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Attorneys for Defendant Apple Inc.

Attorneys for Plaintiff Unwired Planet LLC

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**UNWIRED PLANET LLC, a Nevada limited
liability company,**

Plaintiff,

v.

APPLE INC., a California corporation,

Defendant.

CIVIL ACTION NO.

3:13-CV-04134-VC

**JOINT PROPOSED VOIR DIRE
QUESTIONS**

Pre-Trial Conference

Date: May 13, 2015

Time: 1:30 p.m.

Ctrm.: 4

Trial Date: June 1, 2015

1 **TO THE ABOVE-ENTITLED COURT:**

2 **Case Generally:**

- 3 1. Does the length of this trial or the schedule contemplated by the court present a special
4 problem to any member of the panel?

5 **Relationship to Attorneys and Parties:**

- 6 2. Do any of you have any personal knowledge of this case, or have you read or heard it
7 discussed?
8 a. If so, what do you know or what have you heard about this matter?
9 b. Where did you obtain your knowledge in this case?
10 3. Have any of your formed or expressed any opinions about this case?
11 a. If so, what are the opinions, feelings, or bias that you have formed?
12 b. When did your opinions or feelings form?
13 c. In light of your feelings, could you be a fair and impartial juror if selected in this case?
14 4. You have been given a list of the attorneys and law firms involved in this litigation.
15 a. Are you related to, personally acquainted with, or have an awareness of any of the
16 lawyers in this case?
17 b. Do you know any lawyers practicing at the law firms involved in this case?
18 c. To the best of your knowledge, have you, your employer, any member of your immediate
19 family, or anyone close to you ever been represented by any of those lawyers or their law
20 firms?
21 firms?
22 firms?
23 firms?

24 **Questions relating to Unwired Planet and Apple:**

- 25 5. Are you familiar with or knowledgeable about either Unwired Planet, which has also been
26 called Libris, Openwave, and Phone.com, or with Apple?
27 a. Are you familiar with or knowledgeable about any of these companies?
28

- 1 b. Have you, a family member, or close friend ever worked for any of these companies?
- 2 c. Are you, a family member, or close friend a current or former officer or director of any of
- 3 these companies?
- 4 d. Have you or any member of your immediate family ever owned any stocks or bonds in
- 5 any of these companies?
- 6 e. Have you, any member of your immediate family, or anyone close to you purchased or
- 7 had experience with a product from these companies?
- 8 f. Do you have any strong negative or positive opinions towards any of these companies? If
- 9 yes, please tell us about that.
- 10 g. Do you possess any opinions about any of these companies that might keep you from
- 11 being a fair and impartial juror?
- 12
- 13 6. You have been given a list of the individuals who might appear as witnesses in this case.
- 14 a. Are you related to, personally acquainted with, or have knowledge of, or have ever heard
- 15 of any of these individuals?
- 16 b. Do you have any opinions or feelings about any of these individuals that would prevent
- 17 you from being a fair and impartial juror?
- 18
- 19 7. **(DISPUTED)** Have you ever owned an Apple product, such as an iPhone, an iPad, or iPod?
- 20 a. Which Apple product have you owned?
- 21 b. What did you think about that product?
- 22 c. What was your experience like with Apple in general?
- 23 d. How many of you currently own an iPhone?
- 24 e. For those of you that own or have owned an iPhone, how many of you have used Siri?
- 25 f. For those of you have own or have owned an Apple product, how many of you have
- 26 made purchases from Apple's App Store?
- 27
- 28

[Unwired Planet proposes this version of this question and its subparts, while Apple does not believe the questions should be asked at all.]

Juror Backgrounds:

8. Have any of you or a member of your family attended law school or received any other type of education in the law? If so, please explain the extent of your legal training or education.
 - a. Have any of you or any member of your family worked in the legal profession?
 - b. If so, what was the nature and extent of your experience with the legal profession?
9. If you have a college degree, do any of you have a degree in computer software or computer engineering?
 - a. Do you or any member of your immediate family have any specialized knowledge of the cellular telephone industry?
10. Have you ever worked in research and development?
11. Have any of you worked in information technology, telecommunications, app development, data communications, mobile or cellular telephones or for any company that sells technology equipment for the mobile device industry?
12. Have you ever owned your own business? If so, please tell us about it.
13. How long have you lived in this area?
14. Is there anybody who does not own a cell phone?
 - a. Do you own or have you owned a smart phone? If yes, what brand?
 - b. Approximately when did you get a cell phone for the first time?
15. Do you own a tablet? If yes, what brand?

