of the '290 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____✓	_____
Claim 7	_____✓	_____
Claim 15	_____✓	_____

B. Indirect Infringement - Induced Infringement

1. Has Illumina proven by a preponderance of the evidence that CGI induced infringement of another of any of the following claims of the '290 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____✓
Claim 7	_____	_____✓
Claim 15	_____	_____✓

C. Indirect Infringement - Contributory Infringement

1. Has Illumina proven by a preponderance of the evidence that CGI contributed to the infringement of another of any of the following claims of the '290 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____✓
Claim 7	_____	_____✓
Claim 15	_____	_____✓

IX. INFRINGEMENT OF ILLUMINA'S U.S. PATENT NO. 9,970,055 (THE "'055 PATENT")

A. Direct Infringement

1. Has Illumina proven by a preponderance of the evidence that CGI directly infringed any of the following claims of the '055 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____✓
Claim 2	_____	_____✓
Claim 17	_____	_____✓

B. Indirect Infringement - Induced Infringement

1. Has Illumina proven by a preponderance of the evidence that CGI induced infringement of another of any of the following claims of the '055 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____✓
Claim 2	_____	_____✓
Claim 17	_____	_____✓

C. Indirect Infringement - Contributory Infringement

1. Has Illumina proven by a preponderance of the evidence that CGI contributed to the infringement of another of any of the following claims of the '055 Patent?

For each asserted claim please check "Yes" or "No" below.

	Yes (Illumina)	No (CGI)
Claim 1	_____	_____✓
Claim 2	_____	_____✓
Claim 17	_____	_____✓

X. VALIDITY OF ILLUMINA'S '178 PATENT

The questions regarding validity or invalidity should be answered regardless of your findings with respect to the infringement of the patent.

1. Has CGI proven by clear and convincing evidence that any of the following claims of the '178 Patent is invalid because it is obvious?

For each asserted claim please check "Yes" or "No" below.

	Yes (CGI)	No (Illumina)
Claim 1	_____✓	_____
Claim 6	_____✓	_____
Claim 14	_____✓	_____

XI. VALIDITY OF ILLUMINA'S '290 PATENT

The questions regarding validity or invalidity should be answered regardless of your findings with respect to the infringement of the patent.

1. Has CGI proven by clear and convincing evidence that any of the following claims of the '290 Patent is invalid because it is anticipated by written prior art?

For each asserted claim please check "Yes" or "No" below.

	Yes (CGI)	No (Illumina)
Claim 1	<u>✓</u>	<u> </u>

2. Has CGI proven by clear and convincing evidence that any of the following claims of the '290 Patent is invalid because it is obvious?

For each asserted claim please check "Yes" or "No" below.

	Yes (CGI)	No (Illumina)
Claim 1	<u>✓</u>	<u> </u>
Claim 7	<u>✓</u>	<u> </u>
Claim 15	<u>✓</u>	<u> </u>

XII. VALIDITY OF ILLUMINA'S '055 PATENT

The questions regarding validity or invalidity should be answered regardless of your findings with respect to the infringement of the patent.

1. Has CGI proven by clear and convincing evidence that any of the following claims of the '055 Patent is invalid because it is anticipated by written prior art?

For each asserted claim please check "Yes" or "No" below.

	Yes (CGI)	No (Illumina)
Claim 1	<u>✓</u>	<u> </u>
Claim 2	<u>✓</u>	<u> </u>

2. Has CGI proven by clear and convincing evidence that any of the following claims of the '055 Patent is invalid because it is obvious?

For each asserted claim please check "Yes" or "No" below.

	Yes (CGI)	No (Illumina)
Claim 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Claim 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Claim 17	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XIII. WILLFULNESS WITH RESPECT TO ILLUMINA PATENTS

If for any asserted claim(s) of the Illumina Patents, you answered “Yes” as to any type of infringement and “No” as to invalidity for all questions that pertain to that particular asserted claim, please answer the question below and the question in Section XIV. Otherwise, skip to the end.

1. Has Illumina proven by a preponderance of the evidence that CGI willfully infringed any valid asserted claim?

Yes (Illumina)	No (CGI)
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
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83	83
84	84
85	85
86	86
87	87
88	88
89	89
90	90
91	91
92	92
93	93
94	94
95	95
96	96
97	97
98	98
99	99
100	100

XIV. ILLUMINA PATENTS - DAMAGES

1. What damages has Illumina proven by a preponderance of the evidence that it is entitled to as a result of CGI's infringement?

\$ _____

UNANIMOUS VERDICT

UPON REACHING A UNANIMOUS VERDICT ON EACH QUESTION ABOVE,
EACH JUROR MUST SIGN BELOW.

We, the jury, unanimously agree to the answers to the above questions and return them
under the instructions of this Court as our verdict in this case.

The 6th day of May, 2022.

