

1 **WILSON SONSINI GOODRICH & ROSATI P.C.**
 2 MORRIS FODEMAN (*pro hac vice*)
 3 mfodeman@wsgr.com
 4 WENDY L. DEVINE (SBN 246337)
 5 wdevine@wsgr.com
 6 NATALIE J. MORGAN (SBN 211143)
 7 nmorgan@wsgr.com
 8 12235 El Camino Real
 9 San Diego, CA 92130
 10 (858) 350-2300

7 **HILGERS GRABEN PLLC**
 8 MICHAEL T. HILGERS (*pro hac vice*)
 9 mhilgers@hilgersgraben.com
 10 575 Fallbrook Blvd, Suite 202
 11 Lincoln, NE 68521
 12 (402) 218-2106

11 *Attorneys for Plaintiff NuVasive, Inc.*

12 UNITED STATES DISTRICT COURT
 13 SOUTHERN DISTRICT OF CALIFORNIA
 14 SAN DIEGO DIVISION

<p>15 NUVASIVE, INC., a Delaware 16 corporation, 17 Plaintiff, 18 v. 19 ALPHATEC HOLDINGS, INC., a 20 Delaware corporation, and ALPHATEC 21 SPINE, INC., a California corporation, 22 Defendants.</p>	<p>) CASE NO.: 18-cv-00347-CAB-MDD)) PARTIES' [PROPOSED] JOINT) VOIR DIRE QUESTIONS)) Judge: Hon. Cathy Ann Bencivengo) Magistrate Judge: Mitchell D. Dembin) Courtroom: 15A) Trial: January 10, 2022)</p>
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1 **ADDITIONAL COUNSEL INFORMATION:**

2 NIMALKA R. WICKRAMASEKERA (SBN: 268518)

3 nwickramasekera@winston.com

4 DAVID P. DALKE (SBN: 218161)

5 ddalke@winston.com

6 LEV TSUKERMAN (SBN: 319184)

7 ltukerman@winston.com

8 WILLIAM M. WARDLAW (SBN: 328555)

9 wardlaw@winston.com

10 WINSTON & STRAWN LLP

11 333 S. Grand Avenue

12 Los Angeles, CA 90071-1543

13 Telephone: (213) 615-1700

14 Facsimile: (213) 615-1750

15 GEORGE C. LOMBARDI (*pro hac vice*)

16 glombardi@winston.com

17 BRIAN J. NISBET (*pro hac vice*)

18 bnisbet@winston.com

19 SARANYA RAGHAVAN (*pro hac vice*)

20 sraghavan@winston.com

21 WINSTON & STRAWN LLP

22 35 West Wacker Drive

23 Chicago, IL 60601-9703

24 Telephone: (312) 558-5600

25 Facsimile: (312) 558-5700

26 ROBERT N. KANG (SBN: 274389)

27 rkang@winston.com

28 WINSTON & STRAWN LLP

101 California Street, 35th Floor

San Francisco, CA 94111-5840

Telephone: (415) 591-1000

Facsimile: (415) 491-1400

Attorneys for Defendants ALPHATEC HOLDINGS, INC.
AND ALPHATEC SPINE, INC.

1 The Parties respectfully request that the Court obtain and provide to all
2 parties for use during *voir dire* examination personal data from all prospective
3 jurors, including:

4 1. Do you know any of the other members of this jury panel? If so,
5 please describe.

6 2. Do you know Judge Bencivengo or any of the Court's staff, including
7 the clerk, bailiff, reporter, law clerks, or secretary? If so, please describe.

8 3. If you are selected to sit on this case, I will instruct you on the law,
9 and you will be expected to apply the law to the facts in this case as I give it to
10 you, even if you disagree with the law. Does anyone think they have a problem
11 with following that instruction?

12 4. If you are selected to sit on this case, I will also instruct you that you
13 must decide this case based on the evidence presented at trial. That means you
14 cannot do any research on your own or consult with other people about the case.
15 Does anyone think they have a problem with following that instruction?

16 5. Does anyone believe that monetary damages awarded in lawsuits are
17 generally too low? Does anyone believe that monetary damages awarded in
18 lawsuits are generally too high?

19 6. Does anyone have any special disability or problem that would make
20 serving as a member of the jury difficult or impossible? If yes, please explain.

21 7. Having heard the general nature of the case, is there anyone who has
22 heard of this case? If yes, please explain.

23 8. Having heard the general nature of the case, is there anything about
24 this case that would make it difficult to be fair and impartial in hearing the
25 evidence in this case?

26 9. [Counsel to introduce themselves, their team, and their client.] Do any
27 of you know the parties or counsel to this case? If yes, please describe how you
28

1 know them. Do you have any strong feelings about them, positive or negative, that
2 might make it difficult for you to be a fair and impartial juror in this case?

3 10. Have you, an immediate family member, or anyone close to you ever
4 worked for, had any business dealings with, or had a financial or stock interest in:
5 NuVasive, Alphatec, Wilson Sonsini, Hilgers Graben, or Winston & Strawn?

6 11. Have you, an immediate family member, or anyone close to you ever
7 used any products or services offered by either NuVasive or Alphatec?

8 12. The Court has also given you the names of people who are
9 prospective witnesses in the case. Does anyone see a name that looks familiar to
10 them? If yes, how are you familiar with them? What is your opinion, if you have
11 any?

12 13. Have you, an immediate family member, or anyone close to you ever
13 been involved in a civil or criminal case as a witness, a party, or a juror?

14 a. What was the nature of the case?

15 b. What was the outcome?

16 c. Anything about those experiences that you think would impact
17 your ability to be a fair and impartial juror?

18 d. Have you, an immediate family member, or anyone close to you
19 had any previous experience with a lawsuit that has given you any
20 opinions one way or another about our court system? If so, what are
21 those opinions or beliefs?

22 14. Does anyone have strong feelings about the legal system or lawsuits
23 that would make it difficult to be a fair and impartial juror?

24 15. Do you have strong feelings, negative or positive, about large
25 corporations?

26 16. What is the highest level of education you have attained?
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1 17. What is your primary source of news? If radio or TV, what stations
2 do you listen to? What websites?

3 18. Does anyone have strong feelings about patents or lawsuits involving
4 patent infringement, or the U.S. patent system that would make it difficult to be a
5 fair and impartial juror?

6 19. Have you, or has someone close to you, ever developed or invented a
7 process, device, or other invention which seemed to be new, useful, and valuable in
8 the marketplace?

9 20. Have you, an immediate family member, or anyone close to you ever
10 had any experience with patents or the patent system? If yes, please explain and
11 note whether this was positive or negative.

12 21. [*Alphatec Position*: Who here believes strongly that if the Patent
13 Office granted a patent, it should never be "overturned?"] [*NuVasive Position*: to
14 the extent this question is included, then the following question should also be
15 included – “Who here believes no one should ever receive a patent and patents
16 should never be enforced?”]

17 22. Have you, or has someone close to you, ever concluded that an
18 original idea, creation or invention of yours (or belonging to that person) was
19 improperly used, or stolen by someone else? Or have you or someone close to you
20 ever been accused of taking or using someone else's idea or invention?

21 23. Have you, an immediate family member, or anyone close to you ever
22 been employed by or otherwise associated with, a company that has been involved
23 in a case about patent infringement? If yes, please explain.

24 24. Have you, an immediate family member, or anyone close to you ever
25 been employed by the United States Patent and Trademark Office or the United
26 States International Trade Commission? If yes, please explain.

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