

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

PERSONALIZED USER MODEL, L.L.P.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 09-525-LPS
)	
GOOGLE INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	

**DEFENDANT GOOGLE INC.'S NOTICE OF DEPOSITION OF PLAINTIFF
PERSONALIZED USER MODEL LLP. PURSUANT TO FED. R. CIV. P. 30(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6), Defendant Google Inc., by its attorneys, will take the oral deposition of Plaintiff Personalized User Model LLP ("PUM") on a mutually convenient date and at a location mutually agreeable to the parties. The deposition will take place before an officer duly authorized by law to administer oaths and recorded testimony. The testimony will be recorded by stenographic means and will be videotaped. The deposition will continue from day to day until completed or adjourned. PUM shall identify and designate person(s) to testify on PUM's behalf about each numbered category in the attached Schedule A.

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995760/34638

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SCHEDULE A

DEFINITIONS

As used in this notice of deposition, the following terms have the meaning indicated:

A. "Google" means Google Inc., including its present and former corporate parents, predecessors in interest, successors in interest, shareholders, divisions, departments, subsidiaries, branches, affiliates, and its present and former officers, directors, executives, employees, partners, agents, principals, attorneys, trustees, representatives, and other persons acting or purporting to act on its behalf.

B. "PLAINTIFF," or "PERSONALIZED USER MODEL," shall mean plaintiff Personalized User Model LLP, and its agents, officers, employees, representatives and attorneys, and any and all of its predecessor or successor companies, corporations or business entities.

C. "Utopy" shall mean Utopy Inc., predecessor-in-interest to the PATENTS-IN-SUIT, and its agents, officers, employees, representatives and attorneys, and any and all of its predecessor or successor companies, corporations or business entities.

D. The "PATENTS-IN-SUIT" shall mean U.S. Patent Nos. 6,981,040, and 7,685,276.

E. The term "RELATED PATENTS/APPLICATIONS" shall mean (1) any United States or foreign patent or patent application related to the PATENTS-IN-SUIT by way of subject matter or claimed priority date, (2) all parent, grandparent or earlier, divisional, continuation, continuation-in-part, provisional, reissue, reexamination, and foreign counterpart patents and applications of thereof, and/or (3) any patent or patent application filed by one of more of the same applicant(s) (or his or her assignees) that refers to any of (1) or (2) herein.

F. The term "Document" is used in its broadest sense to include everything that is contemplated by Rules 26 and 34 of the Federal Rules of Civil Procedure, including without

limitation any written, recorded or tangible graphic matter, or any other means of preserving data, expression, facts, opinions, thought, images, or other information of any kind, including without limitation all non-identical copies, drafts, out takes, subsequent versions, worksheets and proofs, however created or recorded, including without limitation audio tapes, annotations, calendars, correspondence, data or information of any kind recorded on compact disks, digital video diskettes, or any other type or form of diskettes for use with computers or other electronic devices, or any hard drive, diary entries, electronic recordings of any kind, e-mail, memoranda, notes, photographs, reports, telephone slips and logs, video cartridges and videotapes, and sites, databases, or other means of information storage or retrieval on the Internet or the World Wide Web. The term "Document" also includes, but is not limited to, documents stored in electronic form, such as electronic mail, computer source code, object code and microcode, and documents stored on any media accessible by electronic means. A comment or notation appearing on any Document that is not part of the original text is to be considered a separate "Document."

G. "Thing" means any tangible object other than a Document.

H. "Person" or "Entity" includes not only natural Persons, but also, without limitation, firms, partnerships, associations, corporations, and other legal entities, and divisions, departments, or other units thereof.

I. "Infringement" refers to any form of infringement actionable under United States law, including without limitation, direct infringement, contributory infringement, inducement to infringe, literal infringement, and infringement under the doctrine of equivalents.

J. "Accused Product" and/or "accused Google product" means any Google product or service identified by Function Media in its Complaint or Patent Rule 3-1 Infringement Contentions as infringing one or more of the patents-in-suit.

