

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ULTRATEC, INC. and CAPTEL, INC.,

Plaintiffs,

v.

VOIR DIRE

14-cv-66-jdp

SORENSEN COMMUNICATIONS, INC. and  
CAPTIONCALL, LLC,

Defendants.

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*Introduction*

This is a patent lawsuit involving captioned telephone services for people who are deaf or hard-of-hearing. A captioned telephone allows you to talk on the phone while you see captions of the words of the other speaker. The plaintiffs, Ultratec, Inc. and CapTel, Inc. hold a patent on a method of providing captioned telephone service. Plaintiffs contend that defendants Sorenson Communications, Inc. and CaptionCall, LLC, infringe that patent. Defendants contend that the patent is invalid.

1. Have any of you ever heard of this case before today? Follow up at sidebar.

*Jurors' capacity to serve*

2. The trial of this case will begin today and will likely last eight days, until next Wednesday. Is there any one of you who would be unable to serve as a juror during this time?
3. Does anyone have difficulty reading, hearing, or understanding the English language?
4. Does anyone have an eyesight condition that would make it difficult for them to see written or printed materials, or to view such information on a screen?
5. Does anyone have a hearing condition that would make it difficult for them to hear oral testimony from witnesses or instructions from the Judge?

*Knowledge of parties and others*

6. Ask counsel to stand and tell the jury where they practice and with whom. Ask panel whether anyone knows counsel or their associates or partners.
7. Ask counsel to introduce the parties. Ask panel whether anyone knows any of the parties. Have you or anyone close to you ever worked for one of these companies? Do you have any opinions about any of these companies that might be relevant to this case?
8. The witnesses in the case may include the following individuals. (Read list of witnesses.) Do any of you know any of the witnesses?
9. Do any of you know the judge or court personnel?
10. Do any of you know any of the other people on the jury panel?
11. In deciding this case, would you feel any bias for or against a company based here in Madison? Would you feel any bias for or against a company based somewhere else?

*Questions to each prospective juror (listed on a sheet provided to jurors):*

Please stand up and tell us about yourself:

12. Name, age, and city or town of residence.
13. If you live in Madison, how long have you lived here?
14. If you have lived in the area for less than ten years, where have you lived before?
15. Marital status and number of children, if any.
16. Current occupation (former if retired or currently unemployed).
17. Current (or former) occupation of your spouse or domestic partner.
18. If you have adult children, what do they do?
19. How far you went in school and major areas of study, if any.
20. Any military service, including branch, rank and approximate date of discharge.

21. Have you, a relative, or a close friend ever been employed by the government?
22. Have you, a relative, or a close friend ever owned a business?
23. Memberships in any groups or organizations.
24. Hobbies and leisure-time activities.
25. Favorite types of reading material, including books, newspapers, magazines, books, internet websites or blogs.
26. Main sources of news, including television, radio, internet sites, or newspapers.
27. Do you regularly read news about: business, technology, or computers?
28. Have you ever written a letter to the editor in a newspaper or magazine?
29. Do you regularly use the internet to visit sites other than e-mail or personal business? If so, what types of sites you visit most often?
30. Favorite types of television shows.
31. Do you listen regularly to talk radio or watch cable television news channels regularly? Which programs?
32. Do you have any bumper stickers on your car? If so, what do they say or depict?

*Case-specific questions to the panel*

*Jurors may request that sensitive topics be addressed at side-bar*

*Litigation experience and opinions*

33. Have you, a relative, or a close friend been a party to a lawsuit?
34. Have you, a relative, or a close friend ever been a witness in a lawsuit?
35. Have you, a relative, or a close friend served on a jury? Follow up: nature of the case; find for plaintiff or defendant; were you the foreperson?
36. Do you have strong opinions, whether positive or negative, about people who go to court to obtain relief for wrongs they believe they have suffered?

*Specialized knowledge or experience*

37. Are you, a relative, or a close friend a person with a disability? If yes, do you or does that person use any assistive technology to help with the disability?
38. Do you have any knowledge or experience in dealing with the Americans with Disabilities Act (ADA)?
39. Do you, a relative, or a close friend have hearing loss? Or are you, a relative, or a close friend deaf or hard-of-hearing? Does this person use assistive technology or a device to improve their hearing?
40. Have you, a relative, or a close friend ever used captioned telephone service or other assistive technology to place or receive a telephone call?
41. Have you, a relative, or a close friend ever had education, been employed, trained, or had any experience in any of the following areas?
  - a. Law
  - b. Engineering
  - c. Computer engineering, programming, Information Technology, software programming or engineering
  - d. Telecommunications
  - e. Telephone design
  - f. TDD or Captioned telephone services or captioning technology
  - g. Assistive technology
  - h. Any field related to providing services or care to those with hearing impairment or loss
  - i. Voice signal processing
  - j. Echo cancellation software
  - k. Accounting, finance, or economics
42. Have you, a relative, or a close friend tried to make or sell a new product or invention?

43. Have you, a relative, or a close friend ever applied for a patent, been listed as an inventor on a patent, or owned a patent?
44. Does your employer own patents? Do you have any personal involvement with these patents?
45. Have you, a relative, or a close friend been involved in any dispute over rights to an invention or a patent?
46. Have you, a relative, or a close friend had any experience with the United States Patent and Trademark Office?
47. Do you have any strong opinions about the United States patent system or patents generally?

*Conclusion*

48. You will be instructed to not seek out information regarding this case or the parties outside the information you receive in this lawsuit. Will any if you have difficulty following this instruction?
49. At the end of the case, I will give you instructions that will govern your deliberations. You are required to follow those instructions, even if you do not agree with them. Is there any one of you who would be unable or unwilling to follow my instructions?
50. Do any of you have any religious, philosophical, or other beliefs that would prevent you from judging the truthfulness of a witness or from acting as an impartial juror in this case?
51. Do you know of any reason whatsoever why you could not sit as a trial juror with absolute impartiality to all the parties in this case?