Mar 23 2022 Mark B. Busby 1 CLERK, U.S. DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA **SAN JOSE** 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 11 COMET TECHNOLOGIES USA INC., a Case No. 20-cv-06408-NC Delaware corporation, COMET AG, a Świss corporation, and YXLON International GmbH, a 12 **VERDICT FORM** German corporation, 13 14 Plaintiffs, 15 ٧. XP POWER LLC, a California Limited Liability 16 Company. 17 Defendant. 18 19 20 21 22 23 24 25 26 27 28 VERDICT FORM 20-cv-06408-NC

Case 5:20-cv-06408-NC Document 406 File

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1.	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.				
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3	Question 1: Was Comet the owner of the following information?				
4	Alleged Trade Secret D: Da Vinci RF Generator Control, Digital Measurement, and Software	Yes	No		
5	Alleged Trade Secret E: Next Generation RF	Yes	No		
6	Matching Network	105	110		
7 8	Alleged Trade Secret L: Kiyo Matching Network Trade Secrets	Yes	No		
9	Alleged Trade Secret S: AMAT Matching Network	Yes	No		
10	If your answer to Question 1 is "yes" for any alleged trade secret category, then answer Question 2 for those alleged trade secret categories only. If you answered "no" to all alleged				
11	trade secret categories in Question 1, stop here, and a	nswer no further que	estions.		
12	Question 2: Was this information secret at the time of	the alleged misappre	opriation?		
13 14	Alleged Trade Secret D: Da Vinci RF Generator Control, Digital Measurement, and Software	Yes	No		
15	Alleged Trade Secret E: Next Generation RF Matching Network	Yes	No		
16 17	Alleged Trade Secret L: Kiyo Matching Network Trade Secrets	Yes	No		
	Alleged Trade Secret S: AMAT Matching Network	Yes	No		
18	If your answer to Question 2 is "yes" for any alleged trade secret category, then answer				
19	Question 3 for those alleged trade secret categories only. If you answered "no" to all alleged				
20	trude secret ediegories in Questions 1-2, stop here, an	a answer no jariner	questions.		
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1	Question 3: Did this information have actual or potential independent economic value because it				
2	2 was secret?				
3	Alleged Trade Secret D: Da Vinci RF Generator Control, Digital Measurement, and Software	Yes	No		
5	Alleged Trade Secret E: Next Generation RF Matching Network	Yes_1	No		
6	Alleged Trade Secret L: Kiyo Matching Network Trade Secrets	Yes	No		
7	Alleged Trade Secret S: AMAT Matching Network	Yes	No		
8	If your answer to Question 3 is "yes" for any alleged to				
9	Question 4 for those alleged trade secret categories on trade secret categories in Questions 1-3, stop here, and				
10		2			
11	Question 4: Was this information readily ascertainable alleged acquisition or use by XP?	e by proper means at the	ne time of the		
12	Alloged Trade Secret D. De Vinci DE Congretor	Vac	No V		
13	Alleged Trade Secret D: Da Vinci RF Generator Yes Control, Digital Measurement, and Software	1 65	NO		
14	Alleged Trade Secret E: Next Generation RF	Yes	No		
15	Matching Network	••			
16	Alleged Trade Secret L: Kiyo Matching Network Trade Secrets	Yes	No		
17	Alleged Trade Secret S: AMAT Matching Network	Yes	No		
18	If your answer to Question 4 is "no" for any alleged trade secret category, then answer				
19	Question 5 for those alleged trade secret categories on trade secret categories in Question 4, stop here, and a				
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1	Question 5: Did Comet make reasonable efforts under the circumstances to keep the information secret?				
2	Alleged Trade Secret D: Da Vinci RF Generator Control, Digital Measurement, and Software	Yes	No		
4	Alleged Trade Secret E: Next Generation RF Matching Network	Yes	No		
5	Alleged Trade Secret L: Kiyo Matching Network Trade Secrets	Yes	No		
7	Alleged Trade Secret S: AMAT Matching Network	Yes	No		
8	If your answer to Question 5 is "yes" for any alleged trade secret category, then answer Question 6 for those alleged trade secret categories only. If you answered "no" to all alleged trade secret categories in Question 5, stop here, and answer no further questions.				
10	Question 6: Did XP acquire or use the information by	improper means?			
11 12	Alleged Trade Secret D: Da Vinci RF Generator Control, Digital Measurement, and Software	Yes	No		
13	Alleged Trade Secret E: Next Generation RF Matching Network	Yes	No		
14 15	Alleged Trade Secret L: Kiyo Matching Network Trade Secrets	Yes	No		
16	Alleged Trade Secret S: AMAT Matching Network	Yes	No		
17 18	If your answer to Question 6 is "yes" for any alleged trade secret category, then answer Question 7 for those alleged trade secret categories only. If you answered "no" to all alleged trade secret categories in Question 6, stop here, and answer no further questions.				
19 20	Question 7: Was XP's improper acquisition or use of t causing any damages for misappropriation of the inform		tantial factor in		
21	Alleged Trade Secret D: Da Vinci RF Generator Control, Digital Measurement, and Software	Yes	No		
22 23	Alleged Trade Secret E: Next Generation RF Matching Network	Yes	No		
24	Alleged Trade Secret L: Kiyo Matching Network Trade Secrets	Yes	No		
25 26	Alleged Trade Secret S: AMAT Matching Network	Yes	No		
27	If your answer to Questions 7 was "yes" for any allege Questions 8-10 for those alleged trade secret categorie alleged trade secret categories in Question 7, stop here	s only. If you answere	ed "no" to all		

1	Question 8: What is the dollar amount of the compensatory damages that you award from				
2	misappropriation of Comet's Alleged Trade Secret? You may award damages for XP's unjust enrichment from misappropriation of Comet's Alleged Trade Secret (UE) or a reasonable royalty for XP's unauthorized disclosure or use of the Alleged Trade Secret (RR), but not both.				
3					
4	UE RR				
5	Alleged Trade Secret D: Da Vinci RF Generator Control, Digital Measurement, and Software Alleged Trade Secret E: Next Generation RF \$ 5.0 M				
6	Control, Digital Measurement, and Software				
7	Matching Network				
8	Alleged Trade Secret L: Kiyo Matching Network \$				
9	Alleged Trade Secret S: AMAT Matching Network \$				
10	Trineged Trade Secret S. Trivit I Watering Network				
11					
12	Question 9: If you entered dollar amounts for two or more blanks in the preceding question, then in order to account for the possibility of double or multiple counting, state the grand total of all				
13	unjust enrichment to XP without any double or multiple countings:				
14	s				
15	Question 10: Has Comet proved that XP willfully and maliciously misappropriated one or more				
16	of Comet's trade secrets:				
17	Yes No				
18	165110				
19					
20	If your answer to Question 10 was "yes" then continue to Question 11. If your answer to				
21	Question 10 was "no" then answer no more questions.				
	Question 11: What is the dollar amount of the punitive damages Comet should receive from XP?				
2223	\$ 20 M				
	You have now reached the end of the verdict form and should review it to ensure it accurately				
24	reflects your unanimous determinations. The Presiding Juror should then sign and date the				
25	verdict form in the spaces below and notify the Courtroom Deputy.				
26	Detade March 23 2022 Pro March 1 Accept				
27	Dated: March 23, 2022 By: Marcy & Gurderson Presiding Juror				
28					