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Cc: Adrienne Dellinger; William Nilsson; Lee Matalon; Thomas Derbish; Cason Cole
Subject: March 15, 2021 Jury Selection and Trial Procedures
Date: Tuesday, March 2, 2021 5:10:03 PM

**** EXTERNAL EMAIL ****

Counsel,

PMC v. Apple (2:15-cv-1366), *Infernal v. Sony* (2:19-cv-248), and *GREE v. Supercell Oy* (2:19-cv-200, 237, 310, 311) are set, in the recited order, for jury selection followed by trial on **Monday, March 15, 2021**. To facilitate such and assuage any public health concerns, the Court has put into place various mitigation protocols. During the jury trial, you and all persons attending with you are required to comply with the following:

- First, the Court will continue to adhere to the following specific visitor restrictions:
 - Persons who have traveled to or from any of the following countries listed on the Centers for Disease Control and Prevention website [<https://www.cdc.gov/coronavirus/2019-ncov/travelers/from-other-countries.html>] as “Travelers Prohibited from Entry to the United States” within the preceding 14 days;
 - Persons who have had close contact with someone who has traveled to or from one of the countries referenced above within the preceding 14 days;
 - Persons who a medical doctor, doctor of osteopathy, hospital or public health agency has directed to self-quarantine, and such period of self-quarantining is ongoing;
 - Persons who have been diagnosed with COVID-19 and who have not obtained express medical verification as now being non-communicative/non-contagious from a medical doctor, doctor of osteopathy, hospital or public health agency;
 - Persons who exhibit fever, cough or shortness of breath; and
 - If you or anyone attending court with you falls within one or more of the above restricted categories, you must advise the Court by email (copying all counsel of record) within 24 hours. All such persons will not be granted admission to the courthouse.

- Second, the Court will be enforcing social distancing protocols among parties, counsel, and

court staff. To the greatest extent reasonably possible, the Court will strive to maintain a six-foot distance between all those present. The Court will also be implementing various mitigation strategies in the courtroom, including limiting the number of persons seated at counsel tables to three persons per party per table. The parties are each responsible for determining which persons are to sit at their respective counsel tables; all other party representatives, counsel, consultants, and observers should sit in the gallery or inside the bar after the jury is seated. Those not at counsel table are encouraged to wear a face covering while inside the courtroom, but the Court will neither require nor provide one.

- **Third**, the Court encourages all participants to follow the CDC's community-mitigation guidelines before attending the proceeding. That includes washing hands often; avoiding close contact with people who are sick and practicing social distancing; covering mouth and nose with a cloth face cover when around others; covering coughs and sneezes; and cleaning and disinfecting frequently touched surfaces daily.

Additionally, in light of the health and safety precautions to be taken during the jury trial, the Court directs all counsel to delay their arrival at the Courthouse for *voir dire* on Monday, March 15, 2021 until you are instructed to appear. This will prevent unintended mixing of trial teams with the venire panel during the lengthy individualized check-in process. On Monday, after the venire panel has been checked in and is positioned in the courtroom, I will call counsel via their cell numbers provided to the Court to convey an appropriate time for counsel to arrive at the Courthouse, as well as any further instructions. The Court anticipates this call will occur no earlier than 8:15 a.m. On subsequent days, counsel are directed to arrive at the Courthouse as normal.

Until the Court enters the Courtroom on Monday, Mrs. Kecia Clendening—deputy clerk in charge—will control your entrance and access to the courtroom itself. She will send word to both sides when your three person *voir dire* teams may enter the courtroom and set up at counsel table.

Additionally and as you are aware, the Court's practice is to provide jurors with contact information for one attorney on each side after the conclusion of trial, so that jurors may call either or both sides—if they choose—to discuss the trial after they have been discharged by the Court. Accordingly, please provide me (Taylor_Mauze@txed.uscourts.gov) with the name and contact information of such a designated attorney for this purpose by **Sunday, March 7, 2021 at 6:00 p.m.**

Please let me know if you have any questions.

Sincerely,

Taylor Mauze

Law Clerk to Chief Judge Rodney Gilstrap

U.S. District Court for the Eastern District of Texas

100 E. Houston Street

Marshall, Texas 75670

Taylor_Mauze@txed.uscourts.gov