## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION

2 3 4 5 ILLUMINA, INC. and 6 ILLUMINA CAMBRIDGE LTD., 7 Plaintiffs, 8 v. BGI GENOMICS CO., LTD., 9 BGI AMERICAS CORP., 10 MGI TECH CO., LTD., MGI AMERICAS, INC., and 11 COMPLETE GENOMICS INC., Defendants. 12 13 COMPLETE GENOMICS INC., 14 Counterclaim-Plaintiff, 15 v. 16 ILLUMINA, INC. and ILLUMINA CAMBRIDGE LTD., 17 Counterclaim-Defendants. 18 19 20 21 22 23 24 25 26

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Case No. 3:19-cv-03770-WHO (TSH) Case No. 3:20-cv-01465-WHO (TSH)

## VERDICT FORM

VERDICT FORM

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CASE NO. 3:19-CV-03770-WHO CASE NO. 3:20-CV-01465-WHO

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.

## As used herein:

- 1. "Plaintiff" or "Illumina" refers to Illumina, Inc. and Illumina Cambridge Ltd.
- "Defendant" or "Defendants" refers to BGI Genomics Co. Ltd., BGI Americas Corp.,
   MGI Tech Co., Ltd., MGI Americas, Inc., and Complete Genomics, Inc.

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.

VERDICT FORM

## FINDINGS ON INFRINGEMENT 2 (Instruction Pages 17–19) 3 The questions regarding infringement should be answered regardless of your findings with 4 respect to the validity or invalidity of the patent. 5 A. U.S. Patent No. 7,541,444 (the "'444 Patent") 6 Has Illumina proven that it is more likely than not that Defendants induced the 1. infringement of any of the following claims of the '444 Patent? 7 For each of the claims below, please check "Yes" (for Illumina) or "No" (for Defendants). 8 9 No (Defendants) Yes (Illumina) 10 Claim 3 a. 11 12 Has Illumina proven that it is more likely than not that Defendants contributed to the 2. infringement of any of the following claims of the '444 Patent? 13 For each of the claims below, please check "Yes" (for Illumina) or "No" (for Defendants). 14 15 No (Defendants) Yes (Illumina) 16 Claim 3 17 a. 18 19 20 21 22

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1		B. <u>U.</u>	S. Patent No. 7,771,	973 (the "'973 Patent")		
2						
3	3.	Has Illur	nina proven that	it is more likely than llowing claims of the '97.	not that Defendants inc	duced the
4		, <del>-</del>		Tarr 27 years		1
5		r or each o	of the claims below, p	nease check Tes (for 11	lumina) or "No" (for Defend	uanis).
6				Yes (Illumina)	No (Defendants)	
7				/ (mumma)	No (Detendants)	
8		a.	Claim 13			
9	4.	Has Illun	nina proven that it	is more likely than not	that Defendants contribu	ted to the
10				llowing claims of the '97		
11		For each o	of the claims below, p	olease check "Yes" (for Il	lumina) or "No" (for Defend	dants).
12				Voc (Illumina)	No (Defendants)	
13				Yes (Illumina) /	No (Defendants)	
14		a.	Claim 13			
15						
16						
17				¥		
18					*	
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24		at at				
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	11					
1		C. <u>I</u>	U.S. Patent No. 7,566	5,537 (the "'537 Patent"	)	
2	5.			it is more likely the	an not that Defendants in	duced the
3				- T		-1
4		ror each	i asseriea ciaim, pied	se cneck Tes (for Illun	nina) or "No" (for Defendant.	s).
5				Yes (Illumina)	No (Defendants)	
6		a.	Claim 1			
7		b.	Claim 4			
9		c.	Claim 6	<u> </u>		
10						
11	6.	Has Illu	ımina proven that i	t is more likely than n	ot that Defendants contribu	ited to the
12				ollowing claims of the 'S		
13		For each	h asserted claim, plea	ise check "Yes" (for Illur	nina) or "No" (for Defendant	s).
14				Yes (Illumina)	No (Defendants)	
15		a.	Claim 1		$\checkmark$	
16						
17		b.	Claim 4			
18		c.	Claim 6			
19						
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1		D. <u>U</u>	.S. Patent No. 9,41	0,200 (the "'200 Patent"	)	
2						
3	7.	Has Illu	mina proven tha	t it is more likely tha	n not that Defendan	ts induced the
4			-	following claims of the '2		D 4 1 1 1
5		For each	of the claims below	, please check "Yes" (for	Illumina) or "No" (for .	Defendants).
6				Vac (Illumina)	No (Defendants)	
7				Yes (Illumina)	No (Defendants)	
8		a.	Claim 11			
9		b.	Claim 19			٠
10						
11	8.	Has Illu	mina proven that	it is more likely than no	ot that Defendants cor	ntributed to the
12		infringer	ment of any of the	following claims of the '2	200 Patent?	
13		For each	of the claims below	, please check "Yes" (for	Illumina) or "No" (for	Defendants).
14	-		(*)			
15				Yes (Illumina)	No (Defendants)	
16		a.	Claim 11	0		
17		b.	Claim 19	·		
18						
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<ul><li>26</li><li>27</li></ul>						
28						
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1		E.	<u>U.S. I</u>	Patent No. 10,480,025	(the "'025 Patent")		
2							
3	9.	Has	Illumin	a proven that it is	more likely than ning claims of the '025 P	ot that Defendants	induced the
4							fandants)
5		ror e	racn of th	ne ciaims below, pieas	e check "Yes" (for Illun	una) or No (for De,	enaams).
6				*	Yes (Illumina)	No (Defendants)	
7 8		a	. J	Claim 1			
9		b	).	Claim 9			
0		С		Claim 27			
1 2		d	î.,	Claim 31			
13		e	·.	Claim 33			
14		f		Claim 34		V	
15		g	Ţ. <b>.</b>	Claim 42			
16 17		h	ı.	Claim 47		·	
18		i	•	Claim 50		V	
19	10.	Has infri	Illumin ngemen	a proven that it is n t of any of the follow	nore likely than not th ing claims of the '025 F	nat Defendants contr Patent?	ibuted to the
21		For e	each of t	he claims below, pleas	se check "Yes" (for Illun	nina) or "No" (for De	fendants).
22							
23					Yes (Illumina)	No (Defendants)	
24		a	ı.	Claim 1			
25		ŀ	).	Claim 9			
26		c	<b>.</b>	Claim 27		✓	
27 28		. c	l.	Claim 31		$\checkmark$	
	1					APPLICATION OF THE PROPERTY OF	

