

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ECHOSTAR SATELLITE
CORPORATION, ET. AL.,

Plaintiffs,

-v-

NDS GROUP PLC, ET. AL.,

Defendants,

CASE NO. SA CV 03-0950 DOC(JTLx)

VERDICT FORM

ORIGINAL**VERDICT FORM****CLAIM 1****DIGITAL MILLENNIUM COPYRIGHT ACT 17 U.S.C. § 1201(a)(1)(A) –****LIABILITY****QUESTION NO. 1**

Have Plaintiffs EchoStar and NagraStar proven by a preponderance of the evidence that NDS violated the Digital Millennium Copyright Act, 17 U.S.C. § 1201(a)(1)(A)?

Yes _____ No X _____

If you answered YES on Question No. 1, please calculate actual damages (taking into account any reduction you may find based on any failure to mitigate damages by Plaintiffs) and statutory damages. Statutory damages are based on the number of violations and amount per violation, which are for you to determine. Plaintiffs must elect either (a) actual damages or (b) statutory damages if you return a verdict for Plaintiffs.

If you answered NO on Question No. 1, go to Question No. 2.

(a) Actual Damages:

EchoStar's actual damages: \$ _____

NagraStar's actual damages: \$ _____

(b) Statutory Damages:

Total number of Defendants' violations against Plaintiffs: _____

Amount per violation (within range of \$200 - \$2,500): \$ _____

Total Statutory Damages: \$ _____

CLAIM 2

**DIGITAL MILLENNIUM COPYRIGHT ACT 17 U.S.C. § 1201(a)(2) –
LIABILITY**

QUESTION NO. 2

Have Plaintiffs EchoStar and NagraStar proven by a preponderance of the evidence that NDS violated the Digital Millennium Copyright Act, 17 U.S.C. § 1201(a)(2)?

Yes _____

No X _____

If you answered YES on Question No. 2, please calculate actual damages (taking into account any reduction you may find based on any failure to mitigate damages by Plaintiffs) and statutory damages. Statutory damages are based on the number of violations and amount per violation, which are for you to determine. Plaintiffs must elect either (a) actual damages or (b) statutory damages if you return a verdict for Plaintiffs.

If you answered NO on Question No. 2, go to Question No. 3.

(a) Actual Damages:

EchoStar's actual damages: \$ _____

NagraStar's actual damages: \$ _____

(b) Statutory Damages:

Total number of Defendants' violations against Plaintiffs: _____

Amount per violation (within range of \$200 - \$2,500): \$ _____

Total Statutory Damages: \$ _____

CLAIM 3

COMMUNICATIONS ACT 47 U.S.C. § 605(a) – LIABILITY

QUESTION NO. 3

Have Plaintiffs EchoStar and NagraStar proven by a preponderance of the evidence that NDS violated the Communications Act, 47 U.S.C. § 605(a)?

Yes X No _____

If you answered YES on Question No. 3, please calculate actual damages (taking into account any reduction you may find based on any failure to mitigate damages by Plaintiffs) and statutory damages. Statutory damages are based on the number of violations and amount per violation, which are for you to determine. Plaintiffs must elect either (a) actual damages or (b) statutory damages if you return a verdict for Plaintiffs.

If you answered NO on Question No. 3, go to Question No. 4.

(a) Actual Damages:

EchoStar's actual damages: \$ 45.69

NagraStar's actual damages: \$ 0.00

(b) Statutory Damages:

Total number of Defendants' violations against Plaintiffs: 1

Amount per violation (within range of \$1,000 - \$10,000): \$ 1,000

Total Statutory Damages: \$ 1,000

CLAIM 4

CALIFORNIA PENAL CODE § 593d(a) – LIABILITY

QUESTION NO. 4

Have Plaintiffs EchoStar and NagraStar proven by a preponderance of the evidence that NDS violated California Penal Code § 593d(a)?

Yes X No _____

If you answered YES on Question No. 4, please calculate actual damages (taking into account any reduction you may find based on any failure to mitigate damages by Plaintiffs) and go to Question No. 5 after calculating actual damages.

If you answered NO on Question No. 4, go to Question No. 6.

Actual Damages:

EchoStar's actual damages: \$ 45.69
NagraStar's actual damages: \$ 0.00

QUESTION NO. 5

If you answered YES on Question No. 4, do you find that Defendants acted with oppression, fraud, or malice?

Yes _____ No X

CLAIM 5

CALIFORNIA PENAL CODE § 593e(b) – LIABILITY

QUESTION NO. 6

Have Plaintiffs EchoStar and NagraStar proven by a preponderance of the evidence that NDS violated California Penal Code § 593e(b)?

Yes X No _____

If you answered YES on Question No. 6, please calculate actual damages (taking into account any reduction you may find based on any failure to mitigate damages by Plaintiffs) and statutory damages, and go to Question No. 7 after calculating damages. Statutory damages are based on the number of violations and amount per violation, which are for you to determine. Plaintiffs must elect either (a) actual damages or (b) statutory damages if you return a verdict for Plaintiffs.

