

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

**REGARDING CIVIL CASES ASSIGNED TO
CHIEF U.S. DISTRICT JUDGE RODNEY GILSTRAP**

**STANDING ORDER REGARDING USE OF
JUROR QUESTIONNAIRES IN ADVANCE OF VOIR DIRE**

WHEREAS, the use of written questionnaires by venire panel members in advance of *voir dire* is a positive and useful tool in pursuing the goal of securing uniformly fair and impartial jurors to serve in jury trials, and

WHEREAS, the Court has a direct interest in seeing that such questionnaires elicit useful and appropriate information through reasonable ways and means employed by parties in selecting juries, while avoiding irrelevant, offensive or overly invasive inquiries, and

WHEREAS, a uniform approach to generating and implementing juror questionnaires will further such interests in a manner that maximizes judicial resources;

NOW, THEREFORE, IT IS ORDERED THAT:

- 1) Juror questionnaires shall substantially follow the template set forth in Exhibit A attached hereto.
- 2) Such template allows for four categories of inquiry: General Questions; Patent Questions; Case Specific Questions; and Last Question and Signature.
- 3) Each questionnaire shall, unless otherwise approved by the Court, contain all the General Questions shown in the attached template in the form and wording presented therein.
- 4) Each questionnaire to be used in any civil case that includes allegations of patent infringement shall, unless otherwise approved by the Court, contain all the Patent Questions shown in the attached template in the form and wording presented therein. The Patent Questions shall follow the General Questions.

- 5) Each questionnaire may include Case Specific Questions tailored to the particular case at hand. The Case Specific Questions shown in the attached template shall serve as a general guide and example of the type of case specific questions that may be included in any questionnaire.
- 6) Each questionnaire shall, unless otherwise approved by the Court, contain the Last Question and Signature as shown in the attached template in the form and wording presented therein. Such shall be the last included component of any questionnaire.
- 7) Parties desiring to avail themselves of the benefits of using a juror questionnaire shall contact the Deputy Clerk in Charge for the Division where the case is pending in advance of the venire panel being summoned and in time to allow the Deputy Clerk in Charge for such Division to print and include such questionnaires in the mailing of summons for jury service. Failure to fully accommodate the deadlines and directives of the Deputy Clerk in Charge shall forfeit any party's opportunity to employ a juror questionnaire.
- 8) Proposed juror questionnaires shall be delivered to the Deputy Clerk in Charge at the time and date as provided in the then-operative Docket Control Order in each case. Should any Docket Control Order not otherwise specify a date by which a questionnaire is to be submitted, then such questionnaire shall be delivered to the Deputy Clerk in Charge at least four weeks prior to jury selection.
- 9) The Court shall be free, without consulting with the parties or counsel, to edit, alter, change, or delete any or all of such proposed juror questionnaire when the Court deems all or any portion thereof to be irrelevant, improper, or overly invasive. The Court may order any questionnaire to be rewritten and resubmitted in any way, and the Court may prevent the use of any questionnaire at all when the Court believes the ends of justice so require. The Court may, at its sole discretion, combine questionnaires for any cases set concurrently for a given trial setting in the interest of efficiency.
- 10) Upon receipt of completed questionnaires from the venire members, the Deputy Clerk in Charge shall make copies of such completed questionnaires available to counsel for the parties not later than 2:00 pm central time on the Thursday prior to jury selection on the following Monday. If any jury is selected on a day other than a Monday, a similar amount of time shall be set by the Deputy Clerk in Charge for the release of such completed

questionnaires to counsel. Completed questionnaires received by the Clerk after such time shall be provided to counsel as the Clerk's schedule permits.

- 11) All completed questionnaires provided to counsel shall be CONFIDENTIAL AND SUBJECT TO ATTORNEYS' EYES ONLY. Such questionnaires shall be subject to any protective order then in place in such case. No information of any type from any completed questionnaire shall be copied, kept or retained in any manner by counsel, those acting in concert with counsel (including jury consultants), or the parties. All printed copies of such questionnaires made available to counsel shall be returned to the Deputy Clerk in Charge not later than 4:00 pm on the date when the jury is selected.
- 12) To avoid any doubt and to facilitate full and candid answers to such questionnaires from venire members, no information from any questionnaire shall be retained in any manner by anyone after jury selection is complete or after announcement of a settlement in a case in which juror questionnaires have been furnished to counsel, whichever occurs first.
- 13) This Order shall be effective immediately and shall supersede any prior orders addressing the above matters.

So ORDERED and SIGNED this 9th day of March, 2021.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

EXHIBIT A

JUROR QUESTIONNAIRE

Instructions

Dear Prospective Juror:

An important part of any trial is the jury selection process. During jury selection, the judge and the lawyers for the parties will ask all of the prospective jurors questions. These questions are necessary to ensure that those selected to serve on the jury are representative of our community at large, and can be fair and impartial judges of the facts. Giving complete and candid answers on this questionnaire and during jury selection is an important step for ensuring a fair and impartial trial, and is one of your important duties as a prospective juror.

