

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PERSONALIZED USER MODEL, L.L.P.,)	
)	
Plaintiff,)	
)	
v.)	
)	
GOOGLE, INC.,)	
)	
Defendant.)	
_____)	C.A. No. 09-525 (LPS)
)	
GOOGLE, INC.)	
)	
Counterclaimant,)	
)	
v.)	
)	
PERSONALIZED USER MODEL, L.L.P. and)	
YOCHAI KONIG,)	
)	
Counterclaim-Defendants.)	

JOINT [PROPOSED] VOIR DIRE

Pursuant to D. Del. LR 47.1, the parties hereby submit the attached proposed voir dire to the jury panel. The parties reserve the right to submit additional questions as necessary or appropriate based upon the responses elicited from the prospective jurors during voir dire examination pursuant to Federal Rule of Civil Procedure 47(a).

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March 3, 2014

I am about to ask you a series of questions. This process of asking you questions and getting your answers is called “voir dire.” The purpose of the voir dire examination is to determine whether any prospective juror should be excused from serving as a juror on this case.

If your answer is “yes” to any of the questions I am about to ask you, please remember the questions to which you have responded “yes.” Later, I will ask those who have responded “yes” to any of the questions to meet with me individually together with counsel for the parties to discuss your answers.

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.”

Members of the jury:

1. Do you have any personal knowledge of this case, or any opinion regarding it, or have you read or heard this case discussed?
2. Have you heard of or read anything about this case?

The Parties

3. You have been given a list of companies and organizations. Have you or a member of your immediate family ever worked for any of these companies or organizations?
4. Do you know any individuals who work for or do business with any of these companies or organizations?

5. Do you or a member of your 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?
6. Have you or a member of your family had any business dealings with, or relied financially in any way on, any of these companies or individuals?
7. Have you or a member of your 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?
8. Do you have any particular feelings about individuals who were born or who live outside of the United States or about foreign companies?
9. Do you use or have you ever used any of the following Google products:
 - a. Google Search?
 - b. YouTube?
10. Have you heard of, or do you use or have you ever used any of the following Google products:
 - a. Google Search Ads?
 - b. AdSense for Content?
11. Have you, a member of your immediate family, or anyone close to you ever purchased advertising from Google or established an account to use Google Search or AdSense for Content Services, or worked for a company that has done so?

The Parties' Counsel

12. You have been given a list of the attorneys and law firms involved in this litigation. Do you or a member of your 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

16. You have been given a list of the individuals who might appear as witnesses in this case. 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?
19. Have you or a family member had any legal education or training?

Patent and/or Intellectual Property Exposure

20. Have you ever invented anything?
21. Have you or any close relative or friend had any experience, either personal or through business, involving inventions or patents?

22. Do you have any knowledge about or experience with patents, including applying for a patent?
23. Have you ever worked for a company that had patented products or processes?
24. Have you ever been involved in the development of a new product or process?
25. Have you or any company that you have worked for ever been involved in a patent dispute?
26. Have you, any member of your family, or anyone close to you ever been employed by, or had any dealings with, the United States Patent and Trademark Office or have any strong feelings about the United States Patent and Trademark Office?
27. Have you ever been accused of taking an idea, design, concept, or other intellectual property that belonged to someone else?]
28. [**Google Proposal:** Do you have any strong opinions about a patent granting exclusive rights to the inventors or their employer?]

Technical Subject Areas

29. You have been given a list of subject areas. Have you, a family member, or close friend ever been educated, employed, trained, or had any experience in any of those areas?
30. Have you, a family member, or a close friend ever worked on designing, developing, or testing computer software or applications of any kind?
31. Are you, a family member, or a close friend a computer software engineer or computer programmer or have any education, training or experience in software engineering or computer programming?

- 32. Do you have a computer in your home?
- 33. Do you regularly play computer games?

Contracts

- 34. Have you ever owned a business or started your own business?
- 35. Do you have any knowledge about or experience with drafting or negotiating employment contracts?
- 36. Have you or someone close to you ever been required to sign an employment contract?

Special Circumstances

- 37. On most days, jurors will be expected to sit from 9:00 in the morning until 4:30 in the afternoon. There will be a half-hour lunch break and a 15-minute break in both the morning and the afternoon. The trial is expected to be completed by March 21, 2014. In light of this schedule, would you be unable to sit as a juror in this case for that period of time?
- 38. 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.
- 39. 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?
- 40. Does any member of the jury panel have any difficulty speaking, reading, writing or understanding English?

41. Do you know of any other matter that you believe should be called to the Court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?

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

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Mark C. Nelson
Jennifer Bennett
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Bindu A. Palapura

Quinn Emanuel Urquhart & Sullivan, LLP

Charles K. Verhoeven
David A. Perlson
Andrea P. Roberts
Antonio R. Sistos
Joshua L. Sohn
Margaret P. Kammerud

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