

Voir Dire Questions
09-cv-570-slc

1. Statement of the case. This case is a patent lawsuit. STI Holdings, Inc., who will be referred to in this case as “Stoughton Trailers,” or just “Stoughton” is a trailer manufacturer and the owner of two patents that relate to devices and configurations for joining panels to form the wall of a trailer or a cargo container. We will be calling these patents the ‘564 patent and the ‘902 patent. Great Dane Limited Partnership is also a trailer manufacturer. Stoughton has accused Great Dane of infringing certain claims of the ‘564 and ‘902 patents by manufacturing a trailer that includes all of the elements of these claims. Great Dane does not dispute that it builds trailers that include these elements of Stoughton’s patents, but Great Dane contends that it is not liable for infringing Stoughton’s patents because the patents are invalid. At this trial, Great Dane will try to prove that Stoughton’s two patents are invalid.

Have any of you heard of this case before today? [Sidebar] Would your ability to serve impartially as a juror be affected by what you have heard?

Is there anything about the nature of this case that would affect your ability to be fair to both sides? [sidebar]

2. The trial of this case will begin today and could last three days, through this Wednesday. Would any of you be *unable* to serve as a juror during this time?
3. Ask counsel to stand and tell the jury where they practice and with whom. Ask whether anyone knows or has worked with the attorneys or law firms.
4. Have Stoughton’s counsel identify the nature of its business, its major subsidiaries or its parent corporation, and where it conducts business. Have any of you, your relatives or close friends ever worked for Stoughton Trailers? Do any of you have any opinions or impressions about the company or its work that would affect your ability to be fair in a lawsuit alleging patent invalidity?

Have Great Dane’s counsel identify the nature of its business, its major subsidiaries or its parent corporation, and where it conducts business. Have any of you, your relatives or close friends ever worked for Great Dane? Do any of you have any opinions or impressions about the company or its work that would affect your ability to be fair in a lawsuit alleging patent invalidity?

5. The following people may be called as witnesses in this case or be referred to in testimony in this case. Please raise your hand if you think you know any of these people:

- | | |
|-----------------------|---------------------|
| a. Charles Fetz | I. Gary Fenton |
| b. Fred A. Smith | j. Kenneth Wahlin |
| c. David Kemp | k. Don Wahlin |
| d. Kristopher Swanson | l. Francis Smidler |
| e. William Atkinson | m. Vincent Thomas |
| f. Jeff Thompson | n. Michael Fontaine |
| g. Rick Mullinix | o. Bill Wahlin |
| h. Phillip Pines | |

6. Questions to each prospective juror:

Please stand up and tell us about yourself.

Name, age, and city or town of residence.

If you have lived in the area for less than ten years, where you lived before.

Marital status and number of children, if any.

Current occupation (former if retired).

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

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

Level of education, and major areas of study, if any.

Memberships in any groups or organizations.

Hobbies and leisure-time activities.

Favorite types of reading material, including newspapers and magazines, and any book you are currently reading.

Favorite types of television shows.

Whether you regularly listen to talk radio, and if so, to which programs.

Whether you regularly use the internet to visit sites other than e-mail or personal business, and if so, what types of sites you visit most often.

7. Do any of you know any of the other people on the jury panel?
8. Have any of you, your family members or close friends ever worked for a trailer manufacturer? Is there anything about this that would affect your ability to be fair to both sides in this lawsuit? [sidebar]
9. Have you, your family members or close friends ever worked in the trucking business? Is there anything about this that would affect your ability to be fair to both sides in this lawsuit? [sidebar]
10. Have you, your family members or close friends ever worked for a company that supplied parts to a trucking business or trailer manufacturer?
11. Have you, your family members or close friends ever worked for a company that made or used cargo containers?
12. Have you ever owned a business?
13. Have any of you, family members or close friends ever applied for a patent, been listed as an inventor on a patent or owned a patent? If yes, please explain. Is there anything about this that would affect your ability to be fair to both sides in the lawsuit?
14. Have you, your family members or close friends ever been involved in a lawsuit about a patent? If yes, was there anything about the experience that would affect your ability to be fair to both sides in this lawsuit?
15. Have any of you, your family members or close friends worked for companies that had patents? If yes, what was your involvement, if any? Would anything about your experiences affect your ability to be fair to both sides here?
16. How many of you ever have been mechanics, engineers or carpenters at any time in your lives?
17. Other than what you have already told us, do any of you have training or experience in the field of mechanical engineering?

18. How many of you build things or consider yourselves tinkerers? Is there anything about this that would affect your ability to be fair to both sides in this lawsuit? [sidebar]
19. Prior experience with court proceedings:
- a. Have any of you ever been a party to a lawsuit? Describe circumstances.
 - b. Have any of you ever been a witness in a lawsuit?
 - c. How many of you have served previously on a jury? Please tell us in what court, when, what type of case, the outcome, and whether you were foreperson.
20. At the end of the case I will give you instructions on the law that will govern your deliberations. As a juror, 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 law given to you by the court?
21. Do any of you know of any reason whatsoever why you could not sit as a trial juror with absolute fairness and impartiality to all the parties in this case?

JUROR QUESTIONNAIRE

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

Name, age, and city or town of residence.

If you have lived in the area for less than ten years, where you lived before.

Marital status and number of children, if any.

Current occupation (former if retired).

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

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

Level of education, and major areas of study, if any.

Memberships in any groups or organizations.

Hobbies and leisure-time activities.

Favorite types of reading material, including newspapers and magazines you read and any book you are currently reading.

Favorite types of television shows.

Whether you regularly listen to talk radio, and if so, to which programs.

Whether you regularly use the internet to visit sites other than e-mail or personal business, and if so, what types of sites you visit most often.