

EXHIBIT 1

UNITED STATES DISTRICT COURT

for the

Northern District of California

Personalized User Model, LLP
Plaintiff
v.
Google Inc.
Defendant
Civil Action No. 1:09-cv-525 (LPS)
District of Delaware

SUBPOENA TO TESTIFY AT A DEPOSITION OR TO PRODUCE DOCUMENTS IN A CIVIL ACTION

To: SRI International
333 Ravenswood Avenue, Menlo Park, CA 94025

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action.

Table with 2 columns: Place (SNR Denton US LLP, 1530 Page Mill Road, Suite 200, Palo Alto, CA 94304) and Date and Time (05/12/2011 09:00)

The deposition will be recorded by this method: Stenographic and video

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/26/2011

CLERK OF COURT

OR

/s/ Jennifer Bennett

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party)

Personalized User Model, LLP, who issues or requests this subpoena, are:

Jennifer Bennett
SNR Denton US LLP
1530 Page Mill Road, Suite 200, Palo Alto, CA 94304; Tel: (650) 798-0300; Email: jennifer.bennett@snrdenton.com

Civil Action No. 1:09-cv-525 (LPS)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the subpoena at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the subpoena on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because _____ ; or

Other *(specify)*:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information.

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty’s failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

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

**PERSONALIZED USER MODEL,)
L.L.P.,)**

Plaintiff,)

v.)

GOOGLE, INC.,)

Defendant.)

C.A. No. 09-525 (LPS)

NOTICE OF RULE 30(b)(6) DEPOSITION OF SRI INTERNATIONAL

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, Plaintiff Personalized User Model, L.L.P. (“P.U.M.”) will take the deposition of Third Party SRI International (“SRI”) concerning the topics identified in Exhibit A, beginning at 9:00 a.m. on May 12, 2011, or at an otherwise mutually agreeable date, and will be held at the offices of SNR Denton US LLP, 1530 Page Mill Road, CA 94304, or at an otherwise mutually agreeable location. If the deposition is not completed on the date set out above, the taking of the deposition will continue day to day thereafter or pursuant to the parties’ agreement. The deposition will be recorded by stenographic, videographic, and/or audiographic means.

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, SRI is directed to designate one or more officers, directors, or managing agents, or other persons who will testify on its behalf, who are most knowledgeable regarding the matters identified in the attached Exhibit A. SRI is requested to provide a written designation of the names and positions of the officers, directors, managing agents, or other persons designated to testify

concerning the matters identified in the attached Exhibit and, for each person, identify the matters on which he or she will testify.

P.U.M. reserves the right to serve additional 30(b)(6) notices.

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| <p>Dated: April 26, 2011</p> | <p>By: <u>/s/ Jennifer D. Bennett</u> Jennifer D. Bennett (California State Bar No. 235196) SNR Denton US LLP 1530 Page Mill Road, Suite 200 Palo Alto, CA 94304 Telephone: (650) 798-0300 Facsimile: (650) 798-0310 E-Mail: jennifer.bennett@snrdenton.com</p> <p>Marc S. Friedman SNR Denton US LLP 1221 Avenue of the Americas New York, NY 10020-1089 Telephone: (212) 768-6700 Facsimile: (212) 768.6800 E-Mail: marc.friedman@snrdenton.com</p> <p>Attorneys for Plaintiff PERSONALIZED USER MODEL, L.L.P.</p> |
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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2011, copies of the foregoing were caused to be served by e-mail upon the following:

Richard L. Horwitz
David E. Moore
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/s/ Jennifer D. Bennett
Jennifer D. Bennett (Cal. Bar. No. 235196)
SNR Denton US LLP
1530 Page Mill Road, Suite 200
Palo Alto, CA 94304-1125
(650) 798-0300

EXHIBIT A

I DEFINITIONS

1. “SRI,” “YOU,” and “YOUR,” means SRI International, and its officers, directors, current and former employees, counsel, agents, consultants, representatives, and any other persons acting on behalf of any of the foregoing, and SRI International’s affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestic, that are owned or controlled by SRI International, and all predecessors and successors in interest to such entities.

2. “Google” means Google, Inc. and its officers, directors, current and former employees, counsel, agents, consultants, representatives, attorneys, and any other persons acting on behalf of any of the foregoing, and Google’s affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestic, that are owned or controlled by Google, and all predecessors and successors in interest to such entities.

3. [REDACTED]

[REDACTED]

4. [REDACTED]

[REDACTED]

5. “DOCUMENT” shall mean all materials and information that are discoverable pursuant to Rule 34 of the Federal Rules of Civil Procedure. A draft or non-identical copy is a separate document within the meaning of this term.

6. “PUM” and “PLAINTIFF” shall mean Personalized User Model LLP., Plaintiff in the civil case captioned Personalized User Model, LLP v. Google Inc., Case No. 09-525 (JJF).

7. The term "PERSON" shall refer to any individual, corporation, proprietorship, association, joint venture, company, partnership or other business or legal entity, including governmental bodies and agencies.

8. "REFLECT," "REFLECTING," "RELATE TO," "REFER TO," "RELATING TO," and "REFERRING TO" shall mean relating to, referring to, concerning, mentioning, reflecting, pertaining to, evidencing, involving, describing, discussing, commenting on, embodying, responding to, supporting, contradicting, or constituting (in whole or in part), as the context makes appropriate.

9. "Include" and "including" shall mean including without limitation.

10. Use of the singular also includes the plural and vice-versa.

11. The words "or" and "and" shall be read in the conjunctive and in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of these Interrogatories.

12. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

DEPOSITION TOPICS

1. All facts and circumstances, including but not limited to all documents, and communications, whether written, oral or otherwise, relating to any work, including but not limited to research and development work, performed by or on behalf of SRI in connection with

[REDACTED]

[REDACTED], including for each project the start and termination dates of the project, the identities and roles of all Persons at SRI who worked on each project, the specific contributions by each such Person to each project, and the identity and function of any algorithms used in connection with each project.