

KATHRYN TOWNSEND GRIFFIN, et al. v.
EDWARD CHRISTOPHER SHEERAN, et al.

17 Civ. 5221 (LLS)
SPECIAL VERDICT FORM

Instruction 1: Your answers to each question must be unanimous.

1. Did Defendant Sheeran establish by a preponderance of the evidence that he independently created “Thinking Out Loud” and thus did not infringe the copyright of “Let’s Get It On”?

Answer: Yes No

Instruction 2: If you answered Yes to Question 1, stop. Sign this Verdict Form and notify the marshal that you have reached a verdict and should return to the courtroom. If you answered No, go to Question 2.

2. Did Plaintiff Townsend establish by a preponderance of the evidence that the similarities between the songs are probative of copying and thus that “Thinking Out Loud” actually copies “Let’s Get It On”?

Answer: Yes No

Instruction 3: If you answered No to Question 2, stop. Sign this Verdict Form and notify the marshal that you have reached a verdict and should return to the courtroom. If you answered Yes to Question 2, go to Question 3.

3. Did Plaintiff Townsend establish by a preponderance of the evidence that Melody A, Melody B, or Melody C are original and thus protected?

Answer: Yes No

Instruction 4: If you answered No to Question 3, go to Questions 4a and 4b. If you answered Yes to Question 3, skip to Questions 5a and 5b.

- 4a. Did Plaintiff Townsend establish by a preponderance of the evidence that the unprotected elements—chord progression, harmonic rhythm, and pitch sequences in Melody A, Melody B, and Melody C—are sufficiently numerous to be entitled to copyright protection as a selection and arrangement of unprotected musical elements?

Answer: Yes No

- 4b. Did Plaintiff Townsend establish by a preponderance of the evidence that the selection and arrangement of the combination of the chord progression, harmonic rhythm, and pitch sequences in Melody A, Melody B, and Melody C is original and thus protected?

Answer: Yes _____ No _____

Instruction 5: Regardless of your answer to Question 4, skip Question 5 and go to Instruction 6.

5a. Did Plaintiff Townsend establish by a preponderance of the evidence that the chord progression and harmonic rhythm are sufficiently numerous to be entitled to copyright protection as a selection and arrangement of unprotected musical elements?

Answer: Yes _____ No _____

5b. Did Plaintiff Townsend establish by a preponderance of the evidence that the selection and arrangement of the combination of the chord progression and harmonic rhythm is original and thus protected?

Answer: Yes _____ No _____

Instruction 6: If you have found that Melodies A, B, and C are not protected by answering No to Question 3 but the selection and arrangement of the chord progression, harmonic rhythm, and pitch sequences in the Melodies are protected by answering Yes to both parts of Question 4, then skip to Question 7.

If you have found that Melodies A, B, and C are protected by answering Yes to Question 3 and the selection and arrangement of the chord progression and harmonic rhythm is protected by answering Yes to both parts of Question 5, go to Question 6.

If you have found that only Melodies A, B, and C are protected by answering Yes to Question 3 and No to any part of Questions 4 or 5, go to Question 6.

If you answered No to Question 3 and No to any part of Question 4 or Question 5, stop. Sign this Verdict Form and notify the marshal that you have reached a verdict and should return to the courtroom.

6. Did Plaintiff Townsend establish by a preponderance of the evidence that there is a substantial similarity, more than minimal, between the protected elements of “Let’s Get It On” and “Thinking Out Loud”?

Answer: Yes _____ No _____

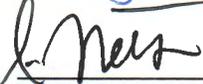
7. Did Plaintiff Townsend establish by a preponderance of the evidence that there is a substantial similarity, akin to very close copying, between the selection and arrangement of the unprotected elements in “Let’s Get It On” and “Thinking Out Loud”?

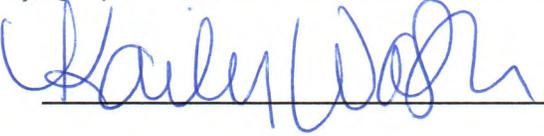
Answer: Yes _____ No _____

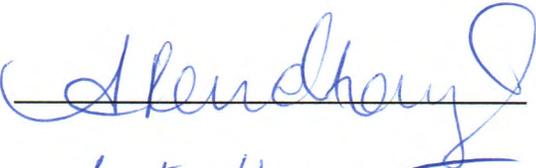
YOU HAVE NOW COMPLETED YOUR DELIBERATIONS. SIGN THIS VERDICT FORM AND INFORM THE MARSHAL THAT YOU ARE READY TO RETURN TO THE COURTROOM.















DATE: 
