

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PERSONALIZED USER MODEL, L.L.P., )

Plaintiff, )

v. )

GOOGLE, INC., )

Defendant. )

\_\_\_\_\_ )

GOOGLE, INC., )

Counterclaimant, )

v. )

PERSONALIZED USER MODEL, L.L.P. )

and YOCHAI KONIG, )

Counterclaim-Defendants. )

C.A. No. 09-525 (LPS)

**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 in each box. A “Yes” finding is for PUM. A “No” finding is for Google.*

	Google Search (using the Kaltix twiddler)					Search Ads (using the User Based Ads Quality model (“UBAQ”))		Content Ads/ YouTube (using the Content User Based Ads Quality model (“CUBAQ”))	
	Link	Dilip	Rephil	Category NavBoost	Sessions Category				
	Literal	Literal	Literal	Literal	Literal	Literal	DOE	Literal	DOE
<b>Claim 1</b>									
<b>Claim 22</b>									

**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 in each box. A "Yes" finding is for PUM. A "No" finding is for Google.*

	Google Search (using the Kaltix twiddler)					Search Ads (using the User Based Ads Quality model ("UBAQ"))		Content Ads/ YouTube (using the Content User Based Ads Quality model ("CUBAQ"))	
	Link	Dilip	Rephil	Category NavBoost	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 write in yes or no for each box. A "Yes" is a finding for Google (that the corresponding prior art reference anticipates the claim). A "No" is a finding for PUM (that the corresponding prior art reference does not anticipate the claim).*

'040 Patent	Anticipated?	Prior art
Claim 1		Mladenic
		Montebello
		Wasfi
'276 Patent	Anticipated?	Prior art
Claim 1		Montebello

**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 write in yes or no for each box. A "Yes" is a finding for Google (that the claim is obvious). A "No" is a finding for PUM (that the claim is not obvious).*

<b>'040 Patent</b>	<b>Obvious?</b>
<b>Claim 1</b>	
<b>Claim 22</b>	
<b>'276 Patent</b>	<b>Obvious?</b>
<b>Claim 1</b>	
<b>Claim 3</b>	
<b>Claim 7</b>	
<b>Claim 21</b>	

### 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 \_\_\_\_\_

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 \_\_\_\_\_

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

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