1			Yes (Illumina)	No (Defendants)	
2	e.	Claim 33		$\checkmark$	
3			1		
4	f.	Claim 34			
5	g.	Claim 42			
6	h.	Claim 47		<i></i>	
7	i.	Claim 50		V	
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24					
25			*		¥
26	9 9	97			
27					

1				FINDINGS ON INVALID	ITY						
2		(Instruct	tion Pages 21–28)								
3		The que	The questions regarding validity or invalidity should be answered regardless of your findings								
4	with r	espect to t	pect to the infringement of the patent.								
5		A. <u>T</u>	he '444 Patent								
6	11.		Have Defendants proven by clear and convincing evidence that any of the following claims of the '444 Patent are invalid as obvious?								
7 8		For each	n asserted claim, ple	ease check "Yes" (for Defer	ndants) or "No" (for Illumina).						
9				Yes (Defendants)	No (Illumina)						
10		a.	Claim 3	✓							
11						e					
12		в. <u>т</u>	The '973 Patent								
13 14	12.	Have De	efendants proven b 73 Patent are inva	y clear and convincing evi lid as obvious?	dence that any of the following	ıg claims					
15		For each	n asserted claim, ple	ease check "Yes" (for Defer	ndants) or "No" (for Illumina).						
16				Yes (Defendants)	No (Illumina)						
17 18		a.	Claim 13								
	9										
19	13.				dence that any of the following written description require						
21		For each	n asserted claim, ple	ease check "Yes" (for Defer	ndants) or "No" (for Illumina).						
22	3 - 11			Yes (Defendants)	No (Illumina)						
23	1.73		Christa 12								
24		a.	Claim 13								
25	14.				dence that any of the following enablement requirement?	ng claims					
26				*	ndants) or "No" (for Illumina).						
27			V	0	, and the same of						

1	· F   V	Yes (Defendants)	No (Illumina)						
2	Cl-1-12								
3	a. Claim 13	ref (1 m )							
4	C. The '537 Patent		ner e guitage						
5	15. Have Defendants proven b	y clear and convincing ev	idence that any of the following claims						
6	reflet Salt In trade and a salt mass		ndants) or "No" (for Illumina).						
7	ror each assertea claim, pie	use check Tes Gor Defer	ndanis) or No Gor Humina).						
8	realway to the second	Yes (Defendants)	No (Illumina)						
9	a. Claim 1	rtur <u>it t</u> a							
10	b. Claim 4	V	<b>V</b>						
11									
12	c. Claim 6								
13	16. Have Defendants proven b	Have Defendants proven by clear and convincing evidence that any of the following claims of the '537 Patent are invalid for failure to satisfy the written description requirement?							
14									
15	For each asserted claim, ple	ase check "Yes" (for Defe	ndants) or "No" (for Illumina).						
16	_ + 1   1   1	Yes (Defendants)	No (Illumina)						
17	a. Claim 1								
18	b. Claim 4		V						
19	1 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1	ya'rena ya a aliku	- Vallemili -						
20	c. Claim 6	1 190 1 1 1 1							
21	17 House Defendants nuovan h	v along and convincing av	idence that any of the following claims						
22			ne enablement requirement?						
23	For each asserted claim, ple	ease check "Yes" (for Defe	ndants) or "No" (for Illumina).						
24		Yes (Defendants)	No (Illumina)						
25	Tanagarian a salar s	res (Berendants)	110 (mamma)						
26	a. Claim 1		<u> </u>						
27	b. Claim 4								
28	c. Claim 6								
	VERDICT FORM	9	CASE No. 3:19-CV-03770-WHO CASE No. 3:20-CV-01465-WHO						

