

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

ACCELERATION BAY LLC,

*Plaintiff,*

v.

ACTIVISION BLIZZARD,

*Defendant.*

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Civil Action No. 16-453-WCB

**JURY VOIR DIRE**

Ladies and gentlemen of the jury panel, welcome to the United States District Court for the District of Delaware.

I want to emphasize how much we appreciate your jury service and how important jury service is. Service on an American jury is one of the highest privileges and responsibilities of citizenship in our democracy. It is something that I know is inconvenient in some instances, but it is very important to make our system of justice work.

My name is William Bryson. I'll be the judge in this case, and Mr. Gregory Albano will be assisting me. Mr. Michael Banenas is the courtroom deputy, and among his duties, he will be responsible for taking care of the jury during the trial after the jury is selected. Finally, Ms. Bonnie Archer will be serving as the court reporter.

Our first order of business will be to select the panel of jurors who will sit for this case. This is a civil case, not a criminal case, and we will select eight jurors, not 12 or more as would be the case if this were a criminal trial. Of course, there are many more than eight of you here, but that's

part of the process of jury selection. We call more jurors than the bare minimum needed in case some potential jurors cannot serve or have to be excused from some reason.

Here's how the process will work. Each of you has been given a form with a number of questions on it. Mr. Banenas will call 14 of you, randomly selected, to sit in the jury box over here. I will then read aloud the questions on the questionnaire, one by one. As I read the questions, if your answer to any of the questions is "yes," please circle the number of that question. After I finish reading through all the questions, I will come back to those of you sitting in the jury box to ask if any of you had a "yes" answer to any of the questions. If so, I will ask you some follow-up questions on that subject. It is important that everyone here, not just those in the jury box, pay close attention to the questions and circle the number of any question to which your answer is "yes," because I may need to question others besides those initially seated in the jury box.

I want to assure you that in asking these questions it is not our purpose to pry into your personal affairs. I don't know if it will happen today, but it sometimes happens that there is a question that comes up as to which a juror does not want to respond in public. If you feel that way as to a particular question, all you have to say is, "Judge Bryson, I'd like to speak with you privately about that." You will then come up here along with a representative from each side in this case, and we'll discuss the matter confidentially. You should not have any qualms about asking to handle a particular question in that way.

Based on your answers to my questions, I will then speak privately with the lawyers to determine whether any of those seated in the jury box should be excused. If any of the original 14 are excused, Mr. Banenas will call replacements from the gallery by juror number. I will then ask the replacement jurors which, if any, questions they answered "yes." That is why it is important

for everyone, including everyone in the gallery, to follow the questions as I read them and circle those for which their answer is “yes.”

After we have 14 persons in the jury box who have not been excused, the lawyers for each side will have an opportunity to make decisions regarding which jurors should be chosen, and after they have their input, we will have our jury of 8.

Let me emphasize that whether you are selected or not does not in any way reflect on you. This is just part of the process. If you are not selected, it does not mean that anybody thinks you are not capable of being fair or that someone doesn't like you. It is just the standard process by which juries are selected every day in every courtroom in this country.

Before we go any farther, let me give you a brief summary of this case so you will have some idea of what this is all about as we go through the jury selection process. This is a patent lawsuit involving video games. Acceleration Bay owns patents relating to computer networks. It has sued Activision Blizzard, which sells video games. Acceleration Bay says some of those video games infringe its patents, which means that Acceleration Bay is claiming that Activision Blizzard uses technology in a way that violated Acceleration Bay's patent rights..

This case is expected to take five days to try. We will normally begin at 9 am each day and work until 5:30 in the afternoon. We will have a lunch break at about midday, and you will be provided with lunches at that time. We will also have a short break at mid-morning and a short break at mid-afternoon.

We will now begin the jury selection process. The first order of business is for Mr. Banenas to administer the jurors' oath to all of you collectively. Mr. Banenas. [oath administered]

We will now call the first 14 panel members. If your number is called, please take the seat assigned to you in the jury box. Bring the questionnaire with you. Now Mr. Banenas, please summon the jurors one by one.

## JURY QUESTIONNAIRE

The first questions are directed to any knowledge you may have of the companies involved in this case, the lawyers in the case, and the witnesses who are expected to testify in this case:

1. Do you have any personal knowledge of the legal claims in this case as I have described them or have you learned anything about the case through any source?
2. Have you heard of Acceleration Bay or Activision Blizzard before today, and if so do you have any strong feelings about either of those companies that might affect your ability to be a fair and impartial juror in this case?
3. Have you ever purchased or used any Activision video games, such as Call of Duty or World of Warcraft?
4. Do you have any experience with the design, manufacture, or sale of video games?
5. Have you or any member of your immediate family been employed by, had any business relationship with, or owned stock in The Boeing Company?
6. Do you have strong feelings about The Boeing Company?
7. I will now run down a list of the lawyers and law firms involved in this case. Please answer yes if you or to your knowledge any members of your immediate family or anyone close to you is related to or personally acquainted with any of these attorneys or ever been represented by any of these attorneys or law firms.
  - a. Kramer Levin Naftalis & Frankel LLP;
  - b. Morris, Nichols, Arsht & Tunnell LLP;
  - c. Potter Anderson & Corroon, LLP; and
  - d. Shook, Hardy & Bacon, LLP.

The lawyers who appeared in this case and who may appear at trial are:

- a. Paul Andre;
- b. Jordan T. Bergsten;
- c. Jack B. Blumenfeld;
- d. Cameron P. Clark;
- e. Lauren E. Douville;

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