2/26/24
630 p.m.

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE WESTERN DISTRICT OF TEXAS**
**WACO DIVISION**

**FILED**
February 26, 2024
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: Jennifer Clark
DEPUTY

**FLYPSI, INC. (D/B/A FLYP),**

**Plaintiff,**

**v.**

**GOOGLE LLC,**

**Defendant.**

**Civil Action No. 6:22-cv-31-ADA**

**JURY TRIAL DEMANDED**

# VERDICT FORM

In answering the following questions, please follow the instructions that I have given you in the Court's jury charge and the directions provided throughout this Verdict Form. Your answers to each question must be unanimous.

In this Verdict Form, the following terms have the following meanings:

- **Flyp** refers to Plaintiff Flypsi, Inc. (d/b/a Flyp).
- **Google** refers to Defendant Google LLC.
- The **'770 Patent** refers to U.S. Patent No. 9,667,770.
- The **'105 Patent** refers to U.S. Patent No. 10,051,105.
- The **'094 Patent** refers to U.S. Patent No. 10,334,094.
- The **'554 Patent** refers to U.S. Patent No. 11,012,554.

- The **'585 Patent** refers to U.S. Patent No. 11,218,585.
- The **Asserted Patents** refer to the **'770 Patent**, **'105 Patent**, **'094 Patent**, **'554 Patent**, and **'585 Patent**.
- The **Asserted Claims** refer collectively to Claims 1 and 2 of the **'770 Patent**; Claim 1 of the **'105 Patent**, Claim 1 of the **'094 Patent**, Claim 1 of the **'554 Patent**, and Claim 1 of the **'585 Patent**.

**IT IS VERY IMPORTANT THAT YOU FOLLOW THE INSTRUCTIONS PROVIDED IN THIS VERDICT FORM**

**READ THE INSTRUCTIONS CAREFULLY AND ENSURE THAT YOUR VERDICT COMPLIES WITH THEM**

We, the jury, unanimously agree to the answers to the following questions and return them as our verdict in this case:

## QUESTION 1: LITERAL INFRINGEMENT

**Directions - Question No. 1:** In answering Question 1 below, please answer either "Yes" or "No" for each listed claim.

**Question No. 1:** Did **Flyp** prove, by a preponderance of the evidence, that **Google** has *literally* infringed the following claims of the **Asserted Patents**? "Yes" is a finding for **Flyp**. "No" is a finding for **Google**.

| | | | |
|---|---|---|---|
| **'770 Patent** | Claim 1: | YES ✓ | NO ____ |
| | Claim 2: | YES ✓ | NO ____ |
| **'105 Patent** | Claim 1: | YES ✓ | NO ____ |
| **'094 Patent** | Claim 1: | YES ✓ | NO ____ |
| **'554 Patent** | Claim 1: | YES ✓ | NO ____ |
| **'585 Patent** | Claim 1: | YES ✓ | NO ____ |

**Please proceed to the next question.**

## QUESTION 2: INFRINGEMENT BY DOCTRINE OF EQUIVALENTS

**Directions – Question No. 2:** In answering Question 2 below, please answer either "Yes" or "No" for each listed claim.

**Question No. 2:** If you answered "Yes" to Claims 1 and 2 of the '770 Patent and Claim 1 of the '105 Patent in Question 1, skip to Question 3. Otherwise, answer the following question before proceeding to Question 3. Did **Flyp** prove, by a preponderance of the evidence, (a) that **Google** has infringed the "bridge telephone number" limitation of the following claims under the doctrine of equivalents, AND (b) that **Google** has literally infringed all other limitations of those claims? "Yes" is a finding for **Flyp**. "No" is a finding for **Google**.

**'770 Patent** Claim 1: YES _____ NO _____

**'105 Patent** Claim 1: YES _____ NO _____

**Please proceed to the next question.**

## QUESTION 3: PRIOR USE DEFENSE

**Directions – Question No. 3**: In answering Question 3 below, please answer either "Yes" or "No."

**Question 3 – Prior Use:** Has **Google** proven by clear and convincing evidence that **Google** commercially used the claimed invention in Google Voice in the United States before July 17, 2012? "Yes" is a finding for **Google**. "No" is a finding for **Flyp**.

| | | | |
|---|---|---|---|
| **'770 Patent** | Claim 1: | YES ____ | NO ✓ |
| | Claim 2: | YES ____ | NO ✓ |
| **'105 Patent** | Claim 1: | YES ____ | NO ✓ |
| **'094 Patent** | Claim 1: | YES ____ | NO ✓ |
| **'554 Patent** | Claim 1: | YES ____ | NO ✓ |
| **'585 Patent** | Claim 1: | YES ____ | NO ✓ |

**Please proceed to the next question.**

## QUESTION 4: INVALIDITY

**Directions – Question No. 4**: In answering Question 4 below, please answer either "Yes" or "No" for each listed claim.

