

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.)

**PERSONALIZED USER MODEL, L.L.P.’S
CORRECTED PROPOSED VERDICT FORM**

I. INFRINGEMENT

A. U.S. Patent No. 6,981,040 (the '040 Patent)

Has PUM proven by a preponderance of the evidence that the following Google products directly infringe the following claims of the '040 Patent, either literally or under the doctrine of equivalents (“DOE”)?

Please answer yes or no. A “Yes” finding is for PUM. A “No” finding is for Google.

	Google Search					Search Ads		Content Ads/ YouTube	
	Link	Dilip	Rephil	CatNav Boost	Sessions Category				
	Literal	Literal	Literal	Literal	Literal	Literal	DOE	Literal	DOE
Claim 1									
Claim 22									

B. U.S. Patent No. 7,685,276 (the '276 Patent)

Has PUM proven by a preponderance of the evidence that the following Google products directly infringe the following claims of the '276 Patent, either literally or under the doctrine of equivalents (“DOE”)?

Please answer yes or no. A “Yes” finding is for PUM. A “No” finding is for Google.

	Google Search					Search Ads		Content Ads/ YouTube	
	Link	Dilip	Rephil	CatNav Boost	Sessions Category				
	Literal	Literal	Literal	Literal	Literal	Literal	DOE	Literal	DOE
Claim 1									
Claim 3									
Claim 7									
Claim 21									

II. INVALIDITY

A. ANTICIPATION

Do you find that Google has proven by clear and convincing evidence that any claim (or claims) of the asserted patents is (are) invalid as anticipated by a single prior art reference?

Please answer yes or no. A “Yes” finding is for Google. A “No” finding is for PUM. For any claim (or claims) that you mark “Yes,” please identify the prior art that anticipated the claim.

'040 Patent	Yes	No	Prior art (if applicable)
Claim 1			
Claim 22			
'276 Patent	Yes	No	Prior art (if applicable)
Claim 1			
Claim 3			
Claim 7			
Claim 21			

B. OBVIOUSNESS

Do you find that Google has proven by clear and convincing evidence that any claim (or claims) of the asserted patents is (are) invalid as obvious to a person of ordinary skill in the art at the time of the invention?

Please answer yes or no. A “Yes” finding is for Google. A “No” finding is for PUM. For any claim (or claims) that you mark “Yes,” please identify the prior art combination(s) that rendered the claim obvious.

'040 Patent	Yes	No	Prior art (if applicable)
Claim 1			
Claim 22			
'276 Patent	Yes	No	Prior art (if applicable)
Claim 1			
Claim 3			
Claim 7			
Claim 21			

III. GOOGLE’S BREACH OF CONTRACT COUNTERCLAIM

1. Has Google proven by a preponderance of the evidence that the three-year statute of limitations that applies to the breach of contract claim against Dr. Konig was tolled?

*Please answer yes or no. A “Yes” finding is for Google.
A “No” finding is for PUM.*

Yes_____ No_____

If “No,” then stop. If “Yes,” please continue.

2. Has Google proven by a preponderance of the evidence that it acquired from SRI the right to assert SRI’s breach of employment contract claim against Dr. Konig?

*Please answer yes or no. A “Yes” finding is for Google.
A “No” finding is for PUM.*

Yes_____ No_____

If “No,” then stop. If “Yes,” please continue.

3. Has Google proven by a preponderance of the evidence that Dr. Konig breached his employment agreement with SRI by failing to assign his invention to SRI?

*Please answer yes or no. A “Yes” finding is for Google.
A “No” finding is for PUM.*

Yes_____ No_____

4. Has PUM shown by a preponderance of the evidence that Dr. Konig’s invention was protected by Section 2870 of the California Labor Code?

*Please answer yes or no. A “Yes” finding is for PUM.
A “No” finding is for Google.*

Yes_____ No_____

When the jury has reached a verdict, you must each sign this verdict form and signal the U.S. Marshal that you are ready to render a verdict.

Dated: _____

Signed: _____
Foreperson