Experience with and opinions about patents and IP:

16. Have you invented or developed any technology yourself, whether as part of your employment or on your own? If yes, please explain.

a. Did you consider obtaining a patent? Why or why not?

17. Have you ever worked on a project where a patent was applied for or granted?

18. **(DISPUTED)** Have you ever created something and felt that it was taken or used without your permission? If yes, please explain.

[Apple proposes this version of the question, while Unwired Planet does not believe it should be asked at all.]

19. Do you, a family member, or anyone close to you have knowledge about or experience with patents?

20. Have you, any member of your immediate family, or anyone close ever applied for or obtained a patent in the United States or abroad?

a. If you have a patent, what is the subject matter?

b. Have you, any member of your immediate family, or anyone close to you ever had any dealings with the United States Patent and Trademark Office?

c. Does anyone have strong opinions about the United States Patent system?

d. Do you have any opinions about the U.S. Patent and Trademark Office or any other Government agency, state or federal?

21. Have you ever worked for a company that had patents or other intellectual property rights?

a. If yes, do you know if the company ever tried to enforce its patent or intellectual property rights?

22. Have you or anyone close to you had experience with any other type of intellectual property?

If so, describe the experience.

23. Have you ever been involved in a dispute over property?

a. If so, what was the nature of the dispute?

b. Have you or someone close to you been accused of infringing a patent? Please explain the details.

24. **(DISPUTED)** Has anyone here followed recent proposals by members of Congress regarding reform to patent litigation practices?

[Unwired Planet proposes this version of this question, while Apple does not believe the question should be asked at all.]

Experience with and opinions about U.S. legal system:

25. If you have been a party in a lawsuit,

- a. Were you the plaintiff or defendant?
- b. What was the case about?
- c. Were you satisfied with the outcome?
- d. Did anything occur during the lawsuit that caused you to be dissatisfied with the courts or our system of justice?

26. Have you ever been a witness in a lawsuit and/or testified in a trial?

- a. If so, what was the case about?
- b. Did anything occur during the lawsuit or trial that would affect your ability to be a fair and impartial juror in this case?

27. If you have served as a juror before,

- a. Were you the foreperson?
- b. Did you learn anything from that case that you would use to make judgments in this case?
- c. Was there anything about that experience which would cause you to have a leaning in favor of the plaintiff or defendant in this case?
- d. Is there anything about your experience that would make it difficult for you to sit on this jury?

28. Has any member of the panel ever had a bad experience with the legal system; that is a bad experience with our court system either in a civil or criminal matter?

a. If so, what was the bad experience?

b. Has that experience caused you to lose trust in our judicial system?

c. Would you be able to be a fair and impartial juror in this case?

29. Has anyone here ever had a dispute with a government agency?

30. Are you able to read, write and understand English fluently?

Ability to serve without bias:

31. Do any of you have a financial interest in the outcome of this case?

32. Does anyone have any strong positive or negative opinions about large corporations?

33. Do any of you have any moral or religious reason why you would feel uncomfortable to serve on a jury?

34. Do any of you know any other members of the jury panel?

35. Do any of you know any of the court personnel?

36. Does any member of the jury have any health problems, such as problems with vision or hearing, which might affect his or her ability to serve as a juror?

37. Are you aware of any strong feelings, bias, or prejudice that you may have about this case, any of the parties, or their lawyers?

38. Having heard the questions put to you by the court, is there any other reason as to why you could not sit on this jury and render a fair and impartial verdict based on the evidence presented to you and in the context of the court's instructions to you on the law?

1 DATED: May 1, 2015

2 **McKool Smith Hennigan, P.C.**

GIBSON, DUNN & CRUTCHER LLP

3 By /s/ Kevin M. Kneupper*

By /s/ Brooke Myers Wallace

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27 * In accordance with N.D. Cal. Local Rule 5-1, the filer of this document hereby attests that the
28 concurrence to the filing of this document has been obtained from the other signatories hereto.