

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.)
_____)

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 state 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, which I will refer to as just Activision. Activision makes and sells video games. Acceleration Bay alleges that some of those video games infringe four of its patents. Activision denies infringement. The jury in this case will be asked to decide whether the video games infringe the patents. 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. Have any of you heard of Acceleration Bay before today?
5. Have you, or to your knowledge a member of your immediate family, ever had some sort of business relationship with Activision, including owning stock in Activision, working for Activision, or having other business dealings with Activision?
6. The video games that are at issue in this case are identified under the brand names “Destiny,” “World of Warcraft” and “Call of Duty.” There will be a lot of testimony about the games. Is there anything about having these games involved in this case that will make it difficult for you to be a fair and impartial juror in this case?
7. Have any of you ever had any experience, good or bad, with Activision, or with these video games, that might make it difficult for you to be a fair and impartial juror in this case?
8. Do you possess any opinions about Activision or with video games generally that might make it difficult for you to be a fair and impartial juror in this case?
9. Do you have any experience designing, making, or selling video games?
10. Do you have any experience working as a network engineer or as a computer programmer?
11. The inventors of the patents at issue in this case worked at the Boeing Company. Do you or your immediate family have any connection to Boeing, such as having worked there or owning stock in Boeing?
12. Do you have any strong feelings, either positive or negative, about the Boeing Company?
13. The law firms involved in this case are [**limit to those actually appearing**]:
 - 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 [**same as above**]:

- 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 know any of the attorneys or law firms I have just named?

- 14. Have any of you or your immediate families had any business dealings with, or been employed by, any of these attorneys or law firms?
- 15. The potential witnesses in this case are [**to be narrowed the morning of trial**]:
 - 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;
- cc. Saralyn Smith;
- dd. Scott Smith;
- ee. Mark Terrano;
- ff. Ricardo Valerdi;
- gg. Joe Ward;
- hh. Roger Wolfson; and
- ii. John Yaney.

Are you familiar with any of these potential witnesses?

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