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UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA

SOILWORKS, LLC, an Arizona
 corporation,
 Plaintiff / Counterdefendant /
 Counterclaimant,

v.

NO.: 2:06-CV-2141-DGC

**JOINT PROPOSED VOIR DIRE
 QUESTIONS**

(Before the Honorable David G. Campbell)

1 MIDWEST INDUSTRIAL SUPPLY, INC.,
2 an Ohio corporation authorized to do
3 business in Arizona,

4 Defendant / Counterclaimant /
5 Counterdefendant.

6 Pursuant to the Court's Order setting final pretrial conference dated August 7, 2008,
7 the following are the parties' joint proposed voir dire questions:

8 1. Are any of you familiar with any of the lawyers involved in this case? The
9 plaintiff is represented by the law firm of Kutak Rock LLP and by E. Scott Dosek and John
10 P. Passarelli of that law firm. The defendant is represented by Brouse McDowell and by
11 Craig A. Marvinney and John M. Skeriotis of that firm. Defendant is also represented by the
12 law firm of Jones Skelton and Hochuli and Donald L. Myles of that firm.

13 2. The plaintiff and the defendant in this case are both engaged in the soil
14 stabilization and dust control industry. Have any of you, or have any members of your
15 immediate family, ever been employed by any public or private entity involved with dust
16 control and/or soil stabilization?

17 3. There are several products associated with the parties to this case whose names
18 you will hear from the witnesses and see in some of the documents. Have any of you ever
19 purchased or used any of the following products: Durasoil, Soiltac, Powdered Soiltac,
20 Gorilla Snot, Soil-Sement, EnviroKlean, Road Oyl, Haul Pro, EK35, Road Pro NT, Haul
21 Road Dust Control, Dustfyghter, Diamond Doctor, Arena RX, Road-bldr?

22 4. Have any of you either personally or in your job or occupation ever purchased
23 or used any product designed or intended to achieve dust control or soil stabilization?

24 5. Have any of you ever been employed as owner, partner or substantial
25 shareholder of the business in which you were employed?
26
27
28

1 6. This case involves claims related to the issuance by the United States Patent
2 and Trademark Office of Patents for certain products, processes and terms. Have any of you
3 ever secured or made application for the issuance of a patent from the United States Patent
4 and Trademark Office?

5 Have any of you ever made application for or obtained registration of a trademark or a
6 trade name?

7 7. Have any of you been a party to a lawsuit, either as a plaintiff or defendant?

8 8. For those of you who answered “yes” to the preceding questions, please give
9 us a brief summary of that experience, including whether you were a plaintiff or a defendant,
10 when the lawsuit took place, where it took place, and what was the outcome?

11 9. For any of you who have ever acquired a registered patent or trademark from
12 the United States Patent and Trademark Office, has any person or firm ever used or
13 attempted to use your patent or your trademark in any way which was without your
14 permission and contrary to the rights which you owned?

15 10. Have any of you ever been accused by any person or business of engaging in
16 any activity or conduct which constituted an infringement of a patent or trademark claimed
17 to be owned by that other person or business?

18 11. Are any of you or your immediate family members employed in the legal field
19 or the court system?

20 12. Has any jury member been called upon to testify as a witness in court?

21 13. Do any of you believe that it is inherently wrong or improper for any person or
22 business to bring a lawsuit.

23 14. At the conclusion of the trial the Judge will instruct you on the law as it
24 pertains to this case. You will be instructed that it is your obligation to follow the law in
25 deciding the case. Are there any of you who feel that you would not be able to follow the
26 law even if for any reason you personally might disagree with it?

27 15. Do any of you have any background or educational training in chemistry or
28 chemical engineering?

- 1 16. Do any of you own, operate or maintain any internet website?
- 2 17. Have any of you used Google to advertise any product or service or to invite
- 3 visits to a particular website?
- 4 18. How many of you have purchased any goods or services online through the
- 5 internet?
- 6 19. Of those of you who have purchased or services through the internet, have any
- 7 of you had any negative or unpleasant experiences resulting from those transactions?
- 8 20. Have any of you ever offered any product or service for sale on E-Bay?
- 9 21. Have you or any members of your immediate family ever worked in a business
- 10 that claimed to have trade secrets?
- 11 22. Have you or has any member of your immediate family ever been responsible
- 12 for protecting trade secrets, patents or trademarks?
- 13 23. Have you or has any member of your immediate family ever been involved in a
- 14 situation in which trade secrets were stolen or improperly disclosed to a third party?
- 15 24. Have you ever been involved in a situation in which you were asked or
- 16 required to sign a confidentiality or non-disclosure agreement?

17 Dated this 19th day of September, 2008.

18 KUTAK ROCK LLP

19

20 By /s E. Scott Dosek

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COPY of the foregoing electronically filed
this 19th day of September, 2008, and copies electronically
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