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CLERK U S DISTRICT COURT  
OCT 11 2007  
CENTRAL DISTRICT OF CALIFORNIA  
BY [Signature] DEPUTY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

SLB TOYS USA, INC., a New York corporation

Plaintiff / Counter-Defendant,

v.

WHAM-O, INC., a Delaware corporation

Defendant / Counter-Claimant.

No: 2:06-CV-01382 RSWL (CWx)

**VERDICT FORM WITH  
SPECIAL  
INTERROGATORIES**

The Honorable Ronald S.W. Lew

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DOCKETED ON CM  
OCT 11 2007 (455)  
BY [Signature] 022

1 WE, THE JURY, FIND:  
2

3 CLAIM 1--INFRINGEMENT OF YELLOW WATER SLIDE

4 TRADEMARK

5 On the claim of Wham-O against SLB for infringement  
6 of the trademark (registered as U.S. Trademark Reg. No.  
7 1,432,069 or unregistered) for the color YELLOW on the  
8 sliding surface of water slide toys, we, the jury, find  
9 in favor of (check one):

10 Wham-O:

11 SLB:

12  
13 If you found for Wham-O on claim 1, do you find  
14 that SLB infringed the trademark willfully?

15 Yes:

16 No:

17  
18 CLAIM 2--INFRINGEMENT OF YELLOW/BLUE WATER SLIDE

19 TRADEMARK

20 On the claim of Wham-O against SLB for infringement  
21 of the trademark registered in the United States (U.S.  
22 Trademark Reg. No. 2,924,744), we, the jury, find in  
23 favor of (check one):

24 Wham-O:

25 SLB:

1  
2 If you found in favor of Wham-O on claim 2, do you  
3 find that SLB infringed the trademark willfully?

4 Yes:

5 No:

6  
7 **CLAIM 3--FALSE ADVERTISING**

8 On the claim of Wham-O against SLB for unfair  
9 competition through false advertising, we, the jury,  
10 find in favor of (check one):

11 Wham-O:

12 SLB:

13  
14 If you found in favor of Wham-O on claim 3, do you  
15 find that SLB intended to deceive or otherwise acted in  
16 bad faith?

17 Yes:

18 No:

19  
20 **CLAIM 4--DILUTION**

21 On the claim of Wham-O against SLB for dilution of  
22 the trademark (registered or unregistered) for the  
23 color YELLOW on the sliding surface of water slide  
24 toys, we, the jury, find in favor of (check one):

25 Wham-O:

26 SLB:

1 If you found in favor of Wham-O on claim 4, do you  
2 find that SLB diluted the YELLOW trademark willfully?

3 Yes:

4 No:

5  
6  
7 **DAMAGES--ALL CLAIMS**

8 Note: Complete the following paragraph only if you  
9 find in favor of the Wham-O on at least one of the  
10 claims.

11  
12 We, the jury, assess damages for the Wham-O in the  
13 sum of \$ 3.60 M.

14 \$ 3,600,000  
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**ADVISORY VERDICT**

The Court requests advice from the jury with regard to the following matters.

**SLB'S CLAIM FOR CANCELLATION**

Do you find that SLB has established by clear and convincing evidence that Wham-O abandoned its YELLOW WATER SLIDE trademark registration (U.S. Trademark Reg. No. 1,432,069)?

Yes:

No:

**WHAM-O'S REQUEST FOR ENHANCED DAMAGES**

Note: Complete the following paragraphs only if you find in favor of Wham-O and find willfulness or bad faith on at least one of the claims.

Do you find that enhanced damages should be awarded against SLB in order to fully compensate Wham-O and/or to make SLB's infringement unprofitable?

Yes:

No:

1 If your answer was Yes, please recommend an amount  
2 of enhanced damages to the Court in a sum no more than  
3 three times the damages you have already assessed. The  
4 enhanced amount may not be so great as to constitute a  
5 penalty.

6  
7 We, the jury, recommend enhanced damages for Wham-O  
8 in the sum of \$ 2.4M  
9 \$ 2,400,000

10 PLEASE SIGN AND DATE THIS FORM AND RETURN IT TO THE  
11 COURT

12  
13  
14 Dated: 11 Oct 07

15  
16 Signed: Name Redacted by Court for service  
17 (by Jury Foreperson) on parties