

**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. proposes the following verdict form.

**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. INFRINGEMENT<sup>1</sup>**

A. Has **Plaintiff PUM** proven, by a preponderance of the evidence, that the “Kaltix” twiddler used in Google Search<sup>2</sup> on or before June 2011 directly infringed claims 1 or 22 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 22	_____	_____

B. Has **Plaintiff PUM** proven, by a preponderance of the evidence, that the “Kaltix” twiddler used in Google Search on or before June 2011 directly infringed claims 1, 3, 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 Equivalents?
Claim 1	_____	_____
Claim 3	_____	_____
Claim 21	_____	_____

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<sup>1</sup> Google has organized the verdict form in the order in which issues were presented at trial.

<sup>2</sup> In its proposed verdict form, Google has identified the specific aspects of each system that PUM has accused of infringement in order to clarify PUM’s infringement theory for the jury and preserve Google’s rights on appeal.

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 used on or before June 2011 directly infringed claims 1 or 22 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 22	_____	_____

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 used on or before June 2011 directly infringed claims 1, 3, 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 Equivalents?
Claim 1	_____	_____
Claim 3	_____	_____
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 used on or before June 2011 directly infringed claims 1 or 22 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 22	_____	_____

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 used on or before June 2011 directly infringed claims 1, 3, or 7 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 7	_____	_____

G. Has **Plaintiff PUM** proven, by a preponderance of the evidence, that the Content User-Based Ads Quality (“CUBAQ”) component of YouTube Ads used on or before June 2011 directly infringed claims 1 or 22 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 Equivalent?
Claim 1	_____	_____
Claim 22	_____	_____

H. Has **Plaintiff PUM** proven, by a preponderance of the evidence, that the Content User-Based Ads Quality (“CUBAQ”) component of YouTube Ads used on or before June 2011 directly infringed claims 1, 3, or 7 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 7	_____	_____

**II. BREACH-OF-CONTRACT**

A. Has **Google** proven by a preponderance of the evidence that Yochai Konig breached his employment contract with SRI?

\_\_\_\_\_YES

\_\_\_\_\_NO

**III. INVALIDITY**

A. Has **Google** proven, by clear and convincing evidence,<sup>3</sup> that any of the following claims of the '040 patent are anticipated?

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

Claim 1 \_\_\_\_\_

B. Has **Google** proven, by clear and convincing evidence, that any of the following claims of the '276 patent are anticipated?

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

Claim 1 \_\_\_\_\_

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<sup>3</sup> Google asked that if the Court precluded Google from introducing evidence that the patents in suit have been rejected by the PTO during the reexamination process, then the Court instruct the jury that invalidity must be proven by a preponderance of the evidence. This was reflected in Google's original proposed verdict form. However, the Court precluded evidence of the reexamination proceedings and, in relation to the preliminary jury instructions, instructed the jury that the burden for proving invalidity is by clear and convincing evidence. Google understands that the Court already has ruled on this issue, but maintains its position for purposes of appeal.



C. Has **Google** proven, by clear and convincing evidence, that any of the following claims of the '040 patent are obvious?

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

Claim 1 \_\_\_\_\_

Claim 22 \_\_\_\_\_

D. Has **Google** proven, by clear and convincing 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 7 \_\_\_\_\_

Claim 21 \_\_\_\_\_

Signed this \_\_\_\_\_ day of March, 2014.

\_\_\_\_\_  
JURY FOREPERSON