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August 21, 2012

**VIA ELECTRONIC FILING**

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

Re: *Personalized User Model LLP v. Google Inc.*, C.A. No. 09-00525-LPS

Dear Judge Stark:

I write on behalf of Defendant Google in reference to Plaintiff's request for a trial date (D.I. 369). In my prior response letter of July 31, 2012 (D.I. 371), I informed the Court that the PTO had issued Actions Closing Prosecution (ACPs) rejecting every asserted '276 claim. On August 17, 2012, the PTO issued a Final Office Action and Right to Appeal Notice (RAN) on the same grounds.<sup>1</sup> As stated in my July 31 letter, Google respectfully submits that, rather than setting a trial date, the case law from this District counsels in favor of staying patent litigation where (as here) a parallel reexamination of the asserted patent(s) has progressed to the Final Office Action and RAN stage. (D.I. 371 at 2).<sup>2</sup>

Respectfully,

*/s/ David E. Moore*

David E. Moore

DEM/nmt/1071809/34638

cc: Clerk of the Court (via hand delivery)  
Counsel of Record (via electronic mail)

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<sup>1</sup> The re-examination of the *other* asserted patent, the '040 Patent, has been listed on the PTO website as "Ready for Examiner Action After ACP" since June 22, 2012 – just one month after the '276 re-examination was so listed as ready for examiner action. Thus, Google expects a Final Office Action and RAN in the '040 re-examination soon as well.

<sup>2</sup> Under PTO Rules, Plaintiff's appeal of the Final Office Action for the '276 Patent must be docketed no later than September 17, 2012.