

**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.	)	

**GOOGLE INC.'S REVISED PROPOSED VERDICT FORM**

Google proposes the following verdict form in response to the Court's March 17, 2014 rulings.

**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. 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" for each claim and each accused functionality.*

*A "Yes" finding is for PUM. A "No" finding is for Google.*

	The Kaltix Twiddler Used in Google Search and:					The Ignored Domains feature of the UBAQ component of Google Search Ads		The CUBAQ component of Google Content Ads / YouTube	
	Link	Dilip	Rephil	Category NavBoost	Sessions Category				
	Literal	Literal	Literal	Literal	Literal	Literal	DOE	Literal	DOE
Claim 1									
Claim 22									

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<sup>1</sup> PUM has accused specific functionality in Google Search, Google Search Ads, Google Content Ads, and YouTube of infringing its patents, not the entirety of these systems. Google requests that Questions I and II on the verdict form identify the accused functionality rather than identifying the full systems, as PUM's proposed questions do.

**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" for each claim and each accused functionality.*

*A "Yes" finding is for PUM. A "No" finding is for Google.*

	The Kaltix Twiddler Used in Google Search and:					The Ignored Domains feature of the UBAQ component of Google Search Ads		The CUBAQ component of Google Content Ads / YouTube	
	Link	Dilip	Rephil	Category NavBoost	Sessions Category				
	Literal	Literal	Literal	Literal	Literal	Literal	DOE	Literal	DOE
<b>Claim 1</b>									
<b>Claim 3</b>									
<b>Claim 7</b>									
<b>Claim 21</b>									

## II. INVALIDITY -- ANTICIPATION<sup>2</sup>

- A. Has **Google** proven, by clear and convincing evidence, that Claim 1 of the '040 patent is anticipated by the following prior art?

*Please answer "Yes" or "No" for each prior art reference below.*

*A "Yes" finding is for Google. A "No" finding is for PUM.*

1. "Personal WebWatcher": Mladenic, D. (1996), Personal WebWatcher: design and implementation  

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2. "Wasfi": Wasfi, A. (1999), Collecting User Access Patterns for Building User Profiles and Collaborative Filtering  

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3. "Montebello": Montebello, M. et al. (1998), A Personal Evolvable Advisor for WWW Knowledge Based Systems  

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<sup>2</sup> Google requests that the Court use its format for the questions concerning validity (Questions II and III). In particular, Google requests that the questions include the identifying short-hand name and the full citation for each of the prior art references.

- B. Has **Google** proven, by clear and convincing evidence, that Claim 1 of the '276 patent is anticipated by the following prior art?

*Please answer "Yes" or "No" for the prior art reference below.*

*A "Yes" finding is for Google. A "No" finding is for PUM.*

1. "Montebello": Montebello, M. et al. (1998), A Personal Evolvable Advisor for WWW Knowledge Based Systems

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### III. INVALIDITY -- OBVIOUSNESS

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

*Please answer "Yes" or "No" for each claim.*

*A "Yes" finding is for Google. A "No" finding is for PUM.*

Claim 1 \_\_\_\_\_  
Claim 22 \_\_\_\_\_

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

*Please answer "Yes" or "No" for each claim.*

*A "Yes" finding is for Google. A "No" finding is for PUM.*

Claim 1 \_\_\_\_\_  
Claim 3 \_\_\_\_\_  
Claim 7 \_\_\_\_\_  
Claim 21 \_\_\_\_\_

#### IV. 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\_\_\_\_\_

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

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JURY FOREPERSON