K. "Asserted Claim" and/or "Asserted Claims" means each claim of the patents-in-suit alleged or believed to be infringed, such as those identified by Plaintiff in its responses to Google's interrogatory no. 1. .

L. "Relates to," "Relating to" and "Related to" mean describing, discussing, evidencing, concerning, reflecting, comprising, illustrating, containing, embodying, constituting, analyzing, stating, identifying, referring to, commenting on, connected with, substantiating, establishing, memorializing, proving, disproving, contradicting, mentioning, regarding, reflecting, dealing with, in any way pertaining to, or supporting, directly or indirectly.

M. "Communication" means any occurrence whereby data, expression, facts, opinions, thought or other information of any kind is transmitted in any form, including without limitation any conversation, correspondence, discussion, e-mail, fax, meeting, memorandum, message, note, or posting or other display on the Internet or the World Wide Web.

N. "Inventor" and/or "Inventors" refers to any and/or all named inventors of patents-in-suit, including Yochai Konig, Roy Twersky, and Michael Berthold.

Areas of Examination Pursuant to Rule 30(b)(6)

In accordance with Rule 30(b)(6), PUM is required to designate one or more of its officers, directors, managing agents, or other persons to testify on its behalf with respect to matters known or reasonably available to PUM regarding the subjects described below:

1. All facts and circumstances regarding the conception, reduction to practice (actual or constructive), any alleged diligence in reduction to practice and/or cessation of attempted reduction to practice of each of the Asserted Claims of the patents-in-suit, on a claim-by-claim basis, including without limitation (i) all corroborating evidence thereof, including without limitation the identity of the author and dates of creation, last modification, and

printing of any documents relating to the alleged conception and reduction to practice;
and (ii) all persons who contributed in any way to the conception or reduction to practice of any of the Asserted Claims of the patents-in-suit, including without limitation employees of Utopy.

2. An explanation of how each document identified as relating to the date of conception of any Asserted Claim establishes the date and substance of each element and/or limitation of the asserted claims.
3. The best mode contemplated by the named inventors for carrying out the alleged invention(s) of the patents-in-suit on or prior to June 20, 2000.
4. All facts and circumstances regarding any search, analysis, investigation or opinion regarding the patents-in-suit and any Related Applications, including without limitation any search, analysis, investigation or opinion regarding patentability, unpatentability, enforceability, unenforceability, validity, invalidity, infringement, non-infringement, meaning, interpretation, construction or scope of the patents-in-suit or Related Applications.
5. All facts and circumstances regarding any prior art investigation regarding the patents-in-suit and any Related Applications.
6. All facts and circumstances regarding any challenges, whether formal or informal, to the validity or enforceability of the patents-in-suit and/or Related Applications.
7. Reaction by the industry and the public regarding the alleged invention(s) described in the patents-in-suit.
8. All facts and circumstances related to PUM's allegation that Google copied the alleged invention(s).

9. All facts and circumstances related to PUM's assertion that the alleged invention(s) enjoyed commercial success.
10. Products or services offered by any person other than Google, whether or not currently offered or available, that PUM contends are or were covered by any claims of the patents-in-suit.
11. The first public use, exhibition, sale, or offer for sale of any product embodying any alleged invention claimed in the patents-in-suit.
12. All facts and circumstances relating to how and when PUM, Utopy, and/or the inventors first became aware of each Accused Product; any and all analyses, examinations or investigations of each such product conducted by or for PUM, Utopy and/or the inventors; and an identification of documents (by Bates number) and persons with information relating to such analysis, examination or evaluation.
13. PUM, Utopy, and/or the inventors' investigation or analysis of any Google product or service as to whether said product or service infringes the patents-in-suit prior to the filing of the Complaint in this action.
14. Any notice (whether actual or constructive) given by PUM, Utopy or the inventors to Google of any alleged infringement of the patents-in-suit, including any communications between PUM, Utopy or the inventors and Google regarding the patents-in-suit or any alleged or potential infringement of the patents-in-suit.
15. All facts and circumstances relating to any pre-litigation contact between PUM, Utopy or the inventors and Google Inc.
16. All facts and circumstances relating to PUM's decision to file this lawsuit.

