

FORTINET, INC., a Delaware corporation,

Plaintiff,

V.

FORTANIX, INC, a Delaware corporation,

Defendant.

Case No. 3:20-cv-06900-MMC

VERDICT FORM

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When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

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 NO. 1 – INFRINGEMENT OF FEDERALLY
REGISTERED TRADEMARK**

QUESTION NO. 1a

Did Defendant Fortanix infringe Plaintiff Fortinet's federally registered FORTINET trademark?

____ Yes
☒ No

If your answer to this question is "yes," please proceed to Question No. 1b on this page.

If your answer to this question is "no," answer no further questions and have your foreperson sign and date this Verdict Form.

QUESTION NO. 1b

Did Defendant Fortanix willfully infringe Plaintiff Fortinet's federally registered FORTINET trademark?

____ Yes
____ No

Please proceed to Question No. 2.

QUESTION NO. 2 – INFRINGEMENT OF COMMON LAW

TRADEMARK RIGHTS

Did Defendant Fortanix infringe Plaintiff Fortinet's common law trademark rights in its FORTINET trademark?

_____ Yes

_____ No

Please proceed to Question No. 3.

QUESTION NO. 3 – DAMAGES

Did Plaintiff Fortinet suffer actual damages caused by Defendant Fortanix's infringement of Plaintiff Fortinet's registered trademark?

_____ Yes

_____ No

If your answer to this question is "yes," please proceed to Question No. 4.

If your answer to this question is "no," please answer no further questions and have your foreperson sign and date this Verdict Form.

QUESTION NO. 4 – AMOUNT OF DAMAGES

What are Plaintiff Fortinet's damages?

\$ _____

Please proceed to Question No. 5.

QUESTION NO. 5 – PUNITIVE DAMAGES

QUESTION No. 5a

Did Defendant Fortanix engage in trademark infringement with malice, oppression, or fraud?

☐ Yes

☐ No

If your answer to this question is "yes," please proceed to Question No. 5b on this page.

If your answer to this question is "no," answer no further questions and have your foreperson sign and date this Verdict Form.

QUESTION NO. 5b

What amount of punitive damages, if any, do you award to Plaintiff Fortinet?

\$ _____

Dated: October 17, 2022

By:  _____

Presiding Juror

Name: Sarah Pare