1		D.	The	e '200 Patent		5	
2	18.			ndants proven by cle Patent are invalid a		lence that any of the follow	wing claims
3						lants) or "No" (for Illumin	(a)
4		rorea	J	sserieu ciaim, pieuse	check les (for Dejenc	idins) or 100 (for ittumin	ω).
5			V		Yes (Defendants)	No (Illumina)	
6		a.		Claim 11	<u> </u>		
7		b.		Claim 19		/	
8							
9	19.					lence that any of the follow written description requ	
10		For ea	ich a	sserted claim, please	check "Yes" (for Defend	dants) or "No" (for Illumin	na).
11					V (D-C11-)	No (Illorediae)	
12					Yes (Defendants)	No (Illumina)	
13		a.		Claim 11	7		
14		b.		Claim 19			
15	20.	Have	Defe	ndants proven by cla	ear and convincing evid	lence that any of the follo	wing claims
16	20.	of the	'200	Patent are invalid f	or failure to satisfy the	enablement requirement	?
17		For ec	ach a	sserted claim, please	check "Yes" (for Defend	dants) or "No" (for Illumin	na).
18					Yes (Defendants)	No (Illumina)	
19				Claire 11		,	
20	i <del>e</del>	a.		Claim 11			
21		b.	0	Claim 19			
22		E.	Th	e '025 Patent			
23 24	21.	Have of the	Defe '025	endants proven by clo S Patent are invalid a	ear and convincing evides obvious?	lence that any of the follo	wing claims
25		For ea	ach a	sserted claim, please	check "Yes" (for Defend	dants) or "No" (for Illumir	na).
26			V		Voc (Defendants)	No (Illiania -)	
27					Yes (Defendants)	No (Illumina)	
28		a.		Claim 1			

1	*		Yes (Defendants)	No (Illumina)	
2	b.	Claim 9	nga katang ini saligniyi sa Inga sala <u>shi sali</u> gniy		
3	c.	Claim 27			
4	C.	Ciaiii 27		V	
5	d.	Claim 31	A # 19 1 a V		
6	e. V	Claim 33	11	V	
7 8	f	Claim 34			
9	g.	Claim 42	k a sime s you must sh		
10	h.	Claim 47		$\checkmark$	
11		Claim 50	,		
12	i.	Claim 50	ir <del>tina all</del>		
13	22. Have Defen	dants proven by clea	ar and convincing evidence failure to satisfy the w	nce that any of the following cla critten description requirement	ims
14					
15	For each ass	serted claim, please c	heck "Yes" (for Defenda	nts) or "No" (for Illumina).	
16	en Statu <b>dis</b> ha dia ta		Yes (Defendants)	No (Illumina)	
17	a.	Claim 1		J	
18	b.	Claim 9			
19	- Louise III		ASSESSED FOR THE PARTY OF THE P		
20	c.	Claim 27			
21	d.	Claim 31	· ·	<u></u>	
22	e.	Claim 33		V	
23	f.	Claim 34		V	
24	PRODUCTION TO THE TO		Sagnado o pil, ambra t	order TID of the	
25	g.	Claim 42	a A Francisco Barrer Marilia	<u> </u>	
26	h.	Claim 47			
27	i.	Claim 50	Arg (S)	V	
28				40	

23.	Have Defendants proven by clear and convincing evidence that any of the following claims
	of the '025 Patent are invalid for failure to satisfy the enablement requirement?

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

		*	Yes (Defendants)	No (Illumina)
a.	Claim 1		· · · · · · · · · · · · · · · · · · ·	√
b.	Claim 9			
c.	Claim 27			V 8/
d.	Claim 31			V
e.	Claim 33			V
f.	Claim 34			V
g.	Claim 42			V
h.	Claim 47		-	✓
i.	Claim 50			

1	FINDINGS ON DAMAGES	
2	Directions: If you answered "No" as to invalidity for at least one of the asserted claims, please answ	e
3	questions 24 and 25 below. Otherwise, skip to the last page and sign the verdict form.	
4	<u>Damages</u> (Instruction Pages 29–36)	
5	24. What sum of money, if any, would fairly and reasonably compensate Illumina f Defendants' infringement from early 2014 through June 2020?	01
6	A	
7	Answer in dollars.	
8	\$ 8,000,000.	
9		
10	Willful Infringement (Instruction Page 20)	
11	25. Has Illumina proven that it is more likely than not that Defendants' infringement w	as
12	willful?	
13	"Yes" is a finding that Defendants have willfully infringed. "No" is a finding that Defendar has not willfully infringed.	1t.
14		
15	Yes No	
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You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the Courtroom Deputy that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

Date: 11/30/2021 By: Lee-Wen Chang
Presiding Juror