What follows is a brief questionnaire. Please answer each question as completely and accurately as you reasonably can. Your answers will help reduce the amount of time needed to complete the jury selection process. If there is not sufficient space provided for you to complete your answer, please use the blank space on this page to complete your answer. The information provided by you will be treated as confidential and used only for purposes of jury selection in this case.

Do not discuss either the questions or your answers with anyone, not even your family or friends. If you do not understand a particular question, please write "I DO NOT UNDERSTAND" next to the question and it will be explained to you in Court.

Keep in mind there are no "right" or "wrong" answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make additional questioning unnecessary. Therefore, they shorten the time it takes to select a jury once you arrive at the Courthouse.

We thank you for your cooperation and your service as a prospective juror.

JUROR QUESTIONNAIRE

OFFICIAL USE ONLY:
DO NOT MODIFY THIS BOX

GENERAL QUESTIONS

1. **JUROR NAME:** _____ **AGE:** _____
2. Where do you now work and what is your job? If unemployed/retired, answer for last job held:

3. What previous jobs have you held? _____
4. What is the last or highest level of school you completed? If college, please list field of study and any degree(s) received: _____
5. In what area(s) have you received special education or training? _____
6. What is your marital status? Never married Cohabiting Married Divorced
 Widowed/widower If married/cohabiting, what is your spouse/partner's occupation? _____
7. Have you ever served in the military? YES NO If YES, list which branch, when you served and last rank attained: _____
8. Regarding lawsuits (other than a divorce), have you been a [Check all that apply]:
 Plaintiff Defendant Witness Unsure Never been involved in a lawsuit
Please explain: _____
9. Do you have strong opinions about lawsuits and the people who bring them? YES NO Unsure
IF YES, please describe: _____
10. Have you ever served on a jury? YES NO
If YES:
 - a. What kind(s) of case(s)? _____
 - b. What was the jury's verdict? _____
 - c. Were you the foreperson? YES NO
11. Have you ever worked for the government (local, state, or federal)? YES NO
IF YES, please describe: _____
12. Please list your social, political, civic or religious organizations, clubs, groups, or other affiliations:

13. Have you held any positions of leadership in these organizations? What role? _____
14. Have you, or an immediate family member, ever worked for a law firm? YES NO
IF YES, please describe: _____
15. Have you or an immediate family member ever owned a small business? YES NO
IF YES, please describe: _____
16. Have you or an immediate family member ever been an officer, director, or member of a corporation, partnership, or limited liability company? YES NO
IF YES, please describe: _____
17. Where do you get most of your news? (circle all that apply)
Newspaper (which ones?): _____ TV: CNN, NBC, ABC, CBS, FOX, PBS, OAN, Newsmax, Other
YouTube (which channels?): _____ Facebook, Twitter, Instagram
Radio or Podcasts (what programs?): _____ Friends/Family/Word of mouth
Magazines: TIME, Newsweek, U.S. News Other Sources: _____
18. Do you believe that individuals or small businesses have little chance of protecting their interests when they conflict with powerful groups or large corporations? Strongly Agree Somewhat Agree
 Neutral Somewhat Disagree Strongly Disagree No Opinion

PATENT QUESTIONS

- 19. Have you or anyone you know ever invented, patented or designed anything? YES NO
If YES:
 - a. Who invented, patented, or designed it? _____
 - b. What was patented, invented, or designed? _____
- 20. Have you, or someone close to you, ever had any dealings with the United States Patent and Trademark Office (USPTO)? YES NO
- 21. Have you ever applied for a patent? YES NO
- 22. Has anyone you know ever applied for a patent? YES NO Unsure
- 23. Have you or anyone close to you ever worked at a job where you or they were involved in the development or marketing of new products? YES NO Unsure

CASE SPECIFIC QUESTIONS [EXEMPLARY]

- 1. Have you, or an immediate family member, ever worked in the healthcare industry?
 YES NO IF YES, please explain: _____
- 2. Have you received treatment with any product sold by Viveve, ThermiGen, or ThermiAesthetics?
 YES NO IF YES, please explain: _____
- 3. Have you heard of any of the following systems or treatments? (check if YES)
 ThermiVa® ThermiRF® Viveve® System Geneveve® Treatment
- 4. Are you familiar with Viveve, ThermiGen, or ThermiAesthetics?
 YES NO IF YES, please explain: _____
- 5. Have you, or anyone close to you, ever worked for or had any business dealings with any of the following companies: (circle if applicable)
 - a.KIPB LLC (formerly known as KAIST IP US LLC) YES NO
 - b.Samsung Electronics YES NO
 - c.GlobalFoundries YES NO
 - d.Qualcomm Inc. YES NO
 If you answered YES to any of the above, please explain: _____
- 6. In general, what is your opinion of Samsung’s brand and products?
 Very positive Somewhat positive Neutral Somewhat negative Very negative No Opinion
- 7. Do you own any Samsung products? YES NO If YES, please explain: _____
- 8. Do you have any opinions regarding any other company listed on this form? YES NO
If YES, please explain: _____

FINAL QUESTION AND SIGNATURE

- 9. Is there anything else you feel the Court and the parties should know about you and your ability to be a fair and impartial juror? YES NO
If YES, please explain: _____

Prospective Juror Signature _____ Date: _____