

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

USC IP PARTNERSHIP, L.P.,
Plaintiff

-VS-

FACEBOOK, INC.,
Defendant

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6:20-CV-00555-ADA

NOTICE OF TRIAL PROCEDURES

In anticipation of the upcoming jury trial, the Court notifies the parties of the following trial procedures.

I. GENERAL TRIAL PROCEDURES

A. Jury Selection

Jury Selection will begin at **9:30 AM, December 9, 2021** in Courtroom #3 before Magistrate Judge Jeffrey Manske in the United States District Court, 800 Franklin, Waco, Texas 76701.

Seven jurors will be selected for this trial. Each party will have four peremptory strikes. The Court will provide the parties an opportunity to do a general and individual *voir dire* at the Court's discretion. The Court will provide the parties with a diagram of the room that identifies the jurors and their seat assignments.

B. Trial

Jury trial will begin at **9:00 AM, December 13, 2021** in Courtroom #1. The parties shall jointly provide notebooks to the jurors on the first day of trial before the trial begins. The notebooks shall be provided to a Court staff, who will deliver the notebooks to the jurors.

Each party will have 10 hours of trial time. Each party will have 30 minutes for its opening argument and 30 minutes for its closing argument. The parties are not permitted to reserve any part of their trial time for their opening or closing arguments.

Bench conferences in the presence of the jury during trial may be allowed at the Court's discretion. If necessary, the Court may take a short recess from the trial to conduct any bench conferences and resolve any issues in the absence of the jury.

The parties shall use electronic exhibits for any exhibit displayed and/or given to the jury, unless providing or displaying an exhibit electronically is impractical or restricted under the protective order. For the sake of clarity, any witness, counsel, staff, and the Court may each have his or her own set of physical exhibits. However, physical exhibits will not be passed to the jury absent approval by the Court.

C. Audio Access for the Public

Although seating will remain available to the public in the courtroom, an audio feed will be made available to public. Any individuals of the public may use the following information to observe the trial proceedings by telephone:

Dial-in: +1 669 254 5252 or +1 669 216 1590
Webinar ID: 161 128 4154
Passcode: 696230

Please note that the public is not permitted to observe the trial via video streaming. Recording of the proceedings in any way is not permitted.

D. Video Access for Party-Affiliated Individuals

A live video feed of the trial proceedings will be provided to party-affiliated individuals to accommodate any party-affiliated individuals who choose to observe the trials remotely and

any witnesses who choose to testify remotely. This live feed may be accessed by the following party-affiliated individuals outside of the Courthouse:

- a) The parties' outside counsel, staff, and consultants;
- b) The parties' in-house counsel disclosed under the Protective Order;
- c) Witnesses on either party's witness list to the extent permitted under the Protective Order and Pre-trial Order. A fact witness (other than a designated corporate representative) may not observe the testimony of other witnesses until after that witness has completed his/her testimony and has been excused by the Court. Expert witnesses and corporate representatives may observe the testimony of other witnesses before they testify—although corporate representatives may be precluded from observing certain sealed testimony because of confidentiality reasons.

If any witness of either party chooses to testify remotely during the trial, the party shall work with the Court's IT staff to make any arrangement such that the witness can testify remotely using the Court's Zoom platform.

E. Remote Participation Decorum

Remote trial participants and observers should silence electronic devices other than the devices necessary to their remote participation, close unnecessary computer programs or applications (such as email or calendar notifications), and take steps to remove or minimize anything in their remote workspace that might distract from the integrity of the proceedings. Remote participants and observers who will not be testifying or presenting matters during the proceedings shall mute their microphones and deactivate their cameras. Participants and observers using multiple devices in a single workspace to access the trial should avoid audio

feedback issues by using the microphone and speakers on only one device at a time, or by using headphones.

The Court requires all remote participants to do their best to maintain professionalism in order to conduct a fair and efficient trial. Anyone appearing virtually shall dress in the same manner as they would if they physically appeared in the courtroom. If party members, member of the press, or members of the public become disruptive, the Court may further restrict who is able to view the trial. Remote trial participants and observers should conduct themselves in the same way they would if they were physically present in the courtroom.

II. COVID -19 SAFETY PROTOCOL

In order to provide a safe environment for all parties and other trial participants, the Court has approved the following COVID-19 safety protocol, which the Court employs to maximize safety and social distancing during trial.

A. Pre-Entry Health Assessments

All individuals who enter the Courthouse shall be expected to adhere to CDC guidelines for COVID-19.

1. Temperature Checks

Consistent with existing protocols, the Courthouse personnel will perform a temperature check on all individuals entering the Courthouse through no-contact thermal imaging. Any person exhibiting a temperature greater than 100.4⁰ will not allowed in the building.

2. COVID-19 Safety Questionnaire

Self-assessment health signage is already posted conspicuously around the Courthouse. Such signs direct any person who fails the self-assessment not to enter the

building. In addition, any individual who answers “yes” to any of the following questions shall inform the Court’s personnel before entering the Courthouse:

- a) In the last three weeks, have you been diagnosed with COVID-19?
- b) Are you currently experiencing new or worsening signs of any of the following symptoms not otherwise attributable to a condition other than COVID-19 (such as pregnancy, dehydration, rigorous exercise, etc.): difficulty breathing or shortness of breath; loss of the sense of taste or smell; gastrointestinal discomfort including vomiting or diarrhea; fever; cough; fatigue; headache; or muscle or body aches; or runny nose?
- c) In the last two weeks, have you been in close contact with someone who was diagnosed with COVID-19 or whom you believe likely has COVID-19? You have been in close contact if you have (a) been within 6 feet of someone who has COVID-19 for a combined total of 15 minutes or more over a 24-hour period, *or* (b) provided care at home to someone who is sick with COVID-19, *or* (c) had direct physical contact (e.g., hugged or kissed) with someone who has COVID-19, *or* (d) shared eating or drinking utensils with someone who has COVID-19, *or* (e) been sneezed on or coughed on by someone who has COVID-19.

B. Face Covering and Social Distancing

Any individual who enters the Courthouse shall wear a face covering and shall keep his/her face covering on except when he/she is speaking or testifying during the trial proceeding. Further, all individuals who enter the Courthouse are instructed to adhere to

social distancing requirements, including keeping an at least 6-feet of distance from other participants and limiting Courthouse elevator occupancy to a maximum of two riders at a time.

IT IS SO ORDERED.

SIGNED this 3rd day of December, 2021.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE