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2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA

5
6 **MEDIA TEK, INC.,**
7 **PLAINTIFF,**

8 **VS.**

9 **FREESCALE SEMICONDUCTOR, INC.,**
10 **DEFENDANT.**

CASE No.: 11-cv-5341 YGR

PRETRIAL ORDER No. 6 RE: JURY ISSUES

11 In further preparation for the scheduled jury trial, the Court **ORDERS** the creation of a joint
12 juror notebook, the requirements of which are identified below. In addition, the parties are advised
13 that the Court is considering modifications to the normal presentation of evidence given the technical
14 nature of the issues to be presented to the jury, as stated below.

15 First, the parties shall meet and confer in developing a joint juror notebook. The Court will
16 review the proposed juror notebook with the parties at the next trial readiness conference scheduled
17 for August 18, 2014, and resolve any disagreements. Once approved, the parties shall provide
18 sufficient notebooks for each juror, plus two. The Court will add its own cover page for the front of
19 the notebook. The notebook should include the following components/tabs:

- 20 1. An empty "sheet protector" in which the Court can insert a page with a warning regarding
21 use of social media and duties of jurors;
- 22 2. Index;
- 23 3. Loose leaf paper for note taking;
- 24 4. Glossary of technical terms;
- 25 5. Photographs of each witness. Each party will be responsible for taking a photograph of
26 each witness testifying in its case in chief, outside the Courtroom immediately before the
27 witness testifies. The witness's appearance must be the same in the photograph on the
28 witness stand (*i.e.*, same clothing, hairstyle, eyewear). At the time of trial, the parties

1 shall provide the Courtroom Deputy with eleven (11) copies of each photograph, printed
2 on three-hole-punched, 8 ½” x 11” paper. The photograph size itself should be at least 4”
3 by 6”. The Courtroom Deputy will distribute the photographs for placement in the juror
4 binders.

- 5 6. Color-coded handouts identifying the specific language of the claims which is at issue in
6 the patents and its import to the action. *See* Docket No. 633 in *Oracle America, Inc. v*
7 *Google*, 10-cv-3561-WHA, as an exemplar. The handouts should also include any
8 constructions made by the Court or to which the parties have stipulated. Alternatively, a
9 chart may be a better mechanism for communicating that particular information;
- 10 7. A common timeline of events, if appropriate and useful;
- 11 8. Copies of the patents (on double-sided paper). The copies of the patents should highlight
12 or box the claims at issue;
- 13 9. A copy of the Patent Example referenced in the FJC video to be played to the jurors; and
- 14 10. Final jury instructions (to be provided later)

15 Second, as the parties are aware, the Court allows jurors to ask questions during the trial. The
16 Court is also considering whether: (i) to allow “mini-arguments” during trial; (ii) to require the
17 parties to present each side’s experts on a particular topic back-to-back; and (iii) to allow jurors to
18 discuss the evidence during the case as it is being presented. The parties should again, meet and
19 confer on those issues as a joint recommendation will carry more weight with the Court. The Court
20 will consider the parties’ perspectives at the next trial readiness conference.

21 On a separate topic, the parties shall advise the Court as to the schedule for the remaining
22 depositions. The Court notes that it is awaiting more information before ruling on the “Crown
23 Jewel” document.

24 Finally, by **noon on August 15, 2014**, the parties shall file a notice of all additional issues
25 they would like addressed at the August 18, 2014 conference.

26 **IT IS SO ORDERED.**

27 DATED: August 7, 2014

28


HON. YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE