

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

LINDIS BIOTECH GMBH,)	
)	
Plaintiff,)	C.A. No. 22-35-GBW
)	
v.)	JURY TRIAL DEMANDED
)	
AMGEN INC.)	
)	
Defendant.)	

VERDICT FORM

Instructions: When answering the following questions and completing this Verdict Form, please follow the instructions provided and follow the Jury Instructions that you have been given by the Court. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained 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. "Lindis" refers to Plaintiff Lindis Biotech GmbH.
2. "Amgen" refers to Defendant Amgen Inc.
3. The "421 Patent" refers to U.S. Patent No. 8,709,421.
4. The "158 Patent" refers to U.S. Patent No. 10,071,158.

We, the jury, unanimously finds as follows.

QUESTION NO. 1:

As a first step to rendering a verdict on Question No. 1, did Lindis prove by a preponderance of the evidence that health care providers prescribing and administering Blinecyto directly infringed any of the following claims of the '421 Patent?

For each claim, please check “Yes” or “No” below. A “Yes” answer is a finding for Lindis; a “No” answer is a finding for Amgen.

'421 Patent	Yes	No
Claim 3	✓	
Claim 8	✓	
Claim 15	✓	

If you have answered “No” for all the claims of the '421 Patent, please skip to Question No. 2. Otherwise, please proceed immediately below.

Did Lindis prove by a preponderance of the evidence that Amgen actively induced infringement of any of the following claims of the '421 Patent?

For each claim, please check “Yes” or “No” below. A “Yes” answer is a finding for Lindis; a “No” answer is a finding for Amgen. If you answered “No” to any of the claims in the chart above, you must answer “No” to that same claim here.

'421 Patent	Yes	No
Claim 3	✓	
Claim 8	✓	
Claim 15	✓	

Please proceed to Question No. 2.

QUESTION NO. 2:

As a first step to rendering a verdict on Question No. 2, did Lindis prove by a preponderance of the evidence that health care providers prescribing and administering Blincyto directly infringed any of the following claims of the '158 Patent?

For each claim, please check “Yes” or “No” below. A “Yes” answer is a finding for Lindis; a “No” answer is a finding for Amgen.

'158 Patent	Yes	No
Claim 1	✓	
Claim 12	✓	
Claim 20	✓	

If you have answered “No” for all the claims of the '158 Patent, please skip to Question No. 3. Otherwise, please proceed immediately below.

Did Lindis prove by a preponderance of the evidence that Amgen actively induced infringement of any of the following claims of the '158 Patent?

For each claim, please check “Yes” or “No” below. A “Yes” answer is a finding for Lindis; a “No” answer is a finding for Amgen. If you answered “No” to any of the claims in the chart above, you must answer “No” to that same claim here.

'158 Patent	Yes	No
Claim 1	✓	
Claim 12	✓	
Claim 20	✓	

Please proceed to Question No. 3.

QUESTION NO. 3:

Did Lindis prove by a preponderance of the evidence that Amgen willfully induced infringement of any claim of the '421 Patent marked "Yes" in Question No. 1?

Please check "Yes" or "No" below. A "Yes" answer is a finding for Lindis; a "No" answer is a finding for Amgen.

YES NO

Did Lindis prove by a preponderance of the evidence that Amgen willfully induced infringement of any claim of the '158 Patent marked yes in Question No. 2?

Please check "Yes" or "No" below. A "Yes" answer is a finding for Lindis; a "No" answer is a finding for Amgen.

YES NO

Please proceed to Question No. 4.

INVALIDITY

QUESTION NO. 4:

Did Amgen prove by clear and convincing evidence that any of the following claims of the '421 Patent are invalid because the patent lacks an adequate written description of the claimed method?

For each claim, please check “Yes” or “No” below. A “Yes” answer is a finding for Amgen; a “No” answer is a finding for Lindis.

'421 Patent	Yes	No
Claim 3		✓
Claim 8		✓
Claim 15		✓

Please proceed to Question No. 5.

