

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.)

VOIR DIRE

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 "P-U-M." 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 denies infringement and also asserts that those patents are invalid. 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 am about to ask you a series of questions. Please answer these questions silently in your head. There is no need to raise your hands or stand or provide the answers out loud.

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 try to 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 about the case or heard this case discussed?

The Parties

2. I will now read you a list of companies and organizations and ask you: Have you or a member of your immediate family ever worked for any of these companies or organizations? [READ LIST A] Have you or a member of your immediate family ever worked for any of these companies or organizations?

3. Do you know any individuals who work for or do business with any of these companies or organizations?
4. Do you or a member of your family now own, or have you or a member of your family ever owned, stock or had any financial interest in, or done any business with any of these companies or organizations?
5. 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?
6. Do you have any particular feelings about individuals who were born outside of the United States or live outside of the United States or about foreign companies?
7. Do you use or have you ever used any of the following Google products:
 - a. Google Search?
 - b. YouTube?
8. 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?
9. 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

10. I will now read you a list of the attorneys and law firms involved in this litigation

and then will ask you: Do you or a member of your family know any of the attorneys or firms involved in this case? [READ LIST B] Do you or a member of your family know any of the attorneys or firms involved in this case?

11. 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?
12. Have you or a member of your immediate family ever been employed by or had a business relationship with any of these firms?
13. 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

14. I will now read you a list of the individuals who might appear as witnesses in this case and then will ask you: Do you know or are you familiar with any of these individuals? [READ LIST C] Do you know or are you familiar with any of these individuals?

Legal Proceedings

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

Patent and/or Intellectual Property Exposure

18. Have you ever invented anything?
19. Have you or any close relative or friend had any experience, either personal or

through business, involving inventions or patents?

20. Do you have any knowledge about or experience with patents, including applying for a patent?
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 any company that you have worked for ever been involved in a patent dispute?
24. 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 do you have any strong feelings about the United States Patent and Trademark Office?
25. Have you ever been accused of taking an idea, design, concept, or other intellectual property that belonged to someone else?

Technical Subject Areas

26. I will now read you a list of subject areas and then ask you: Have you, a family member, or close friend ever been educated, employed, trained, or had any experience in any of those areas? [READ LIST D] Have you, a family member, or close friend ever been educated, employed, trained, or had any experience in any of those areas?
27. Have you, a family member, or a close friend ever worked on designing, developing, or testing computer software or computer applications of any kind?
28. Are you, a family member, or a close friend a computer software engineer or computer programmer or do you, a family member, or close friend have any

education, training or experience in software engineering or computer programming?

29. Do you have a computer in your home?
30. Do you regularly play computer games?

Contracts

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

Special Circumstances

34. 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 will be completed by Friday, 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?
35. 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.
36. 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?
37. Does any member of the jury panel have any difficulty speaking, reading, writing

or understanding English?

38. 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?

List A: Companies and Organizations

Personalized User Model, LLP
Levino
Utopy
Genesys
Google Inc.

List B: 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
Jennifer Bennett
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
Andrea P. Roberts
Antonio R. Sistos
Joshua L. Sohn
Margaret P. Kammerud

List C: Individuals Who Might Appear as Witnesses

Michael Pazzani
Jaime Carbonell
Ed Fox
Michael Jordan
Jonathan Alferness
Doron Aspitz
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 D: 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