

JURY VERDICT FORM

When answering the following questions and filling out this Verdict Form, please follow the directions provided. Your answer to the questions must be unanimous. 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 answer to the following questions and return them under the instructions of this court as our verdict in this case.

INFRINGEMENT – LITERAL INFRINGEMENT

1. Has Monsanto shown by the greater weight of the evidence that DuPont and Pioneer's Roundup Ready/OGAT stacked soybeans literally infringed any of the asserted claims of the '247 patent?

Claim 103	<u>✓</u> YES (a finding for Monsanto)	_____ NO (a finding for DuPont/Pioneer)
Claim 104	<u>✓</u> YES (a finding for Monsanto)	_____ NO (a finding for DuPont/Pioneer)
Claim 105	<u>✓</u> YES (a finding for Monsanto)	_____ NO (a finding for DuPont/Pioneer)
Claim 107	<u>✓</u> YES (a finding for Monsanto)	_____ NO (a finding for DuPont/Pioneer)
Claim 108	<u>✓</u> YES (a finding for Monsanto)	_____ NO (a finding for DuPont/Pioneer)
Claim 119	<u>✓</u> YES (a finding for Monsanto)	_____ NO (a finding for DuPont/Pioneer)
Claim 125	<u>✓</u> YES (a finding for Monsanto)	_____ NO (a finding for DuPont/Pioneer)
Claim 128	<u>✓</u> YES (a finding for Monsanto)	_____ NO (a finding for DuPont/Pioneer)

INFRINGEMENT – DOCTRINE OF EQUIVALENTS

2. Has Monsanto shown by the greater weight of the evidence that DuPont and Pioneer's Roundup Ready/OGAT stacked soybeans infringed any of the asserted claims of the '247 patent under the Doctrine of Equivalents?

Claim 1	<input checked="" type="checkbox"/>	YES (a finding for Monsanto)	<input type="checkbox"/> NO (a finding for DuPont/Pioneer)
Claim 2	<input type="checkbox"/>	YES (a finding for Monsanto)	<input type="checkbox"/> NO (a finding for DuPont/Pioneer)
Claim 10	<input type="checkbox"/>	YES (a finding for Monsanto)	<input type="checkbox"/> NO (a finding for DuPont/Pioneer)
Claim 57	<input type="checkbox"/>	YES (a finding for Monsanto)	<input type="checkbox"/> NO (a finding for DuPont/Pioneer)
Claim 69	<input type="checkbox"/>	YES (a finding for Monsanto)	<input type="checkbox"/> NO (a finding for DuPont/Pioneer)
Claim 131	<input type="checkbox"/>	YES (a finding for Monsanto)	<input type="checkbox"/> NO (a finding for DuPont/Pioneer)
Claim 143	<input type="checkbox"/>	YES (a finding for Monsanto)	<input type="checkbox"/> NO (a finding for DuPont/Pioneer)

WILLFUL INFRINGEMENT

3. Has Monsanto shown by clear and convincing evidence that DuPont and Pioneer's infringement of any of the asserted claims of the '247 patent was willful?

☒ YES (a finding for Monsanto) ☐ NO (a finding for DuPont/Pioneer)

VALIDITY

4. Have DuPont and Pioneer shown by clear and convincing evidence that any of the asserted claims of the '247 patent are invalid?

Claim 1	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input checked="" type="checkbox"/> NO (a finding for Monsanto)
Claim 2	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 10	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 57	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 69	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 103	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 104	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 105	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 107	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 108	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 119	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 125	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 128	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 131	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 143	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)

IMPROPER REISSUE

5. Have DuPont and Pioneer shown by clear and convincing evidence that any of the following asserted claims of the '247 patent are invalid due to improper reissue?

Claim 10	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input checked="" type="checkbox"/> NO (a finding for Monsanto)
Claim 57	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 69	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 103	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 104	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 105	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 107	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 108	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 119	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 125	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 128	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 131	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)
Claim 143	<input type="checkbox"/> YES (a finding for DuPont/Pioneer)	<input type="checkbox"/> NO (a finding for Monsanto)

INEQUITABLE CONDUCT

6. Have DuPont and Pioneer shown by clear and convincing evidence that Monsanto obtained the '435 and/or '247 patents by inequitable conduct?
- a. Have DuPont and Pioneer shown by clear and convincing evidence that Monsanto failed to supply material information, or supplied false information or statements, or engaged in egregious misconduct in connection with prosecution of the '435 and/or '247 patent applications?
- _____ YES (a finding for DuPont/Pioneer) ☒ NO (a finding for Monsanto)
- b. If you answer "YES" to Question 6.a., have DuPont and Pioneer shown by clear and convincing evidence that Monsanto acted with a specific intent to deceive the U.S. Patent Office?
- _____ YES (a finding for DuPont/Pioneer) ☒ NO (a finding for Monsanto)

DAMAGES

If you find that at least one asserted claim of the '247 patent is infringed by DuPont and Pioneer's Roundup Ready/OGAT stacked soybeans ("Yes" to Question No. 1 or "Yes" to Question No. 2); and

You find that any infringed claim is valid ("No" to Question Nos. 4 and 5), and enforceable ("No" to Question No. 6.a or 6.b), then you must answer the following question:

7. What amount of reasonable royalty damages do you award to Monsanto?

\$ 1 Billion ⁴⁵ Dollars

Dated: August 1, 2012

 (Foreperson)