

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CHROMADEX, INC. and TRUSTEES
OF DARTMOUTH COLLEGE,

Plaintiffs,

v.

ELYSIUM HEALTH, INC.,

Defendant.

C.A. No. 18-1434-CFC

JOINT [PROPOSED] VOIR DIRE¹

¹ The parties request the ability to follow-up with potential jurors on their responses to these questions to the extent necessary and to inquire of the jurors as to other issues that might be raised in the jury selection process.

Good morning, ladies and gentlemen. I am Judge Connolly. We are going to select a jury in a civil case called ChromaDex, Inc. and Trustees of Dartmouth College versus Elysium Health, Inc.

This case is an action for patent infringement arising under the patent laws of the United States. The plaintiffs in this case are ChromaDex, Inc. and Trustees of Dartmouth College. The defendant is Elysium Health, Inc.

For those of you selected to serve as jurors, I will give you more detailed oral and written instructions once you are sworn in as jurors and again at the conclusion of the trial. For now, I will simply tell you that Plaintiffs accuse Defendant of infringing certain patent claims. Defendant denies that it has infringed these claims and Defendant also asserts that these claims are invalid. Plaintiffs deny that any asserted claim is invalid. If the terms I have just used, like *claims*, seem unfamiliar, do not worry because they will be explained to you shortly.

I am going to ask you a series of questions during this jury selection process, the purpose of which is to enable the Court and the attorneys to determine whether or not any potential juror should be excused. Before I ask any questions, I am going to ask the Deputy Clerk to swear the jury panel, which means that the jury panel must answer all questions truthfully.

[To Deputy, Please swear the panel].

If any of you answer “yes” to any of the questions that I ask, please stand and when recognized by me, state your jury number. At the end of the questions, I will ask those of you who answered “yes” to one or more questions to come forward to discuss your answers with the lawyers and me.

The presentation of evidence in this case is expected to take 5 days, and should be finished by October 1, 2021. However, even after the presentation of evidence is finished, jury deliberations will take some additional time. The schedule that I expect to keep over the days of evidence presentation will include a morning break of fifteen minutes, a lunch break of an hour, and an afternoon break of fifteen minutes. We will start at 9:00 A.M. and finish at 4:30 P.M. each day.

Juror Availability

1. Does the schedule that I have just mentioned present a special problem for any of you?
2. Is there anything, such as poor vision, difficulty hearing, or difficulty understanding spoken or written English, that would make it difficult for you to serve on this jury?
3. Do you have any conflicts, responsibilities, or health conditions that would interfere with you serving as a juror?

No Prior Relationships or Information

4. Have any of you heard or read anything about this case other than what I have told you?

5. I am now going to ask you about some of the companies and institutions involved in this case. They are:

- DARTMOUTH COLLEGE
- CHROMADDEX INC.
- ELYSIUM HEALTH, INC.

6. Have any of you, any immediate family member, or anyone close to you ever been employed by ChromaDex, Inc., Trustees of Dartmouth College, or Elysium Health, Inc.?

7. Have any of you, or your any immediate family members, or anyone close to you ever had a relationship with any of these companies or institutions? This includes, for example, owning stock in ChromaDex Corp., or attending Dartmouth College, or having a business relationship with one of these companies or institutions.

8. Have any of you, any immediate family member, or anyone close to you ever had any experience, good or bad, with any of these companies or institutions that might keep you from being a fair and impartial juror in this case?

9. Do you have any opinions about any of these companies or institutions that might keep you from being a fair and impartial juror in this case?

10. The lawyers and law firms involved in this case are:

- YOUNG, CONAWAY, STARGATT & TAYLOR LLP
 - Adam W. Poff
 - Pilar G. Kraman

- COVINGTON & BURLING LLP
 - Christopher N. Sipes
 - R. Jason Fowler
 - Patrick Flynn
 - Ashley Winkler
 - Emily Mondry
 - Jason Reinecke
 - Evan Krygowski

- HALEY GUILIANO LLP
 - James F. Haley

- ASHBY & GEDDES, P.A.
 - Steven J. Balick
 - Andrew Colin Mayo

- FOLEY HOAG LLP
 - Donald R. Ware
 - Jeffrey I.D. Lewis
 - Jenny Shum
 - Jeremy A. Younkin
 - Marco J. Quina
 - Richard Maidman
 - Joanna McDonough

Do any of you, any immediate family member, or anyone close to you, know of have any type of relationship with any of the attorneys or law firms I just named?