17. All facts and circumstances relating to PUM's knowledge, prior to filing this lawsuit, of any prior art to the patents-in-suit, including without limitation the identity of such prior art, the date on which it first became known to PUM, the circumstances under which PUM acquired this knowledge, the identity of all persons known to PUM to have knowledge of the prior art, and all documents relating to such prior art.
18. The preparation and prosecution of the patents-in-suit and any Related Applications in the United States Patent and Trademark Office or any foreign patent office, including without limitation the identity and role of all persons involved in said preparation and prosecution and the content and location of all documents related to said preparation and prosecution, and including without limitation the preparation and prosecution of US Patent Application no. 12/692,252, filed January 22, 2010.
19. PUM's corporate structure and status, including without limitation its organizational structure, ownership structure, shareholders, general partners, limited partners, investors, decisionmakers, and past and present employees.
20. Yochai Konig's work on Utopy or personalization while employed at SRI International, including any portions or elements of the asserted claims conceived or reduced to practice while employed at SRI International.
21. The reasons for the formation of PUM, including how and by whom the name "Personalized User Model" was selected and all facts and circumstances regarding the selection of that name.
22. All facts and circumstances relating to the "Limited Partnership Agreement of Personalized User Model LLP," PUM67983-67994, including the contents of the

agreement, the negotiation and drafting of the agreement, and the identity of the signatories.

23. Any capital investment in PUM, including as described in the "Limited Partnership Agreement of Personalized User Model LLP," PUM67983-67994.
24. Any transfer or assignment of the patents-in-suit, including the transfer or assignment of the patents-in-suit from Utopy Inc. to Levino Ltd., and the transfer or assignment of the patents-in-suit from Levino Ltd.
25. Whether any consideration was paid for the transfers or assignments referenced in Topic 24, including to what entity or individual any consideration was paid, and whether any of the transfers or assignments were gifts.
26. How and by what entity or individual the transfers or assignments referenced in Topic 24, including any proceeds or consideration therefrom, were recorded and/or accounted for tax and accounting purposes, and all documents reflecting that tax and accounting treatment.
27. Any transaction between or among Utopy Inc., Levino Ltd., Skoulino Trading Co. Ltd., Blacksmith Ventures, Square1 Bank, and PUM.
28. Any communications between Utopy or PUM and any third party regarding the PATENTS-IN-SUIT.
29. The involvement of Jack Ben Quesus, Reuben Ben Quesus, Shimon Twersky, Levy Benaim, and Ari Gal in Utopy, PUM (including the management of PUM), and this litigation.

30. The ownership, corporate structure and business operations of Levino Ltd. and Skouline Trading Co. Ltd, including any involvement in Utopy, PUM (including the management of PUM), and this litigation.
31. Any consulting or other agreements between PUM and any of the inventors.
32. Utopy's attempts to design, create, distribute or market any software that provided or was intended to provide personalization services, including any attempts to generate capital for that purpose.
33. Any products or software related to personalization that Utopy developed or proposed to develop for Cooley Godward & Cronish LLP, Lehman Bros., or any other clients.
34. Utopy's decision to cease development, distribution, marketing or sale of software that provided or was intended to provide personalization services.
35. All facts and circumstances regarding any use by Utopy or the inventors of any Google services as part of their attempts to create and market personalized search products or software, or any investigation regarding such use or potential use.
36. Any attempts by PUM to design, create, distribute or market any software that provided or was intended to provide personalization services, including any attempts to generate capital for that purpose.
37. The existence and location of documents relevant to the pleaded claims or defenses involved in this action, including without limitation (i) the form in which the documents are maintained in the ordinary course of business, (ii) the steps taken by PUM and/or Utopy to identify, collect, and produce any such documents, and (iii) the source, location, chain of custody and authenticity of all documents produced by PUM in this litigation.

38. PUM's document retention policies, including without limitation any policies regarding the retention of e-mails and any modification of PUM's document retention or e-mail retention policies in connection with this litigation.

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

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on January 6, 2011, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on January 6, 2011, the attached document was Electronically

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