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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MEDTRONIC, INC., a Minnesota
corporation,

Plaintiff,

v.

AGA MEDICAL CORPORATION, a
Minnesota corporation,

Defendant.

Case No. C07-00567

VERDICT FORM

VERDICT FORM

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.

INFRINGEMENT

1. Direct Infringement of '141 Patent

Has Medtronic proven by a preponderance of the evidence that all models and sizes of the AGA Occluder products when subjected to the load test by AGA meet every requirement of the following claim? Please answer "YES" or "NO."

'141 Patent

Claim 18 Yes No

Please answer the next question.

2a. Contributory Infringement of '141 Patent

For all models and sizes of the AGA Occluder products, has Medtronic proven by a preponderance of the evidence that AGA contributes to the infringement of any of the following claims? Please answer "YES" or "NO."

'141 Patent

Claim 1 Yes No

Claim 2 Yes No

Claim 5 Yes No

Claim 17 Yes No

Claim 18 Yes No

Claim 21 Yes No

Please answer the next question.

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2b. Contributory Infringement of '141 Patent

For all models and sizes of the AGA Vascular Plug products, has Medtronic proven by a preponderance of the evidence that AGA contributes to the infringement of any of the following claims? Please answer "YES" or "NO."

'141 Patent

Claim 1	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 17	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Please answer the next question.

3. Contributory Infringement of '957 Patent

For all models and sizes of the following AGA products: AMPLATZER® Septal Occluder, Multi-Fenestrated Septal Occluder, PFO Occluder, Duct Occluder I, Membranous VSD Occluder, Muscular VSD Occluder, P.I. Muscular VSD Occluder, and Vascular Plug I, has Medtronic proven by a preponderance of the evidence that AGA contributes to the infringement of any of the following claims? Please answer "YES" or "NO."

'957 Patent

Claim 1	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 5	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 6	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 10	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 11	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 16	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 17	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Please answer the next question.

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4. Infringement Through the Supply of Components of the Patented Invention to Another Country

Has Medtronic proven by a preponderance of the evidence that AGA supplied components of the patented invention to others in another country for all models and sizes of the following AGA products: AMPLATZER® Septal Occluder, Multi-Fenestrated Septal Occluder, PFO Occluder, Duct Occluder I, Membranous VSD Occluder, Muscular VSD Occluder, P.I. Muscular VSD Occluder, and Vascular Plug I? Please answer "YES" or "NO."

'957 Patent

- Claim 1 Yes No
- Claim 5 Yes No
- Claim 6 Yes No
- Claim 10 Yes No
- Claim 11 Yes No
- Claim 16 Yes No
- Claim 17 Yes No

Please answer the next question.

INVALIDITY DEFENSES

5. **Anticipation**

Has AGA proven by clear and convincing evidence that any of the following claims of the '141 and '957 patents were anticipated, or in other words, not new? Please answer "YES" or "NO."

'141 Patent

- Claim 1 Yes No
- Claim 2 Yes No
- Claim 5 Yes No
- Claim 17 Yes No
- Claim 18 Yes No
- Claim 21 Yes No

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'957 Patent

- Claim 1 Yes ___ No
- Claim 5 Yes ___ No
- Claim 6 Yes ___ No
- Claim 10 Yes ___ No
- Claim 11 Yes ___ No
- Claim 16 Yes ___ No
- Claim 17 Yes ___ No

Please answer the next question.

6. Obviousness

Has AGA proven by clear and convincing evidence that any of the claims of the '141 and '957 patents would have been obvious to a person of ordinary skill in the art at the time of the invention? Please answer "YES" or "NO."

'141 Patent

- Claim 1 Yes ___ No
- Claim 2 Yes ___ No
- Claim 5 Yes ___ No
- Claim 17 Yes ___ No
- Claim 18 Yes ___ No
- Claim 21 Yes ___ No

'957 Patent

- Claim 1 Yes ___ No
- Claim 5 Yes ___ No
- Claim 6 Yes ___ No
- Claim 10 Yes ___ No
- Claim 11 Yes ___ No
- Claim 16 Yes ___ No
- Claim 17 Yes ___ No

1 If you found that any claims of the '141 or '957 patents have been infringed and are not
2 invalid, please answer the following two questions.

3 **DAMAGES**

4 7. What is the reasonable royalty rate (in %) that should be applied to AGA's
5 infringing sales? 11 %

6 8. What is the total amount of damages (in dollars) that Medtronic should be awarded
7 for AGA's infringement? \$ 57,807,189.00

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11 Signed this 5 day of August, 2009

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15 JURY FOREPERSON
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