

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

PERSONALIZED USER MODEL, L.L.P.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 09-525-LPS
)	
GOOGLE INC.,)	
)	
Defendant.)	
<hr/>)	
GOOGLE, INC.)	
)	
Counterclaimant,)	
)	
v.)	
)	
PERSONALIZED USER MODEL, LLP and)	
YOCHAI KONIG)	
)	
Counterdefendants.)	

DEFENDANT GOOGLE'S PROPOSED VERDICT FORM

Defendant Google, Inc. propose the following verdict form. Google's proposed verdict form is made without waiver of Google's pending motions, which if granted, may render portions of the following unnecessary. Google further reserves the right to amend, supplement, or modify this proposed verdict form in light of further developments and based on the evidence and arguments presented at trial. Google expects that the parties will meet and confer to refine the proposed verdict form as events continue to narrow the issues.

Instructions: When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain terms that are defined and explained in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any term that appears in the questions below.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this court as our verdict in this case.

I. BREACH-OF-CONTRACT

A. Did Yochai Konig (“Konig”) conceive the inventions in the Asserted Patents when he was employed at SRI International (“SRI”)?

_____YES _____NO

B. Did the inventions in the Asserted Patents result from any work performed by Konig for SRI?

_____YES _____NO

C. At the time they were conceived or reduced to practice, did the inventions in the Asserted Patents relate to SRI’s business or actual or demonstrably anticipated research or development?

_____YES _____NO

D. Did Konig breach his employment contract with SRI by failing to assign the Asserted Patents to SRI?

_____YES _____NO

E. Did Konig and PUM unlawfully convert SRI's and Google's interest in the Asserted Patents?

_____YES _____NO

If you have found that Dr. Konig breached his employment contract with SRI (i.e., you have answered “yes” to Question I.D), then you are finished and do not answer any of the following questions.

II. INFRINGEMENT

A. Has Plaintiff PUM proven, by a preponderance of the evidence, that the “Kaltix” twiddler used in Google Search directly infringed claims 1, 11, 22, or 34 of U.S. Patent No. 6,981,040 (“the ‘040 patent”)?

Answer "Yes" or "No" for each claim.

	Literal Infringement?	Infringement Under The Doctrine of Equivalents?
Claim 1	_____	_____
Claim 11	_____	_____
Claim 22	_____	_____
Claim 34	_____	_____

B. Has Plaintiff PUM proven, by a preponderance of the evidence, that the “Kaltix” twiddler used in Google Search directly infringed claims 1, 3, 6, 21, or 22 of U.S. Patent No. 7,685,276 (“the ‘276 patent”)?

Answer "Yes" or "No" for each claim.

	Literal Infringement?	Infringement Under The Doctrine of Equivalents?
Claim 1	_____	_____
Claim 3	_____	_____
Claim 6	_____	_____
Claim 21	_____	_____
Claim 22	_____	_____

C. Has Plaintiff PUM proven, by a preponderance of the evidence, that the ignored domains functionality in the User Based Ads Quality (“UBAQ”) component of Google Search Ads directly infringes claims 1, 11, 22, or 34 of U.S. Patent No. 6,981,040 (“the ‘040 patent”)?

Answer "Yes" or "No" for each claim.

	Literal Infringement?	Infringement Under The Doctrine of Equivalents?
Claim 1	_____	_____
Claim 11	_____	_____
Claim 22	_____	_____
Claim 34	_____	_____

D. Has Plaintiff PUM proven, by a preponderance of the evidence, that the ignored domains functionality in the User Based Ads Quality (“UBAQ”) component of Google Search Ads directly infringes claims 1, 3, 5, 6, 7, or 21 of U.S. Patent No. 7,685,276 ("the '276 patent")?

Answer "Yes" or "No" for each claim.

	Literal Infringement?	Infringement Under The Doctrine of Equivalent?
Claim 1	_____	_____
Claim 3	_____	_____
Claim 5	_____	_____
Claim 6	_____	_____
Claim 7	_____	_____
Claim 21	_____	_____

E. Has Plaintiff PUM proven, by a preponderance of the evidence, that the Content User-Based Ads Quality (“CUBAQ”) component of Google AdSense for Content directly infringes claims 1, 11, 22, or 34 of U.S. Patent No. 6,981,040 (“the ‘040 patent”)?

