

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

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

**LOCAL RULE 7.1.2(b) NOTICE OF SUPPLEMENTAL AUTHORITY FOR  
DEFENDANT GOOGLE INC.'S SUMMARY JUDGMENT BRIEFS**

On February 14, 2012, after summary judgment briefing was complete, the PTO's Central Re-Examination Unit issued a Final Office Action and Right to Appeal Notice (RAN) in the ongoing re-examination of U.S. Patent No. 6,981, 040 ("the '040 patent"), one of the two asserted patents in this case. The RAN is attached hereto as Exhibit 1. *See* Local Rule 7.1.2(b) (permitting citation to subsequent authorities after submission of reply briefs). This RAN maintained every existing rejection of every asserted '040 claim. Every asserted claim still stands as rejected on four independent grounds, in light of four primary prior art references, including the Refuah, Mladenic, and Wasfi references cited in the parties' summary judgment papers. With the issuance of this RAN, every asserted claim from both asserted patents now stands as finally rejected by the Central Re-Examination Unit, subject to Plaintiff PUM's appeal to the Patent Trial and Appeal Board.

Certain of the findings in the RAN also contradict arguments made by PUM in opposing Defendants' summary judgment motions. Specifically, PUM argues that Refuah does not disclose a learning machine (D.I. 455 at 3-5), does not analyze a "document" because it only analyzes websites (*id.* at 6), and does not estimate a "probability" of document interestingness (*id.* at 5-6). Yet the RAN found, as Google has shown, that Refuah does disclose a learning machine and parameters

thereof (RAN at 23), that Refuah’s analysis of websites qualifies as analyzing a “document” (*id.* at 24), and that Refuah’s grade of how well a site matches a user’s personality qualifies as a “probability” under PUM’s interpretation of this term from this litigation. (*Id.* at 22-23.)

Further, contrary to PUM’s infringement argument that the claimed “probability” can be any number and need not be between 0 and 1 (D.I. 460 at 9), the RAN found that a “probability” does require a number between 0 and 1. (RAN at 32.)

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**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on February 19, 2013, 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 February 19, 2013, the attached document was Electronically Mailed to the following person(s):

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