

Voir Dire Questions: *Toshiba Corp. v. Imation Corp, et al.*, 09-cv-305-slc

- (1) **Statement of the case.** This is a civil lawsuit involving patents and recordable DVDs brought by the plaintiff, Toshiba Corporation, against eight corporate defendants: Imation Corporation, Moser Baer India, Ltd.; Glyphics Media, Inc.; CMC Magnetics Corp.; Hotan Corp.; Khypermedia Corp.; Ritek Corp.; and Advanced Media, Inc. Plaintiff claims that certain types of defendants' recordable and rewritable DVDs infringe two of plaintiff's patents. All eight defendants deny that their products infringe either patent, and they also claim that plaintiffs' two patents are invalid and unenforceable.

Have any of you heard of this particular case before today?

- (2) The trial of this case will begin today, and could last up to two weeks through next Friday, April 19. Would any of you actually be unable to serve as a juror during this time?
- (3) Ask the lawyers for each side to tell the jury where they practice law and with whom. Ask panel whether anyone knows counsel or their law firms.
- (4) Ask plaintiff's lawyers to introduce their client, the nature of their client's business, its major subsidiaries or parent corporation and where it conducts business. Ask whether anyone on the panel owns stock, has had business dealings, or has been employed by any of these entities.
- (5) Ask defendants' lawyers to introduce their eight clients, the nature of each client's business, its major subsidiaries or parent corporation and where it conducts business. Ask whether anyone on the panel owns stock, has had business dealings, or has been employed by any of these entities.
- (6) To your knowledge and recollection, have any of you ever purchased any products manufactured by any of the parties or these related entities:

Toshiba Corporation

CMC Magnetics Corp.

Imation Corporation

Hotan Corp.

Memorex (not a party)

Khypermedia Corp.

TDK Corporation (not a party)

Ritek Corp.

Moser Baer India, Ltd

Advanced Media, Inc.

Glyphics Media, Inc.

- (7) I am going to read a list of the witnesses most likely to testify in this case. The question to you is whether any of you think you know any of these people:

David Bartiza, Oakdale MN

Robert Liesegang, Bald Head Isl., N.C.

Min-Chen (Sam) Chang, Taiwan

Masud Mansuripur, Tucson, AZ

Geeng-Jeh (Sam) Chong, Taiwan

Takashi Netsu, Japan

Lambertus Hesselink, Atherton, CA

Joji Ozaki, Japan

Kornelis Immink, Netherlands

Bhaskar Sharma, India

John Jarosz, Washington, D.C.

Kurt Wenger, Sauk City, WI

- (8) Background information from each prospective juror:

Name, age, and city or town of residence.

Marital status and number of children, if any.

Current occupation (former if retired).

Current (or former) occupation of your spouse or domestic partner and any adult children.

Any military service, including branch, rank and approximate date of discharge.

How far you went in school and major areas of study, if any.

Memberships in any groups or organizations, such as religious groups, labor unions, volunteer or civic organization.

Hobbies and leisure-time activities.

Favorite types of reading material.

Favorite types of television shows.

Whether you regularly use the internet for purposes other than for personal business such as e-mail and banking, and if so, what types of sites you visit.

- (9) Do any of you know any of the other people in the jury box from before today?

(10) Other than what you already have told us, have any of you, members of your family or your close friends had training, experience or employment in any of these fields:

- a. Recordable media such as CDs, DVDs or floppy disks
- b. Engineering (specify)
- c. Computer science or information technology
- d. Physics
- e. Economics or accounting
- f. Law

(11) Questions about DVD use:

- a. How many of you have ever used any type of DVD to watch a movie or other programing? How many of you still watch DVDs?
- b. How may of you have ever recorded anything onto a DVD? (What, when, how, opinions about, *etc.*)

(12) Questions about patents:

- a. Have any of you, your family or your close friends ever applied for or received a patent? (Follow up)
- b. Other than what you already have told us, how many of you or members of your immediate family ever have worked for a company or entity that, to your knowledge, applies for, owns or uses patents in its business or endeavors? (Follow up)
- c. Other than what you already have told us, have you had any other contact with, or do you otherwise have familiarity with the Patent and Trademark Office or the patenting process?
- d. Do any of you have any feelings or opinions of any sort about patents in general, the patent process that might affect your ability to be impartial in a case like this one?

- (13) How many of you have ever traveled to any foreign country for work, education, vacation, charity or mission work? Please tell us what countries you visited, approximately when, the reasons for your travel and how long you were there.
- (14) How many of you or members of your immediate family, in the course of your employment, ever have had regular contact with people or companies outside the United States? (Follow up)
- (15) Do any of you read, write, speak or understand Japanese or Mandarin Chinese?
- (16) Some of the witnesses who may testify at this trial do not speak English well and will be assisted by an interpreter. Would any of you judge the testimony of a witness who was assisted by an interpreter differently from other witnesses simply because an interpreter was used?
- (17) Prior experience with court proceedings:
- a. Have any of you ever been a party to a lawsuit?
 - b. Have any of you ever been a witness in a lawsuit?
 - c. How many of you have served previously on a jury? If so, please tell us when, in what court, the type of case(s), the verdict(s) and whether you were foreperson.
- (18) Do any of you have opinions, whether positive or negative, about people or companies who go to court to obtain relief for wrongs they believe they have suffered?
- (19) At the end of the case I will give you instructions on the law that will govern your deliberations as a jury. If you are picked as a juror, then you are required to follow those instructions, even if you do not agree with them. Is there any one of you who would be unable or unwilling to follow the instructions?
- (20) Do any of you know of any reason whatsoever why you could not sit as a trial juror with absolute impartiality to all the parties in this case?

JUROR BACKGROUND INFORMATION

When asked to do so by the court, please stand and provide the following information:

Name, age, and city or town of residence.

Marital status and number of children, if any.

Current occupation (former if retired).

Current (or former) occupation of your spouse or domestic partner and any adult children.

Any military service, including branch, rank and approximate date of discharge.

How far you went in school and major areas of study, if any.

Memberships in any groups or organizations, such as religious groups, labor unions, volunteer or civic organizations.

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Whether you regularly use the internet for purposes other than for personal business such as e-mail and banking, and if so, what types of sites you visit.