

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

NOV 05 2008
BY D. MARK JONES, CLERK
DEPUTY CLERK

CLEARONE COMMUNICATIONS, INC., a Utah corporation,

Plaintiff,

v.

ANDREW CHIANG, an individual, JUN YANG, an individual, LONNY BOWERS, an individual, WIDEBAND SOLUTIONS, INC., a Massachusetts corporation, VERSATILE DSP, INC., a Massachusetts corporation and BIAMP SYSTEMS CORPORATION, an Oregon corporation,

Defendants.

SPECIAL VERDICT

Case No. 2:07-CV-37 TC
Judge: Tena Campbell

MEMBERS OF THE JURY:

Please answer all questions except Questions 6a-6e, Question 7, Question 17 and Question 19 on this verdict form unanimously and by a preponderance of the evidence. Answer Questions 6a-6e, Question 7, Question 17 and Question 19 unanimously and by clear and convincing evidence.

- 1. Did Jun Yang breach a contract that he had with ClearOne? Answer "Yes" or "No" according to your unanimous verdict.

Answer: Yes X No

2. Did Jun Yang breach a duty of good faith and fair dealing that he had with ClearOne? Answer "Yes" or "No" according to your unanimous verdict.

Answer: Yes No

3a. Did Lonny Bowers misappropriate a trade secret possessed by ClearOne? Answer "Yes" or "No" according to your unanimous verdict.

Answer: Yes No

3b. Did Andrew Chiang misappropriate a trade secret possessed by ClearOne? Answer "Yes" or "No" according to your unanimous verdict.

Answer: Yes No

3c. Did Versatile DSP, Inc. misappropriate a trade secret possessed by ClearOne? Answer "Yes" or "No" according to your unanimous verdict.

Answer: Yes No

3d. Did Wideband Solutions, Inc. misappropriate a trade secret possessed by ClearOne? Answer "Yes" or "No" according to your unanimous verdict.

Answer: Yes No

3e. Did Jun Yang misappropriate a trade secret possessed by ClearOne? Answer "Yes" or "No" according to your unanimous verdict.

Answer: Yes No

4. Did Biamp Systems Corporation misappropriate a trade secret possessed by ClearOne? Answer "Yes" or "No" according to your unanimous verdict.

Answer: Yes No

If you answered "Yes" to any of Questions 3a-3e or Question 4, please proceed to Question 5, Questions 6a-6e and Question 7. If you answered "No" to Questions 3a-3e and Question 4, please proceed directly to Question 8.

5. If you answered "Yes" to Question 4, did Biamp Systems Corporation make a material and prejudicial change of position related to the trade secret before it knew or had reason to know that the information was acquired through a confidential relationship? Answer "Yes" or "No" according to your unanimous verdict.

Answer: Yes No

- 6a. If you answered "Yes" to Question 3a, was Lonny Bowers' misappropriation of a trade secret willful and malicious? Answer "Yes" or "No" according to your unanimous verdict and by clear and convincing evidence.

Answer: Yes No

6b. If you answered "Yes" to Question 3b, was Andrew Chiang's misappropriation of a trade secret willful and malicious? Answer "Yes" or "No" according to your unanimous verdict and by clear and convincing evidence.

Answer: Yes No

6c. If you answered "Yes" to Question 3c, was Versatile DSP, Inc.'s misappropriation of a trade secret willful and malicious? Answer "Yes" or "No" according to your unanimous verdict and by clear and convincing evidence.

Answer: Yes No

6d. If you answered "Yes" to Question 3d, was Wideband Solution Inc.'s misappropriation of a trade secret willful and malicious? Answer "Yes" or "No" according to your unanimous verdict and by clear and convincing evidence.

Answer: Yes No

6e. If you answered "Yes" to Question 3e, was Jun Yang's misappropriation of a trade secret willful and malicious? Answer "Yes" or "No" according to your unanimous verdict and by clear and convincing evidence.

Answer: Yes No

7. If you answered "Yes" to Question 4, was Biamp Systems Corporation's misappropriation of a trade secret willful and malicious? Answer "Yes" or "No" according to your unanimous verdict and by clear and convincing evidence.