Answer "Yes" or "No" for each claim.

	Literal Infringement?	Infringement Under The Doctrine of Equivalents?
Claim 1	_____	_____
Claim 11	_____	_____
Claim 22	_____	_____
Claim 34	_____	_____

F. Has Plaintiff PUM proven, by a preponderance of the evidence, that the Content User-Based Ads Quality (“CUBAQ”) component of Google AdSense for Content directly infringes claims 1, 3, 6, 7, or 22 of U.S. Patent No. 7,685,276 (“the ‘276 patent”)?

Answer "Yes" or "No" for each claim.

	Literal Infringement?	Infringement Under The Doctrine of Equivalents?
Claim 1	_____	_____
Claim 3	_____	_____
Claim 6	_____	_____
Claim 7	_____	_____
Claim 22	_____	_____

G. Has Plaintiff PUM proven, by a preponderance of the evidence, that the Content User-Based Ads Quality (“CUBAQ”) component of YouTube Ads directly infringes claims 1, 11, 22, or 34 of U.S. Patent No. 6,981,040 (“the ‘040 patent”)?

Answer "Yes" or "No" for each claim.

	Literal Infringement?	Infringement Under The Doctrine of Equivalents?
Claim 1	_____	_____
Claim 11	_____	_____
Claim 22	_____	_____
Claim 34	_____	_____

H. Has Plaintiff PUM proven, by a preponderance of the evidence, that the Content User-Based Ads Quality (“CUBAQ”) component of YouTube Ads directly infringes claims 1, 3, 6, 7, or 22 of U.S. Patent No. 7,685,276 (“the ‘276 patent”)?

Answer "Yes" or "No" for each claim.

	Literal Infringement?	Infringement Under The Doctrine of Equivalents?
Claim 1	_____	_____
Claim 3	_____	_____
Claim 6	_____	_____
Claim 7	_____	_____
Claim 22	_____	_____

I. Has Plaintiff PUM proven, by a preponderance of the evidence, that the use of “Portrait” in YouTube Video Recommendations directly infringed claims 1, 11, 22, or 34 of U.S. Patent No. 6,981,040 (“the ‘040 patent”)?

Answer "Yes" or "No" for each claim.

	Literal Infringement?
Claim 11	_____
Claim 22	_____
Claim 34	_____

INVALIDITY

J. Has Google proven, by a preponderance of the evidence,¹ that any of the following claims of the '040 patent are anticipated?

Answer "Yes" or "No" for each claim.

Claim 1 _____

Claim 11 _____

Claim 22 _____

Claim 34 _____

K. Has Google proven, by a preponderance of the evidence, that any of the following claims of the '276 patent are anticipated?

Answer "Yes" or "No" for each claim.

Claim 1 _____

Claim 3 _____

Claim 5 _____

Claim 6 _____

Claim 7 _____

Claim 21 _____

Claim 22 _____

¹ As detailed in Google's Opposition to PUM's Motion *In Limine* to Exclude Evidence of Reexamination Proceedings at Trial, the final PTO rejections of both patents in suit are relevant information for the jury to consider and should not be excluded. (*See* Final Pretrial Order, Ex. 13.) In the event that the Court precludes Google from introducing evidence that the patents in suit have been rejected by the PTO during the reexamination process, Google requests that the Court include the preponderance of the evidence burden in all questions concerning invalidity. Because the PTO issued final rejections of both patents, the presumption of validity should no longer apply, and Google should not have to meet a higher burden of proof to demonstrate invalidity.

L. Has Google proven, by a preponderance of the evidence, that any of the following claims of the '040 patent are obvious?

Answer "Yes" or "No" for each claim.

Claim 1 _____

Claim 11 _____

Claim 22 _____

Claim 34 _____

M. Has Google proven, by a preponderance of the evidence, that any of the following claims of the '276 patent" are obvious?

Answer "Yes" or "No" for each claim.

Claim 1 _____

Claim 3 _____

Claim 5 _____

Claim 6 _____

Claim 7 _____

Claim 21 _____

Claim 22 _____

Signed this _____ day of March, 2014.

JURY FOREPERSON

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Dated: February 21, 2014
1140257 / 34638

Respectfully submitted,

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