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ESET, LLC and ESET, SPOL. S.R.O.

11
12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
14 **SAN DIEGO DIVISION**

15 FINJAN, INC., a Delaware Corporation,
16
17 Plaintiff,

18 v.

19 ESET, LLC, a California Limited
20 Liability Corporation, and ESET SPOL.
21 S.R.O., a Slovak Republic Corporation,

22 Defendants.

23 ESET, LLC, a California Limited
24 Liability Corporation, and ESET SPOL.
25 S.R.O., a Slovak Republic Corporation,

26 Counterclaim-Plaintiffs,

27 v.

28 FINJAN, INC., a Delaware Corporation,

29 Counterclaim-Defendant.

Case No. 3:17-cv-00183-CAB-BGS

**JOINT [PROPOSED] VOIR DIRE
QUESTIONS**

1 1. Good morning, ladies and gentlemen. I am Judge Cathy Ann Bencivengo
2 and I will be presiding over the trial in this matter for which a jury is about to be chosen.
3 This case is *Finjan, Inc. v. ESET, LLC and ESET spol. s.r.o.* As I will discuss in more
4 detail shortly, this is a patent dispute that relates to systems for protecting computers
5 from malware and other malicious software attacks.

6 2. I am now going to question the prospective jurors concerning their
7 qualifications to serve as jurors in this case.

8 3. In the trial of this case, the parties are entitled to have a fair, unbiased and
9 unprejudiced jury. If there is any reason why any of you might be biased or prejudiced
10 in any way, you must disclose such reason when you are asked to do so. It is your duty
11 to make this disclosure.

12 4. Have any of you heard of, or have any knowledge of, the facts of events in
13 this case?

14 5. Do any of you believe that a case of this nature should not be brought to
15 court for determination by a jury?

16 6. The parties of this case and their respective attorneys are: Plaintiffs are
17 represented by Paul Andre, Lisa Kobialka, James Hannah, Kristopher Kastens, and
18 Michael Lee of the law firm of Kramer Levin Naftalis & Frankel LLP. Defendants are
19 represented by Nicola Pisano, Jose Patiño, Scott Penner, Justin Gray, and Regis Worley
20 of the law firm of Eversheds Sutherland (US) LLP.

21 7. During the trial of this case, the following witnesses may be called to
22 testify on behalf of the parties. These witnesses are: Alexandra Albro, Kevin Arst,
23 Yuval Ben-Itzhak, Dr. Harry Bims, Christopher Bono, Thomas Britven, Erik Cabetas,
24 Dr. Eric Cole, Marcin Gabryszewski, John Garland, Dr. Michael Goodrich, Aryah
25 Goretsky, Dr. Sylvia Hall-Ellis, Philip Hartstein, Dr. Trent Jaeger, Juraj Janosik, Peter
26 Kosinar, Peter Kovac, Michal Kovacik, Matej Krizan, David Kroll, Pavel Luka, Juraj
27 Malcho, Richard Marko, Dr. Nenad Medvidovic, Jana Michalakova, Dr. Michael

1 Mitzenmacher, Dr. Alessandro Orso, Robert Pasko, Vladimir Paulen, Viliam Simovic,
2 Wojciech Skora, Ivan Somlo, Dr. Eugene Spafford, Brett Stapleton, Patrik Sucansky,
3 Juraj Sustek, Roger Thompson, Shlomo Touboul, Jan Vrabec, Peter Vrana, Mateusz
4 Wojcik, and Righard Zwienenberg,

5 8. Have any of you heard of or been otherwise acquainted with, related to,
6 done business with, been employed by or had any dealings with any of the parties,
7 attorneys or witnesses just named? The parties are not required and might not wish to
8 call on these witnesses, and they may later find it necessary to call other witnesses.

9 9. Do any of you have any belief or feeling toward any of the parties,
10 attorneys or witnesses that might be regarded as a bias or prejudice for or against any of
11 them? Do you own stock in any of the parties or have any interest, financial or
12 otherwise, in the outcome of this case?

13 10. Have any of you, or any member of your family or close friends, to your
14 knowledge, ever filed an action against anyone or had an action filed against any of you,
15 or appeared as a witness, in any civil or criminal case, excluding a domestic relations
16 case? (If so, did the matter terminate satisfactorily so far as you were concerned?)

17 11. It may appear that one or more of the parties, attorneys, or witnesses come
18 from a particular national, racial or religious group or may have a life style different
19 than your own. Would this in any way affect your judgment or the weight and
20 credibility you would give to their testimony?

21 12. Have you or any member of your immediate family ever been employed by
22 the United States Patent and Trademark Office?

23 13. Have you or any member of your immediate family ever applied for, or
24 obtained, a United States or foreign patent? If so, in what field? Was the patent issued?

25 14. Do you have any opinions about patents, patent rights, or the United States
26 Patent and Trademark Office that might make it difficult for you to be a fair and
27 impartial juror in this case?

1 15. Have any of you, or any member of your family or close friends, had any
2 experience or special training in: computer technology, computer security, antivirus
3 products, data communications, telecommunications, information technology (“IT”),
4 patent prosecution, or patent litigation?

5 16. Have any of you, or any member of your family or close friends, ever
6 worked for an employer that sells computers or computer security equipment?

7 17. To your knowledge, have any of you, or any member of your family or
8 close friends, ever used computer security or antivirus products?

9 18. This case involves a patent dispute, including issues of patent infringement
10 and patent validity. Have any of you, or any member of your family or close friends, to
11 your knowledge, been involved in a patent dispute? If so, would that fact affect your
12 point of view in this case to the extent that you might not be able to render a completely
13 fair and impartial verdict?

14 19. Does anyone have strong feelings about monetary damages awards that
15 would cause you not to be able to follow the law as I give it to you, such as an
16 instruction to not grant monetary damage awards if that is what is warranted under the
17 law?

18 20. Have you served on a jury in a civil or criminal case or as a member of a
19 grand jury within the last fifteen years?

20 21. Do you know of any reason, or has anything occurred during this question
21 period, that might make you doubtful that you would be a completely fair and impartial
22 juror in this case? If there is, it is your duty to disclose the reason at this time.

23 22. Is there any reason, such as poor vision, difficulty hearing, or difficulty
24 understanding spoken or written English that would make it difficult for you to serve on
25 this jury?

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