Answer: Yes No

8. Did Andrew Chiang breach a fiduciary duty that he owed to ClearOne?

Answer "Yes" or "No" according to your unanimous verdict.

Answer: Yes X No _____

9. Did Jun Yang breach a fiduciary duty that he owed to ClearOne? Answer "Yes" or "No" according to your unanimous verdict.

Answer: Yes X No _____

Answer the following questions only if you answered "Yes" to one or more of the previous questions. If you did not answer "Yes" to any of the previous questions, do not answer any of the following questions and proceed to sign and date the Special Verdict Form.

Assess compensatory damages for each claim separately and without regard to whether you have already awarded the same compensatory damages for another claim. The court will prevent double recovery by making sure that any compensatory damage awards are not added together.

10. If you answered "Yes" to Question 1, what is the amount of compensatory damages to which ClearOne is entitled against Jun Yang for breach of contract, if any?

\$ 3,557,000

11. If you answered "Yes" to Question 2, what is the amount of compensatory damages to which ClearOne is entitled against Jun Yang for breach of the duty of good faith and fair dealing, if any?

\$ 3,557,000

12. If you answered "Yes" to any or all of Questions 3a-3e, what is the amount of compensatory damages to which ClearOne is entitled against Lonny Bowers, Andrew Chiang, Versatile DSP, Inc., Wideband Solutions, Inc. and/or Jun Yang for misappropriation of a trade secret, if any? (Please list one figure without regard to the number of Defendants who are liable.)

\$ 956,000

13. If you answered "Yes" to Question 4, what is the amount of compensatory damages to which ClearOne is entitled against Biamp Systems Corporation, if any?

\$ 956,000

Answer Questions 14a-14e and Question 15 if you answered "Yes" to any of Questions 3a-3e or Question 4. If you enter an amount in response to Questions 14a-14e or Question 15, keep in mind that you may only award damages for unjust enrichment to the extent that they were not taken into account in computing ClearOne's compensatory damages.

14a. If you answered "Yes" to Question 3a, what is the amount of unjust enrichment damages to which ClearOne is entitled against Lonny Bowers, if any?

\$ 317,000

14b. If you answered "Yes" to Question 3b, what is the amount of unjust enrichment damages to which ClearOne is entitled against Andrew Chiang, if any?

\$ 317,000

14c. If you answered "Yes" to Question 3c, what is the amount of unjust enrichment damages to which ClearOne is entitled against Versatile DSP, Inc., if any?

\$ 317,000

14d. If you answered "Yes" to Question 3d, what is the amount of unjust enrichment damages to which ClearOne is entitled against Wideband Solutions, Inc., if any?

\$ 951,000

14e. If you answered "Yes" to Question 3e, what is the amount of unjust enrichment damages to which ClearOne is entitled against Jun Yang, if any?

\$ 317,000

15. If you answered "Yes" to Question 4, what is the amount of unjust enrichment damages to which ClearOne is entitled against Biamp Systems Corporation, if any?

\$ 694,000

Answer Question 16 and Question 17 only if you answered "Yes" to Question 8. If you answered "No" to Question 8, proceed to the next instruction.

16. If you answered "Yes" to Question 8, what is the amount of compensatory damages to which ClearOne is entitled against Andrew Chiang for breach of fiduciary duty, if any?

\$ 1,500,000

17. If you answered "Yes" to Question 8, was Andrew Chiang's breach of fiduciary duty willful and malicious? Answer this question "Yes" or "No" unanimously and by clear and convincing evidence.

Answer: Yes X No _____

Answer Question 18 and Question 19 only if you answered "Yes" to Question 9. If you answered "No" to Question 9, proceed to sign and date the Special Verdict Form.

18. If you answered "Yes" to Question 9, what is the amount of compensatory damages to which ClearOne is entitled against Jun Yang for breach of fiduciary duty, if any?

\$ 2,000,000

19. If you answered "Yes" to Question 9, was Jun Yang's breach of fiduciary duty willful and malicious? Answer this question "Yes" or "No" unanimously and by clear and convincing evidence.

Answer: Yes X No _____

DATED this 5 day of 11, 2008.

Elaina L. Meadows
FOREPERSON