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August 2, 2012

BY E-FILING

The Honorable Leonard P. Stark
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *Personalized User Model, L.L.P. v. Google, Inc.*
C.A. No. 09-525 (LPS)

Dear Judge Stark:

We write on behalf of Plaintiff Personalized User Model, L.L.P. ("PUM") in response to Google Inc.'s ("Google") July 31, 2012 letter opposing P.U.M.'s request that a pretrial conference and trial date be set in this action.

After three years of this litigation, all that PUM is requesting is that the Court assign dates in the March 2013 time frame for a final pretrial conference and trial. Google objects to the setting of dates essentially for three reasons. First, Google points to the pending Motion to Dismiss for lack of standing. We are confident that this motion will be denied or, alternatively, that PUM's licensor Levino will be substituted as a plaintiff. Nevertheless, the existence of this motion should not prevent the setting of dates because those dates can be eliminated should Google's motion succeed.

Second, Google refers the Court to two pending reexamination proceedings. However, no motion for a stay of this litigation has been filed. Nor does PUM believe that under the relevant case law would such a motion at this very late stage be granted. As Google itself acknowledges, PUM has not yet been heard on its responses. Moreover, the examiner's rulings on the reexaminations will likely be appealed, regardless of which side prevails, and thus it may be years before the matters are finally resolved. Thus, this, too, should not prevent the setting of dates as requested. Yet Google seeks a de facto stay of the proceedings notwithstanding that Google itself concedes that the stage of the reexamination proceedings do not yet warrant filing a motion for stay.

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Third, Google argues that setting these dates would be impractical in light of the date for the filing of case-dispositive motions and the trial schedule of its counsel. Again, in our view firm pretrial and trial dates should be set at whatever time the Court believes is feasible. Counsel's trial schedule on another matter is not a reason not to set firm dates in this case.

As the Court is aware, this has been a hard fought and complex litigation which will soon enter its fourth year. Setting pretrial and trial dates will keep this case on track and avoid further delays in the proceedings.

Counsel are available for a teleconference at the Court's convenience should the Court wish to discuss the matter further.

Respectfully,

/s/ Karen Jacobs Louden

Karen Jacobs Louden (#2881)

KJL/cht

cc: Clerk of the Court (by e-filing and hand delivery)
All counsel of record (by e-mail)

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