

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ACCELERATION BAY LLC, ) C.A. No. 16-453 (RGA)  
)  
Plaintiff, )  
)  
v. )  
)  
ACTIVISION BLIZZARD, INC., )  
)  
Defendant. )  
\_\_\_\_\_ )

**PROPOSED VOIR DIRE**

Good morning, ladies and gentlemen. I am Judge Andrews. We are going to select a jury in a civil case called *Acceleration Bay LLC, v. Activision Blizzard, Inc.*

I am going to ask you a series of questions to help the Court and the attorneys in the jury selection process. Before I ask any questions, I am going to ask the Deputy Clerk to swear the jury panel to answer any questions truthfully. (To Deputy: Please swear the panel).

If any of you answer “yes” to any of the questions that I ask, please raise your hand, and, when recognized by me, please stand, state your name and your jury number. At the end of the questions, the Deputy Clerk will ask some of you to take seats in the jury box, and, after that, the lawyers and I may ask those of you who answered “yes” to one or more questions to come up to the bench to discuss your answers with the lawyers and me.

The presentation of evidence in this case is expected to take 5 days, but jury deliberations could extend your service beyond that. The schedule that I expect to keep over the days of evidence presentation will include a morning break of fifteen minutes, a lunch break of an hour, and an afternoon break of fifteen minutes. We will start at 9:30 a.m. and finish no later than 5 p.m. each day.

1. Does the schedule that I have just mentioned present a special problem to any of you?
2. This is a patent infringement lawsuit involving computer game products. The Plaintiff is Acceleration Bay. Acceleration Bay owns patents relating to computer networking technology. It has sued the defendant, Activision Blizzard Inc., or in short, “Activision.” Activision makes and sells video games. Acceleration Bay, the Plaintiff, alleges that some of those video games infringe its computer networking patents. Activision, the Defendant, denies infringement and also alleges that the patents are invalid. The jury in this case will be asked to decide whether certain video games infringe the patents, and whether the patents are valid. For those of you who end up being on the jury, I will give more detailed instructions on the law later in the case.

3. Have any of you heard or read anything about this case from any source, including from another person, a press release or the news media?
4. Acceleration Bay is also involved with ongoing disputes with Electronic Arts. Have any of you heard or read anything about the disputes between Acceleration Bay and Electronic Arts from any source, including from another person, a press release or the news media?
5. Acceleration Bay is also involved with ongoing disputes with Take-Two Interactive Software, Inc. and its related companies, including Rockstar Games, Inc. and 2K Sports, Inc. Have any of you heard or read anything about the disputes between Acceleration Bay and Take-Two related companies from any source, including from another person, a press release or the news media?
6. Have any of you heard or read anything about Acceleration Bay from any source, including from another person, a press release or the news media?
7. Have any of you or your immediate families ever owned stock in any of these companies?
8. Have any of you or your immediate families ever had a business relationship with any of these companies?
9. Have any of you ever used any video games provided by Activision? These include video gaming products identified under the brand names "Destiny," "World of Warcraft" and "Call of Duty," among others.
10. Have any of you ever used any video games provided by Electronic Arts? These include video gaming products identified under the brand names "FIFA series," "NHL series," "Plants vs Zombies series," and "PGA series," among others.
11. Have any of you ever used any video games provided by Take-Two Interactive Software, Inc., Rockstar Games, Inc. or 2K Sports, Inc.? These include video gaming products identified under the brand names "Grand Theft Auto series" and "NBA2K series," among others.
12. Have any of you ever used any online multiplayer video games other than those provided by Activision, EA, Take-Two, Rockstar Games or 2K Sports?
13. Have any of you or your immediate families ever been employed by any of these companies prior to today?
14. Have any of you or your immediate families ever had any experience, good or bad, with any of these companies, that might keep you from being a fair and impartial juror in this case?
15. Do you possess any opinions about any of these companies that might keep you from being a fair and impartial juror in this case?

16. The law firms involved in this case are (in alphabetical order):

- a. Fox Rothschild.
- b. Kramer Levin Naftalis & Frankel LLP;
- c. Morris, Nichols, Arsht & Tunnell LLP;
- d. Phillips, Goldman, McLaughlin & Hall, P.A.;
- e. Potter Anderson & Corroon, LLP;
- f. Shook, Hardy & Bacon, LLP; and
- g. Winston & Strawn LLP,

The lawyers who appeared in this case and who may appear at trial are (in alphabetical order):

- a. Paul Andre;
- b. Kathleen B. Barry;
- c. Jordan T. Bergsten
- d. Jack B. Blumenfeld;
- e. Yuridia Caire;
- f. Louis L. Campbell;
- g. Gino Cheng;
- h. Jonathan A. Choa;
- i. Thomas M. Dunham;
- j. Krista M. Enns;
- k. David P. Enzminger;
- l. Aaron M. Frankel;
- m. Aaron E. Hankel;
- n. James R. Hannah;
- o. Paul N. Harold;

- p. Lisa Kobialka;
- q. Stephen J. Kraftschik;
- r. Michael Lee;
- s. David K. Lin;
- t. Cristina Martinez;
- u. Joseph C. Masullo;
- v. McGraw C. Maxwell;
- w. Anup K. Misra;
- x. Michael M. Murray;
- y. Joe S. Netikosol;
- z. John C. Phillips, Jr.;
- aa. Philip A. Rovner;
- bb. Andrew R. Sommer;
- cc. Michael A. Tomasulo;
- dd. B. Trent Webb;
- ee. Dan K. Webb;
- ff. Gregory Brian Williams.

Do any of you or your immediate families, such as spouse, child, parent, or sibling, know any of the attorneys working at the law firms I have just named, including the attorney I identified?

- 17. Have any of you or your immediate families had any business dealings with, or been employed by, any of these attorneys or law firms?
- 18. The potential witnesses in this case are (in alphabetical order):
  - a. Robert Abarbanel;
  - b. Joseph Agiato;
  - c. Byron Beede;

- d. Scott Bennett;
- e. Harry Bims;
- f. Virgil Bourassa;
- g. Steven Caliguri;
- h. Eric Cole;
- i. Patrick Conlin;
- j. Patrick Dawson;
- k. John Garland;
- l. Michael Goodrich;
- m. Mark Gordon;
- n. Pat Griffith;
- o. Fred Holt;
- p. David Karger;
- q. Daniel Kegel;
- r. John Kelly;
- s. John Kirk;
- t. Robert Kostich;
- u. Catharine Lawton;
- v. Michael Macedonia;
- w. Kurtis McCathern;
- x. Nenad Medvidovic;
- y. Christine Meyer;
- z. Michael Mitzenmacher;
- aa. Natasha Radovsky;
- bb. Joseph Rumsey;

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.