If you answered NO on Question No. 6, go to Question No. 10.

(a) Actual Damages:

EchoStar's actual damages: \$ 0,000

NagraStar's actual damages: \$ 0,00

(b) Statutory Damages:

Total number of Defendants' violations against Plaintiffs: 1

Amount per violation (within range of \$500 - \$10,000): \$ 500,00

Total Statutory Damages: \$ 500,00

QUESTION NO. 7

If you answered YES on Question No. 6, do you find that Defendants acted with oppression, fraud, or malice?

Yes _____ No ~~X~~

QUESTION NO. 8

If you answered YES on Question No. 6, do you find that Defendants engaged in a conspiracy to violate California Penal Code § 593e(b)?

Yes _____ No ~~X~~

QUESTION NO. 9

If you answered YES to Question No. 6, do you find that Plaintiffs EchoStar and NagraStar have proven by clear and convincing evidence that NDS's conduct was sufficiently malicious, oppressive, or in reckless disregard of Plaintiffs EchoStar's and NagraStar's rights to warrant an award of punitive damages to Plaintiffs?

Yes _____ No ~~X~~

If you found that Plaintiffs are entitled to punitive damages in response to Question No. 9, then please provide the amount of punitive damages below:

Punitive Damages in favor of EchoStar \$ _____

Punitive Damages in favor of NagraStar \$ _____

CLAIM 6

RICO 18 U.S.C. § 1962(c) – LIABILITY

QUESTION NO. 10

Have Plaintiffs EchoStar and NagraStar proven by a preponderance of the evidence that NDS committed Criminal Copyright Infringement in violation of 17 U.S.C. § 506?

Yes _____

No X _____

QUESTION NO. 11

Have Plaintiffs EchoStar and NagraStar proven by a preponderance of the evidence that NDS committed Misconduct in Connection with an Access Device in violation of 47 U.S.C. § 1029?

Yes _____

No X _____

QUESTION NO. 12

If you answered YES to either Question No. 10 or Question No. 11, then do you find that Plaintiffs EchoStar and NagraStar have proven by a preponderance of the evidence that NDS conducted the affairs of an enterprise through a pattern of racketeering activity through two or more violations of either 17 U.S.C. § 506 (Criminal Copyright Infringement) or 47 U.S.C. § 1029 (Misconduct in Connection with an Access Device), or at least one violation of each?

Yes _____

No _____

If you answered YES to Question No. 12, please calculate the amount of actual damages (taking into account any reduction you may find based on any failure to mitigate damages by Plaintiffs).

If you answered NO on Question No. 12, go to Question No. 13.

EchoStar's actual damages: \$_____

NagraStar's actual damages: \$_____

COUNTERCLAIM 1
CALIFORNIA CIVIL CODE § 3426 – LIABILITY

QUESTION NO. 13

Has NDS proven by a preponderance of the evidence that EchoStar violated the California Uniform Trade Secrets Act, California Civil Code § 3426?

Yes _____ No ~~X~~

If you answered NO on Question No. 13, go to Question No. 14.

If you answered YES on Question No. 13, do you find that EchoStar's violation of California Civil Code § 3426 was willful and malicious?

Yes _____ No _____

QUESTION NO. 14

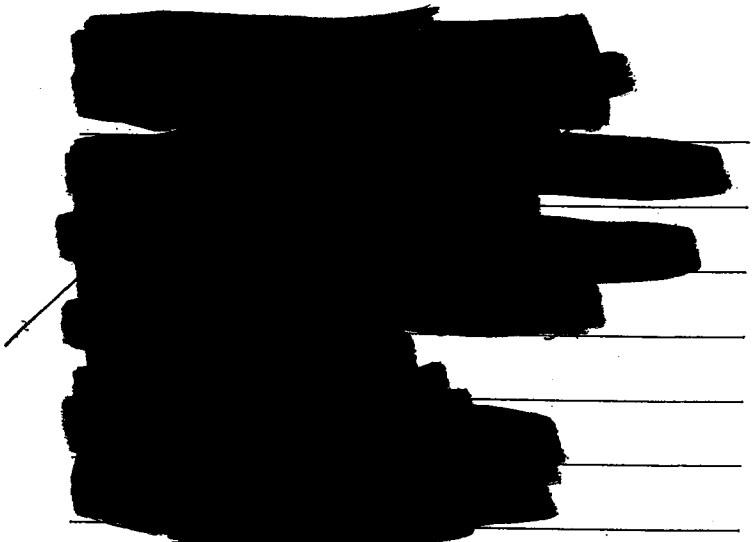
— Has NDS proven by a preponderance of the evidence that NagraStar violated the California Uniform Trade Secrets Act, California Civil Code § 3426?

Yes _____ No ~~X~~

If you answered NO on Question No. 14, do not answer any further questions.

If you answered YES on Question No. 14, do you find that NagraStar's violation of California Civil Code § 3426 was willful and malicious?

Yes _____ No _____



Signatures of Jurors



Foreperson