

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

PERSONALIZED USER MODEL, L.L.P.,)
)
 Plaintiff,)
)
 v.)
)
 GOOGLE INC.,)
)
 Defendant.)
 _____)
 GOOGLE, INC.)
)
 Counterclaimant,)
)
 v.)
)
 PERSONALIZED USER MODEL, LLP and)
 YOCHAI KONIG)
)
 Counterdefendants.)

C.A. No. 09-525-LPS

JURY TRIAL DEMANDED

DEFENDANT GOOGLE’S PROPOSED VOIR DIRE

Defendant Google Inc., by counsel, in accordance with the Local Rules of Practice of this Court, propose the following voir dire questions for use in the trial of this matter. Google reserves the right to submit additional questions as necessary or appropriate or based upon the responses elicited from the prospective jurors during voir dire examination, pursuant to Federal Rule of Civil Procedure 47(a).

Introduction

Good morning, ladies and gentlemen. I am Judge Leonard Stark. We are going to select a jury in a civil case called *Personalized User Model, LLC v. Google Inc.*

This is an action for patent infringement. The plaintiff in this case is Personalized User Model, LLP, which I may refer to as "PUM." The defendant in this case is Google Inc., which I may refer to as "Google." In this case, Google is accused of infringing PUM's patents. Google also accuses one of the named inventors of the patents-in-suit, Yochai Konig, of breaching his employment agreement with his former employer.

I will now ask you a series of questions, the purpose of which is to: (1) enable the Court to determine whether or not any prospective juror should be excused for cause; and (2) enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges, that is, challenges for which no reason need be given by counsel. Please try to keep in mind as I read these questions whether you answer "yes" to any of them.

When I have concluded asking all of the questions, I will leave the courtroom and go into my jury room, along with some of the attorneys and the court reporter. Then, for any of you who have answered "yes" to any of my questions, members of my staff will bring you into the jury room so you can speak to me and the attorneys about any affirmative responses you had. Don't worry if you can't remember the specific question or question number to which your answer is "yes."

The presentation of evidence in this case is expected to take ___ days, but jury deliberations could extend your service beyond that. The schedule that I expect to keep over the days of evidence presentation will include a morning break of ___ minutes, a lunch break of ___, and an afternoon break of ___ minutes. We will start at ___ a.m. and finish no later than ___ p.m. each day.

1. Does the schedule that I have just mentioned present a special problem to any of you?

(Description of the case.) Briefly stated, this is a patent lawsuit involving Internet services, and online advertising, and video systems and services. The Plaintiff is Personalized User Model. PUM claims that it owns two patents. It has sued Google, which provides Internet search services, and advertising, and video systems and services. PUM, the Plaintiff, says some of these systems and services infringe its patents. Google denies infringement and also says that the patents are invalid. Google also asserts that one of the named inventors of the two patents, Yochai Konig, breached his employment contract with his former employer, and by virtue of that breach, Google is a rightful owner of the patents. Thus, the jury in this case will be asked to decide whether Google's systems and services infringe the patents, whether the patents are invalid, and whether one of the inventors is in breach of his employment contract. For those of you who end up being on the jury, I will give more detailed instructions on the law later in the case.

2. Have you heard of or read anything about this case?

The Parties

You have been given a list of companies and organizations.

3. Have you or a member of your immediate family ever worked for any of these companies or organizations?

4. Do you or a member of your immediate family now own, or have you or any such member ever owned, stock or had any financial interest in any of these companies or organizations?
5. Have you or a member of your immediate family had a personal or business relationship with, or had any financial connection to, any of the companies or organizations?
6. Have you or a member of your immediate family had any experience with the products or services of any of those companies or otherwise have any strong feelings, positive or negative, toward any of these companies or organizations?
7. Do you know any individuals who work for or do business with any of these companies or organizations?

8. Do you use or have you ever used any of the following Google products:
 - a. Google Search?
 - b. Google Search Ads?
 - c. AdSense for Content?
 - d. YouTube?

9. Are you familiar with the Google Search Ads or AdSense for Content services offered by Google?

10. Have any of you ever established an account to use Google Search Ads or AdSense for Content services?

11. Have you ever worked for a company that has used Google Search Ads or AdSense for Content services?

The Parties' Counsel

You have been given a list of the attorneys and law firms involved in this litigation.

12. Do you or a member of your immediate family know any of the attorneys or firms involved in this case?

13. Have you or a member of your immediate family ever been represented by any of those attorneys or other associates or members of the listed law firms?