**Question No. 4:** Has **Google** proven by clear and convincing evidence that any of the following claims of the **Asserted Patents** are invalid based on pre-2013 Google Voice? "Yes" is a finding for **Google**. "No" is a finding for **Flyp**.

| | | | |
|---|---|---|---|
| **'770 Patent** | Claim 1: | YES ____ | NO ✓ |
| | Claim 2: | YES ____ | NO ✓ |
| **'105 Patent** | Claim 1: | YES ____ | NO ✓ |
| **'094 Patent** | Claim 1: | YES ____ | NO ✓ |
| **'554 Patent** | Claim 1: | YES ____ | NO ✓ |
| **'585 Patent** | Claim 1: | YES ____ | NO ✓ |

**Please proceed to the next question.**

## QUESTION 5: WRITTEN DESCRIPTION REQUIREMENT

**Directions – Question No. 5:** In answering Question 5 below, please answer either "Yes" or "No" for each listed claim.

**Question No. 5:** Has **Google** proven by clear and convincing evidence that any of the following **Asserted Claims** of the **Asserted Patents** are invalid for lack of adequate written description? "Yes" is a finding for **Google**. "No" is a finding for **Flyp**.

| | | | |
|---|---|---|---|
| **'770 Patent** | Claim 1: | YES ____ | NO ✓ |
| | Claim 2: | YES ____ | NO ✓ |
| **'105 Patent** | Claim 1: | YES ____ | NO ✓ |
| **'094 Patent** | Claim 1: | YES ____ | NO ✓ |
| **'554 Patent** | Claim 1: | YES ____ | NO ✓ |
| **'585 Patent** | Claim 1: | YES ____ | NO ✓ |

**Please proceed to the next question.**

**If you have reached this point in the verdict form, you should have answered at least Questions 1, 3, 4, and 5. If you have not answered Questions 1, 3, 4, and 5, please go back and answer them before proceeding.**

**You should proceed to answer Question 6 only if (1) you answered "YES" for any claims in Question 1 or Question 2 and (2) you answered "NO" for those same claims in Questions 3, 4, and 5. In other words, you should proceed to answer Question 6 only if you found one or more claims infringed, not in prior use by Google, and not invalid on any ground.**

**Do not answer Question 6 if:**

- **you answered "NO" for all claims in Questions 1 and 2, OR**
- **you answered "YES" for all claims in Question 3, OR**
- **you answered "YES" for all claims in Question 4, OR**
- **you answered "YES" for all claims in Question 5, OR**
- **you answered "YES" to at least one of Question 3, Question 4, or Question 5 for each Asserted Claim.**

**Instead, proceed to the last page, have your Jury Foreperson sign and date this Verdict Form, and then deliver it to the Court Security Officer. You should not pay attention to any other instructions between this point and the signature page found at the end of this verdict form.**

## QUESTION 6: DAMAGES

**Directions – Question No. 6:** Only for the claim(s) that you found to be infringed by having answered "Yes" in Questions 1 or 2 AND that you found not subject to the prior use defense and not invalid by having answered "No" in Questions 3, 4, and 5, please answer Questions 6(a) and 6(b).

**Question No. 6(a):** If you found that **Google** is liable for infringement, what sum of money, if paid now in cash, did **Flyp** prove by a preponderance of the evidence would fairly and reasonably compensate **Flyp** for **Google's** infringement?

Answer in U.S. Dollars and Cents, if any: $ 12 million

**Question No. 6(b):** Does this number represent a running royalty or a one-time lump sum? Please check one only.

____ Running Royalty

**OR**

✓ Lump Sum

## FINAL PAGE OF THE JURY VERDICT

You have now reached the end of the Verdict Form and should review it to ensure it accurately reflects your unanimous determinations. The Jury Foreperson should then sign and date the Verdict Form in the spaces below. Once this is done, notify the Court Security Officer that you have reached a verdict. The Jury Foreperson should keep the Verdict Form and bring it when the jury is brought back into the courtroom.

I certify that the jury unanimously concurs in every element of the above verdict.

Signed this 26th day of February, 2024.

Jury Foreperson

[redacted]