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

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| ELAN PHARMA INTERNATIONAL LIMITED, | § | |
| Plaintiff, | § | |
| v. | § | Case No. 06-438-GMS |
| ABRAXIS BIOSCIENCE, INC., | § | |
| Defendant. | § | |

**EXHIBIT 15: PLAINTIFF'S PROPOSED VOIR DIRE**

The parties respectfully request that the Court obtain and provide to both parties for use during voir dire examination personal data from all prospective jurors, including:

## I. GENERAL INFORMATION

1. Name and age.

2. Highest level of education completed, including any degree or certificate received.

3. Occupation(s) and employer(s) since 1990.

4. Marital status. Educational background and past and present occupation(s) of their spouse, if any.

5. Number and age of children. Educational background and past and present occupation(s) of adult children, if any.

6. Have you ever been sued or sued someone else? If so, please describe the case and its outcome. How do you feel about the court system as a result of your experience?

7. Are you a member of any professional scientific organizations? If so, please list them.

8. Who of you feel that corporations have taken advantage of you as a consumer in some way?

9. Do you think most corporations "play fair" with other corporations?

10. Does anyone have strong feelings about pharmaceutical companies, medical technology companies or any medical-related business (not including health care providers, hospitals, doctors)? Are those feelings positive or negative? How long have you held that opinion?

11. Have you served as a juror before? If so, please explain the type of case (*e.g.,* civil or criminal, patent infringement), the year of the trial, and the outcome of the trial. Also, please identify those parts or stages of the trial you considered most useful and those you considered least useful in reaching your verdict. Finally, please explain what you thought of the court system as a result of your experience.

12. Have you ever used the services of an attorney, or been a party to a lawsuit? How did your experience end up?

13. Have you ever been a witness in a lawsuit? If so, please describe your witness role. Explain what you thought of the court system as a result of that experience.

14. A deposition is a written statement, taken under oath before a court reporter. Have any of you ever had your deposition taken before? If so, briefly describe your experience.

15. Do you know, or know of, any of the other members of this jury panel? If so, please describe how you know that person, and how long you have known that person.

16. Do you know, or know of, Judge Sleet of this Court or any of the Court's staff, including clerk, bailiff, reporter, law clerks, or secretary? If so, please identify whom you know, the nature of your relationship and how long you have known that person.

17. Have any of you studied law? If so, could you please describe your studies.

18. Have any of you worked for a law firm? If so, can you identify the law firm and describe your job duties?

19. Have you, any member of your family or household, or any close acquaintances ever worked for the federal government? If so, could you please state who worked for the federal government and what they worked on, if known.

20. Do you, any member of your family or household, or any close acquaintances currently own a business or owned a business in the past? If so, could you please state who owns/ed the business and state the type of business.

21. Do you, any member of your family or household, or any close acquaintances own land or real estate?

22. What was your favorite subject in school?

23. Do you have any specialized knowledge, training or experience in any of the following fields:

- organic chemistry?
- inorganic chemistry?
- colloidal chemistry?
- protein chemistry?
- drug formulation science?
- medical chemistry?
- chemical engineering?
- pharmacy?

24. Does anyone here have any experience working with or having training in pharmaceuticals, or experience working with or for pharmaceutical companies? Please describe that experience.

25. Have you ever been involved in drug development? If so, please describe your involvement.

26. Have you ever worked in a lab? If so, please explain when, where, and what type of work.

27. The patent in this case relates to very small particles, called nanoparticles, of an anti-cancer drug, called paclitaxel. Does anyone have knowledge about nanoparticles?

28. Who here has experience or training in nanotechnology or other, related technologies? Can you explain your experience?

29. Some people believe that if someone files a lawsuit that there must be some merit to their case while other people think that many people file lawsuits that are unnecessary. What is your opinion?

30. Have you ever heard of the product Abraxane® or the product Taxol®? If so, please explain when, where, and what you have heard.

31. Have you ever worked with the product Abraxane® or another product called Taxol®?

32. I know this is a sensitive subject, so if anyone would like to respond in private, you can come to the bench to discuss this. Has anyone here been themselves treated, or knows someone close who has been treated, with drugs that use nanotechnology? This includes some types of chemotherapy, including drugs to treat breast cancer. AT THE BENCH: Which

particular pharmaceuticals were taken? Could you describe your/their experience? Is there anything about that experience that you think may influence you in a patent infringement case?

33. Have you or any members of your immediate family ever been treated with the product Abraxane® or the product Taxol®?

34. Would you have concerns about deciding a case like this which might involve medical treatments? AT THE BENCH: Could you explain these concerns?

## II. THE PARTIES, THEIR COUNSEL AND THE WITNESSES

35. The parties to this litigation are ELAN PHARMA INTERNATIONAL LIMITED, and ABRAXIS BIOSCIENCE, INC.

36. Entities related to ELAN have business addresses in King of Prussia, Pennsylvania, Gainesville, Georgia, New York, New York, San Diego, California and San Francisco, California. Has anyone on the panel done business with ELAN? To your knowledge, has your employer done business with ELAN or any ELAN related company? Does anybody on the panel know anything about ELAN?

37. ABRAXIS is a corporation with its principal place of business at 11777 San Vicente Boulevard, Suite 550, Los Angeles, California. Has anyone on the panel done business with ABRAXIS? To your knowledge, has your employer done business with ABRAXIS or any ABRAXIS company? Does anybody on the panel know anything about ABRAXIS?

