

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

SHOPIFY INC. AND SHOPIFY (USA), INC.,)	
)	
Plaintiffs/Counterclaim Defendants,)	
)	
v.)	Civil Action No. 19-cv-00439-RGA
)	
EXPRESS MOBILE, INC.,)	
)	
Defendant/Counterclaim Plaintiff.)	Honorable Richard G. Andrews
)	

VERDICT FORM

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.

QUESTION 1: Infringement

Did Express Mobile prove by a preponderance of the evidence that Shopify infringes the identified claim of the Asserted Patents?

Please check “Yes” or “No” for each claim. “Yes” is in favor of Express Mobile and “No” is in favor of Shopify.

'755 Patent	Claim 1: Yes: <input checked="" type="checkbox"/> (for Express Mobile) No: <input type="checkbox"/> (for Shopify) Claim 12: Yes: <input checked="" type="checkbox"/> (for Express Mobile) No: <input type="checkbox"/> (for Shopify) Claim 22: Yes: <input checked="" type="checkbox"/> (for Express Mobile) No: <input type="checkbox"/> (for Shopify)
'287 Patent	Claim 1: Yes: <input checked="" type="checkbox"/> (for Express Mobile) No: <input type="checkbox"/> (for Shopify) Claim 13: Yes: <input checked="" type="checkbox"/> (for Express Mobile) No: <input type="checkbox"/> (for Shopify)
'044 Patent	Claim 1: Yes: <input checked="" type="checkbox"/> (for Express Mobile) No: <input type="checkbox"/> (for Shopify) Claim 17: Yes: <input checked="" type="checkbox"/> (for Express Mobile) No: <input type="checkbox"/> (for Shopify) Claim 19: Yes: <input checked="" type="checkbox"/> (for Express Mobile) No: <input type="checkbox"/> (for Shopify)

Please Proceed to Question 2.

QUESTION 2: Invalidity

Did Shopify prove by clear and convincing evidence that the identified claim is invalid?

Please check “Yes” or “No” for each claim. “Yes” is in favor of Shopify and “No” is in favor of Express Mobile.

'755 Patent	Claim 1: Yes: ____ (for Shopify) No: <u>✓</u> (for Express Mobile) Claim 12: Yes: ____ (for Shopify) No: <u>✓</u> (for Express Mobile) Claim 22: Yes: ____ (for Shopify) No: <u>✓</u> (for Express Mobile)
'287 Patent	Claim 1: Yes: ____ (for Shopify) No: <u>✓</u> (for Express Mobile) Claim 13: Yes: ____ (for Shopify) No: <u>✓</u> (for Express Mobile)
'044 Patent	Claim 1: Yes: ____ (for Shopify) No: <u>✓</u> (for Express Mobile) Claim 17: Yes: ____ (for Shopify) No: <u>✓</u> (for Express Mobile) Claim 19: Yes: ____ (for Shopify) No: <u>✓</u> (for Express Mobile)

If you checked “Yes” for any claims in Question 1 and checked “No” for any such claims in in Question 2, i.e., you determined that at least one claim is infringed and not invalid, proceed to Question 3.

Otherwise, skip and DO NOT answer Question 3, and instead please proceed directly to the Final Page of the Jury Verdict and sign and date that page.

QUESTION 3: Damages

What sum of money do you find based on a preponderance of the evidence would fairly and reasonably compensate Express Mobile for Shopify's past infringement of Express Mobile's Asserted Patents?

\$ 40,000,000

Is that sum a (check one):

☒ fully paid-up lump sum; or

☐ running royalty through trial (August 22, 2022)?

Please proceed to the Final Page of the Verdict Form and sign and date that page.

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 foreperson should then sign and date the verdict form in the spaces below and notify the Court Security Officer that you have reached a verdict.

The foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.


Signature

8/31/22
Date