



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DENNIS FUGNETTI PHOTOGRAPHY Case No.: 8:19-cv-00847-SK
TRUST,

Plaintiff,

v.

BIRD B GONE, LLC; and DOES 1-10,
inclusive,

Defendant.

**SPECIAL VERDICT FORM RE:
PLAINTIFF'S DAMAGES**

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SPECIAL VERDICT FORM - DAMAGES

We, the jury impaneled in this matter, hereby answer the Special Verdict questions put to us as follows:

Plaintiff's Damages

1. What amount of actual damages (lost license fee) do you award to the Dennis Fugnetti Photography Trust for Bird B Gone LLC's infringement of the Flying Pigeon Image?

\$ 5200

Please proceed to Question 2.

2. Do you find that by a preponderance of the evidence the Dennis Fugnetti Photography Trust has shown a causal relationship between Bird B Gone, LLC's use of the Flying Pigeon Image on its retail product packaging and gross revenues generated from the sales of those retail products?

YES X NO _____

If you answered "YES" to Question 2 please proceed to Question 3. If you answered "NO" to Question 2, skip Question 3, fill in \$0 for Question 4 and then proceed to Question 5.

///

1 3. Please answer a) and b) below:
2

3 a) What is the amount of gross revenues generated by the sales of products for
4 which you find there is a causal relationship between Bird B Gone, LLC's
5 use of the Flying Pigeon Image on its product packaging and its gross
6 revenues?

7
8 \$ 2,925,550.45
9

10 b) What is the total amount of Bird B Gone, LLC's deductible expenses from
11 the gross revenues that were generated by the sales of products that utilized
12 the Flying Pigeon Image on its product packaging?

13
14 \$ 1,755,330.27
15

16 Please proceed to Question 4.
17

18 4. Please take your response to Question 3(a) and subtract the amount from your
19 response from Question 3(b) to calculate the total amount of profits to be
20 awarded and write that number on the line below:

21
22 \$ 1,170,220.18
23

24 Please proceed to Question 5.
25

26 ///

27 ///

28 ///

1 5. Please take your response to Question 1 and add it to your response from
2 Question 4 to calculate the total amount of damages to be awarded:
3

4 \$ 1,175,420.18
5

6 Please sign and date this form.
7
8

9 **SIGN AND DATE THE VERDICT:**
10

11 **SO SAY WE ALL**, this 14th day of December, 2022.
12

13 **REDACTED AS TO**
14 **FOREPERSON'S NAME**

15 (Print Jury Foreperson's Name)

16 **REDACTED AS TO**
17 **FOREPERSON'S NAME**

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19 (Jury Foreperson's Signature)
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