38. This lawsuit involves ELAN's claim that ABRAXIS has infringed U.S. Patent No. 5,399,363 ("the '363 Patent"). ABRAXIS alleges that the '363 Patent is not infringed and invalid. Are there any other factors, other than the evidence presented, on which you would decide the issues in this case? If so, what are they?

39. Do you, any member of your family or household or any close acquaintances own any shares of stock in the following companies:

a. Abraxis Biosciences?

b. Elan Corporation plc?

40. This case will probably take about 10 days to try. Is there anyone here who would find that a hardship for health or personal reasons or for job-related reasons? Is there anyone who has any difficulty hearing or seeing in this courtroom?

41. The inventors listed in the patent at issue are Gary G. Liversidge, Elaine Liversidge, Pramod Sarpotdar, and Lawrence DeGaravilla. Do any of you know, or know of, Gary G. Liversidge, Elaine Liversidge, Pramod Sarpotdar, or Lawrence DeGaravilla?

42. Attorneys , Steven J. Balick, John Day, Stephen Scheve, Paul F. Fehlner, Jeffrey Sullivan, Lisa Chiarini, Linda Glover, Robert Riddle, and Fred Barrera represent ELAN. Does anyone know, or know of, these lawyers or any other lawyer at Baker Botts L.L.P. or Ashby & Geddes?

43. Attorneys Josy Ingersoll, Elena Norman, Karen Keller, Michael A. Jacobs, Eric S. Walters, Emily A. Evans, Diana B. Kruze, Jeremy W. Bock, Paul F. Coyne, Anders T. Annestaad represent ABRAXIS. Does anyone know, or know of, these lawyers or any other lawyer at Morrison and Foerster or Young, Conaway, Stargatt and Taylor?

44. The witnesses in this case will be: [read witness lists]. Does anyone know any of these witnesses?

45. Do any of you feel there is a reason why you should not serve on this jury?

46. The basic task of a jury is to listen to the facts and then reach a verdict based on those facts. But it is important that each and every person of this jury accept the responsibility that he or she must consider the facts and only the facts and reach a decision based on those facts. Is there anyone here who would rather not have that responsibility? Please raise your hand and let us know. It is important that we have your assurance that you will, without reservation, follow the instructions of the law and apply that law to this case. To put it somewhat differently, whether you approve or disapprove of the Court's rulings or instructions, it is your solemn duty to accept as correct the statements of the law. You may not substitute your own ideas of what you think the law to be.

47. Do you have any religious, moral or ethical beliefs that would make it difficult for you to decide this case in favor of either party?

48. Do you have any religious, moral or ethical beliefs that someone should not sue someone else?

## III. PATENTS

49. In the United States, inventions or innovations can be protected by a patent —a patent gives the owner the right to exclusively license a particular invention for a certain period. Does anyone have a negative view of patents and patent holders?

50. Do you think some patent owners use their patents to unfairly enrich themselves at the expense of consumers or other businesses?

51. Do you feel patent owners may be greedy?

52. Do you believe that a corporation should have a right to sue another corporation for the unauthorized use of its property, ideas or inventions?

53. To the best of your knowledge, how common is it for corporations to willfully or intentionally infringe a patent without a license?

54. Who feels that in this day and age infringement of a patent has become too often a standard business practice? If you don't think it has become a standard business practice, do you believe it is becoming more common?

55. Without realizing it, how often do you think an inventor comes up with a product similar to an existing patent?

56. How often do you think the Patent and Trademark Office issues a patent by mistake? That is, how often do you think the PTO awards a patent that is already partially or wholly covered by another patent, or a patent that does not meet the standards required by the PTO?

57. Have you ever read a patent before?

58. Have you or anyone close to you ever invented anything? IF YES: did you (they) apply for a patent? Were you (they) satisfied with the outcome?

59. Is anyone familiar with the patent laws of the United States or the patent examination procedure in the United States Patent and Trademark Office?

60. Has the Patent and Trademark Office ever employed you or anyone you know?

61. Have you or any members of your immediate family ever applied for a patent? What happened?

62. Have you ever invented something but never applied for a patent? If so, why didn't you apply for a patent?

63. Do any of you know an inventor or anyone who owns a patent?

64. Are you employed by, or otherwise associated with, a company that owns a patent?

65. Have you ever been to, contacted, or been contacted by the United States Patent and Trademark Office? If so, why?

66. Are you employed by, or otherwise associated with, a company that has been involved with a patent infringement lawsuit? If so, please explain the nature of the lawsuit, if known.

67. Do you believe that a person should be free to claim as their own the idea of another without providing some compensation? If yes, do you believe that compensation should be required even if the borrower does contribute effort and ideas of his own?

68. Is anyone identified as an inventor in a patent? Please describe. If so, was the patent challenged as invalid or unenforceable? What happened?

69. Some people believe that if someone files a lawsuit that there must be some merit to their case while other people think that many people file lawsuits that are unnecessary. What is your opinion?

70. Do you have any reservations about the holder of patent seeking compensation from another for the unauthorized use of an invention?

71. Are there any circumstances where you feel someone should be free to incorporate somebody else's invention into their product without first getting permission?

72. Would you have any reservations to rewarding substantial ;monetary damages, if the evidence and laws supported those damages?

73. Would the fact that the damages in this case would run as high as $150 million produce any hesitation in your mind in returning the award in this amount?

74. Do you believe that an award of $150 million would simply not be justified under any circumstances -- even if the facts of the case supported such a finding?