

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

[PROPOSED] VOIR DIRE TO JURY PANEL

Pursuant to D. Del. LR 47.1(a)(2), Defendant Activision Blizzard, Inc. submits the attached proposed voir dire to the jury panel.

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/s/ Jeremy A. Tigan

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April 22, 2024

VOIR DIRE

Good morning, ladies and gentlemen. I am Judge Bryson. 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 ten to fifteen minutes, a lunch break of forty-five minutes, and an afternoon break of ten to fifteen minutes. We will start at 9:00 a.m. and finish no later than 5:30 p.m. each day.

1. Does the schedule that I have just mentioned present a special problem to any of you?

2. (Description of the case). This is a patent lawsuit involving video games. The Plaintiff is Acceleration Bay. Acceleration Bay owns patents relating to computer networks. It has sued the defendant Activision Blizzard (or “Activision”), which sells video games. Acceleration Bay says some of those video games infringe its patents. 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.

Have any of you heard or read anything about this case?

3. The lawyers and law firms involved in this case are:

Attorneys for Plaintiff

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POTTER ANDERSON & CORROON LLP

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Lisa Kobialka, Esquire
James R. Hannah, Esquire
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Anita I. Liu
Brenna Kingyon
SHOOK, HARDY & BACON L.L.P.

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

4. Have you or any member of your immediate family (such as a spouse, child, parent or sibling) had any business dealings with, or been employed by, any of these attorneys or law firms?

5. Have any of you or any member of your immediate families ever been employed by Acceleration Bay or Activision Blizzard?

6. Have any of you or any member of your immediate families ever owned stock in either of these companies?

7. Have any of you or any member of your immediate families ever had a business relationship with either of these companies?

8. Have any of you or any member of your immediate families ever had any experience, good or bad, with either of these companies that might keep you from being a fair and impartial juror in this case?

9. Have you ever purchased or used any Activision video games, such as Call of Duty or World of Warcraft?

10. Do you have any opinions about Acceleration Bay or Activision that might keep you from being a fair and impartial juror in this case?

11. Have you or any member of your immediate family been employed by, had any business relationship with, or owned stock of The Boeing Company?

12. Do you have any strong opinions about The Boeing Company?

13. The potential witnesses in this case are:

Plaintiff's Witnesses

Dr. Harry Bims
Patrick Conlin

Dr. Nenad Medvidovic
Joe Ward
Virgil Bourassa
Fred Holt
Byron Beede
Patrick Dawson
Pat Griffith
Robert Kostich
Linda Magnotti
Kurtis McCathern
Russell Parr
Joseph Rumsey
Saralyn Smith
Glen Van Datta

Defendant's Witnesses

Dr. Steve Wicker
Catherine M. Lawton
Scott Bennett, Ph.D.
Scott Smith
Robert Abarbanel
Albert Erismann
Saralyn Smith
Pat Griffith
Patrick Dawson
Rob Kostich
Mark Terrano

Kurtis McCathern
Steve Caliguri
Joseph Daniele
Natasha Radovsky
Joe Rumsey
Joseph Agiato
Glenn Van Datta

Are you familiar with any of these potential witnesses?

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

15. Have you or any member of your immediate family, or your employer, ever applied for, or obtained, a United States or foreign patent?

16. Have you or any member of your immediate family, or your employer, ever been involved in a dispute about patent rights?

17. Do you believe that when the government awards a patent, the patent must have great value?

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

19. Have you ever invented anything?

20. Have you ever had an idea or invention that was taken or used by someone else without your permission?

21. Have you ever felt that someone took credit for your work?

22. Have you, or any member of your immediate family ever owned a small business?

23. Have you or any member of your immediate family ever lost out on a business deal or opportunity due to what you believe to be unfair acts of a competitor or other person?

24. Have you or any member of your immediate family ever had a business venture that failed?

25. Do you think large companies often take advantage of smaller companies?

26. Have you served on a jury in a civil case within the last fifteen years?

27. Have you or a close friend or family member been a plaintiff or defendant in a lawsuit?

28. Have you considered filing a lawsuit because you had been wronged or harmed in some way?

29. Do you believe if a case gets to trial it must have substantial merit?

30. Do you have any experience with the design, manufacture or sale of video games?

31. Have you ever played video games?

32. Have you ever played video games on line?

33. Do you have any strong positive or negative feelings about video game companies?

34. Do you believe video games are harmful to young people who play them?

35. Have you ever worked with computer networks or the Internet, or computer code or programming?

36. Do you have any specialized training relating to computer networks or the Internet, or computer code or programming?

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