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AU OPTRONICS CORPORATION and  
17 AU OPTRONICS CORPORATION AMERICA

18  
19 UNITED STATES DISTRICT COURT  
20 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
21 SAN FRANCISCO DIVISION

22 UNITED STATES OF AMERICA,

23  
24 Plaintiff,

25 v.

26 AU OPTRONICS CORPORATION and AU  
OPTRONICS CORPORATION AMERICA, et al.

27 Defendants.  
28

Case No. CR 09-0110 SI

**SUPPLEMENTAL STATEMENT OF  
DEFENDANTS AU OPTRONICS  
CORPORATION AND AU OPTRONICS  
CORPORATION AMERICA RE:  
REVISED JUROR QUESTIONNAIRE**

Trial Date: January 9, 2012

1 Defendants AU Optronics Corporation and AU Optronics Corporation America respond briefly  
2 to the government's November 25, 2011 statement regarding Defendants' proposed juror questionnaire.  
3 Doc. Nos. 430, 433.

4 During the November 18, 2011 status conference held in this matter, the Court discussed the  
5 issue of whether a jury questionnaire would be used in this case, indicating it would not approve the last  
6 questionnaire submitted by the defense. The government reiterated its previous position that no  
7 questionnaire should be used in this case. The Court agreed with defense counsel, however, that the use  
8 of a questionnaire had been quite helpful in expediting jury selection in *United States v. Bonds*,  
9 No. 07-CR-0732, and provided Defendants with the opportunity to file a revised and shortened  
10 questionnaire. In response, defense counsel stated that Defendants would file a revised questionnaire by  
11 November 23rd. The Court did not state that it would only consider a questionnaire if it were jointly  
12 submitted by all parties.

13 In compliance with the Court's order, Defendants filed a substantially shortened questionnaire on  
14 Wednesday, November 23rd.<sup>1</sup> They did not first submit it to the government because the government  
15 had stated at the hearing on November 18th that it opposed the use of any questionnaire, a position,  
16 reiterated in its response filed on November 25th, that rendered consultation on a joint questionnaire  
17 fruitless.

18 Defendants submit that absent the use of a questionnaire, either (a) the process of obtaining  
19 information during voir dire from each venire person that could easily have been provided in writing out  
20 of court will lengthen the jury selection process by many hours; or (b) the bases for challenges for cause  
21 will not be uncovered during voir dire but will surface later, possibly requiring a mistrial; or (c) both (a)  
22 and (b) will result. If the government is willing to consult with Defendants with the stated goal of  
23 producing a questionnaire that the Court will find acceptable and the Court directs the parties to do so,  
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25  
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27 <sup>1</sup> The declaration included in Defendants' revised juror questionnaire was modeled on the statement  
28 included at the end of the juror questionnaire given in *Bonds* (Doc. No. 292-1 at p. 20). Defendants  
have no objection to re-wording this declaration and only sought to provide an exemplar that the Court  
had previously approved.

1 Defendants will gladly engage in that process.

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DATED: November 27, 2011

NOSSAMAN LLP

By: /s/ Christopher A. Nedeau  
Christopher A. Nedeau

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CORPORATION and AU OPTRONICS  
CORPORATION AMERICA