QUESTION NO. 5:

Did Amgen prove by clear and convincing evidence that any of the following claims of the '158 Patent are invalid because the patent lacks an adequate written description of the claimed method?

For each claim, please check “Yes” or “No” below. A “Yes” answer is a finding for Amgen; a “No” answer is a finding for Lindis.

'158 Patent	Yes	No
Claim 1		✓
Claim 12		✓
Claim 20		✓

Please proceed to Question No. 6.

QUESTION NO. 6:

Did Amgen prove by clear and convincing evidence that any of the following claims of the '421 Patent are invalid because the patent fails to meet the enablement requirement for the claimed method?

For each claim, please check “Yes” or “No” below. A “Yes” answer is a finding for Amgen; a “No” answer is a finding for Lindis.

'421 Patent	Yes	No
Claim 3		✓
Claim 8		✓
Claim 15		✓

Please proceed to Question No. 7.

QUESTION NO. 7:

Did Amgen prove by clear and convincing evidence that any of the following claims of the '158 Patent are invalid because the patent fails to meet the enablement requirement for the claimed method?

For each claim, please check “Yes” or “No” below. A “Yes” answer is a finding for Amgen; a “No” answer is a finding for Lindis.

'158 Patent	Yes	No
Claim 1		✓
Claim 12		✓
Claim 20		✓

Please proceed to Question No. 8.

QUESTION NO. 8:

Did Amgen prove by clear and convincing evidence that any of the following claims of the '421 Patent are invalid because the claimed method would have been obvious to a person of ordinary skill in the art?

For each claim, please check “Yes” or “No” below. A “Yes” answer is a finding for Amgen; a “No” answer is a finding for Lindis.

'421 Patent	Yes	No
Claim 3		✓
Claim 8		✓
Claim 15		✓

Please proceed to Question No. 9.

QUESTION NO. 9:

Did Amgen prove by clear and convincing evidence that any of the following claims of the '158 Patent are invalid because the claimed method would have been obvious to a person of ordinary skill in the art?

For each claim, please check “Yes” or “No” below. A “Yes” answer is a finding for Amgen; a “No” answer is a finding for Lindis.

'158 Patent	Yes	No
Claim 1		✓
Claim 12		✓
Claim 20		✓

Please proceed to Question No. 10.

DAMAGES

QUESTION NO. 10:

What is the reasonable royalty to which Lindis is entitled for Amgen’s past infringement?

Royalty Rate: 2.25 %

Amount of Past Sales to Apply Royalty Rate: \$ 2,235,827,568

Total Amount for Past Infringement Based on Royalty Rate: \$ 50,306,120
(Royalty Rate x Amount of Past Sales = Total Amount for Past Infringement Based on Royalty Rate)

Proceed to Question No. 11.

QUESTION NO. 11:

Did Lindis prove by a preponderance of the evidence that Amgen’s Blincyto revenues outside the United States were caused by Amgen actively inducing health care providers in the United States to infringe the claimed methods?

Please check “Yes” or “No” below. A “Yes” answer is a finding for Lindis; a “No” answer is a finding for Amgen.

YES _____ NO

If you answered “Yes” to Question No. 11, please continue to Question 12. If you answered “No” to Question No. 11, please proceed to the last page, sign, and date the Verdict Form, and return it to the court clerk.

QUESTION NO. 12:

b. What amount of the Total Reasonable Royalty Damages determined in response to Question No. 10, if any, is based on Blincyto revenues outside the United States?

\$ 0

Please proceed to the last page, sign, and date the Verdict Form, and return it to the court clerk.

* * *

UNANIMOUS VERDICT

UPON REACHING A UNANIMOUS VERDICT ON EACH QUESTION ABOVE,
EACH JUROR MUST SIGN BELOW.

We, the jury, unanimously agree to the answers to the above questions and return them
under the instructions of the Court as our verdict in this case.



12/17/2024
Date