

(X)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

_____)
BEYOND SYSTEMS, INC.,)
)
Plaintiff,)
)
v.)
)
KRAFT FOODS, INC., *et al.*,)
)
Defendants.)
_____)
)
CONNEXUS CORP., *et al.*,)
)
Third-Party Plaintiffs,)
)
v.)
)
JAMES JOSEPH WAGNER, *et al.*,)
)
Third-Party Defendants.)
_____)

Case No. 8:08-cv-00409 (PJM) (CBD)
Judge Peter J. Messitte

SPECIAL VERDICT FORM

Please complete this Special Verdict Form in accordance with the instructions that the Court delivered to you on June 25, 2012.

Official Special Verdict Form

Phase I: Interactive Computer Service Provider and Electronic Mail Service Provider

1. Under the Maryland Commercial Electronic Mail Act, an Interactive computer service provider means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer service.

Interactive computer service provider includes a service or system that provides access to the Internet and systems operated or services offered by a library or educational institution.

Do you find, by a preponderance of the evidence, that BSI is a service or system that provides access to the Internet or is an information service, system, or access software provider that provides or enables computer access by multiple users to a computer service?

Yes

No

2. Under California law, an Electronic Mail Service Provider means any person, including an Internet service provider, that is an intermediary in sending or receiving electronic mail or that provides to end users of the electronic mail service the ability to send or receive electronic mail.

Do you find, by a preponderance of the evidence, that BSI is an intermediary in sending or receiving electronic mail or that provides to end users of the electronic mail service the ability to send or receive electronic mail?

Yes

No

SO SAY WE, this 25 day of June, 2012.

RADACTED SIGNATURE