By “relationship” I include things such as business dealings with, or employment by, any of these attorneys or law firms.

11. The potential witnesses in this case or people you may hear about are (in alphabetical order by last name):

- James Adams
- Daniel Alminana

- Will Black
- Charles Brenner
- Alexander Clemons
- Ryan Dellinger
- Aron Erickson
- Robert Fried
- Brianna Gerber
- Leonard Guarente
- Lance Gunderson
- Adi Ilani
- Frank Jaksch
- Megan Jordan
- Alla Kan
- Robert Larsen
- Daniel Magida
- Eric Marcotulli
- Mark Morris
- Ramon Padilla
- Philip Redpath
- Kimberly Rosenfield
- Robert Sobol
- Derik Ward

Are you familiar with any of the potential witnesses in this case who I just listed?

12. You also may hear about other companies during this case. Do you or your immediate family members, or anyone close to you, have any relationship with any of these companies:

- Thorne Research, Inc.
- W.R. Grace & Co. Conn.
- Nestlé HeathCare Nutrition, Inc. d/b/a Nestlé Health Science
- High Performance Nutrition
- Quality Supplements & Vitamins, Inc. d/b/a Life Extension

Background & Experiences

13. Do you have a graduate degree in science or engineering, or have you taken any graduate level classes in science or engineering?

14. Do you have any education or experience of any kind with the legal system or the courts?

15. Do you have any education or work experience involving dietary supplements, their manufacture, or their marketing?

16. Have you, any immediate family member, or anyone close to you ever been employed by, or had contact with, the United States Patent and Trademark Office?

17. Have you, any immediate family member, or anyone close to you had any experiences with patents, including, for example, applying for, licensing, or obtaining a patent?

18. Do you have any opinions about patents, patent rights, or the United States Patent and Trademark Office that might make it difficult for you to be a fair and impartial juror in this case?

19. Have you, any immediate family member, or anyone close to you ever been involved in any type of lawsuit or legal dispute? This includes any dispute that involves a patent or other types of intellectual property.

20. Have you ever been a juror in a trial? *If a juror answers affirmatively, the parties suggest the following questions:* Have you served on a jury in a civil case within the last fifteen years? Was that in federal or state court? Did you reach a verdict in that case? If so, for which party did you find?

21. Have you ever participated as a party or a witness in a lawsuit?

Case Subject Matter

22. This case involves a dietary supplement that includes a vitamin called nicotinamide riboside (sometimes called “NR”). Have you, any immediate family member, or anyone close to you ever purchased or considered purchasing nicotinamide riboside, niacin, nicotinamide, nicotinic acid, tryptophan, or a dietary supplement containing one of these substances?

23. Have you, any immediate family member, or anyone close to you ever purchased or considered purchasing a product called **Tru Niagen**, any product containing an ingredient called **Niagen**, or a product called **Basis**?

24. Have you, any immediate family member, or anyone close to you ever purchased or considered purchasing a product from either ChromaDex, Inc. or Elysium Health, Inc.?

25. Have you ever seen or heard advertisements, commercials, or social media posts related to nicotinamide riboside, ChromaDex, Elysium, Tru Niagen, Niagen, or Basis?

Conclusion

26. If you are selected to sit as a juror in this case, are you aware of any reason why you would be unable to render a verdict based solely on the evidence presented at trial?

27. If you are selected to sit as a juror in this case, are you aware of any reason why you would not be able to follow the law as I explain it to you?

28. This is the last question. Is there anything else, including something you have remembered in connection with one of the earlier questions, that you would like to tell me in connection with your service as a juror in this case?

Respectfully submitted,