14. Have you or a member of your immediate family ever been employed by or had a business relationship with any of these firms?
15. Have you or a member of your immediate family ever been involved in a lawsuit where the person or persons on the other side were represented by any of the law firms?

Witnesses

You have been given a list of the individuals who might appear as witnesses in this case.

16. Do you know or are you familiar with any of these individuals?

Legal Proceedings

17. Have you or a member of your immediate family ever been a plaintiff, a defendant, or a witness in a legal proceeding?
18. Have you ever served as a juror in any court?

Patent and/or Intellectual Property Exposure

19. Have you or any close relative or friend had any experience, either personal or through business, involving inventions or patents?

20. Have you or a close relative or friend ever attempted to get a patent, been named as an inventor on any patents, or have you ever been involved in a patent litigation personally or through your work?
21. Have you ever worked for a company that had patented products or processes?
22. Have you ever been involved in the development of a new product or process?
23. Have you or a close relative or friend ever been employed by or had any dealings with the United States Patent and Trademark Office?
24. Do you hold any opinions about patents, patent laws, our patent system or the United States Patent and Trademark Office that might keep you from being a fair and impartial juror?
25. Do you believe it would be wrong for someone to profit from his invention or discovery?

Technical Subject Areas

You have been given a list of subject areas.

26. Have you ever been educated, employed, trained, or had any experience in any of those areas?

Special Circumstances

As I noted, this case will last for approximately ___ days. I would like to ask each of you about any special circumstances that would prevent you from serving as a juror in this case.

27. If you are selected to sit as a juror in this case, are you aware of any reason why you would be unable to follow the law as I give it to you and render a verdict based solely on the evidence presented at trial?
28. Do you have any special disability or medical condition or other problem that would make it difficult or impossible for you to serve as a member of the jury in this case?
29. Does any member of the jury panel have any difficulty speaking, reading, writing or understanding English?
30. Is there anything else that I have not asked you that you wish to bring to the Court's attention that might affect your ability to serve as a juror in this case?

Ladies and Gentlemen, I thank you for your attention and for answering my questions. We will now allow the parties to choose the jury for this matter. Since there are only ___ people who will be chosen, you may or may not be asked to serve on this jury. Either way, I want to thank you for doing your civic duty and for ensuring the fair functioning of justice system.

List of Companies and Organizations

Personalized User Model, LLP
Levino
Utopy
Genesys
Google Inc.

List of Attorneys and Law Firms

Morris, Nichols, Arsht & Tunnell LLP

Karen Jacobs
Jeremy A. Tigan
Regina S.E. Murphy

Dentons

Marc S. Friedman
Mark C. Nelson
Christian E. Samay
Jennifer Bennett
Matthew Larson
Robert Needham
Steven M. Geiszler
Richard D. Salgado
Andrew M. Grodin

Potter Anderson & Corroon, LLP

David Ellis Moore
Richard L. Horwitz
Bindu A. Palapura

Quinn Emanuel Urquhart & Sullivan, LLP

Charles K. Verhoeven
David A. Perlson
Brian C. Cannon
Andrea P. Roberts
Antonio R. Sistos
Joshua L. Sohn
Margaret P. Kammerud
Eugene Novikov

List of Individuals Who Might Appear as Witnesses

Michael Pazzani
Jaime Carbonell
Ed Fox
Michael Jordan
Jonathan Alferness
Doron Aspitiz
Douglas Bercow
Jack Benquesus (a.k.a. Jack Banks)
Reuben Benquesus (a.k.a. Reuben Banks)
Michael Berthold
Phillip Black
Onn Brandman
Cedric Dupont
Horacio Franco
Greg Freidman
Ari Gal
Karthik Gopalratnam
Taher Haveliwala
Bryan Horling
Rebecca Illowsky
Ron Jacobs
Glen Jeh
David Konig
Yochai Konig
Frank Montes
Matthew Montebello
Andras Nemeth
Bilgehan Oztekin
Raymond Perrault
Shankar Ponnekanti
James Salter
Mustafa Sonmez
Andreas Stolcke
Roy Twersky
Max Ventilla
Aitan Weinberg
Oren Zamir

List of Subject Areas

Computer Science or IT
Electrical Engineering
Law
Computer programming and source code
Web design
Information or systems management
Copyrights
Publishing (either print or Internet)
Computer software
Computer hardware
Advertising or marketing

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Dated: February 21, 2014
1140263 / 34638

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