

EXHIBIT 1

September 22, 2010

Utopy, Inc. c/o National Registered Agents, Inc.
160 Greentree Drive, Suite 101
Dover, DE 19904

Re: Personalized User Model, LLP v. Google Inc., Case No. 09-525 (JJF)

To Whom it May Concern:

On July 16, 2010, Personalized User Model, LLP sued my client Google for alleged patent infringement. A courtesy copy of the operative complaint in this matter is included herewith. You are being contacted because you are likely to have documents relevant to the case. Please see the attached subpoena and exhibits for instructions on how to respond.

To expedite matters, in lieu of producing the documents at the location referenced in the subpoena, you may send your response to my attention at:

Quinn Emanuel Urquhart & Sullivan
50 California Street, Floor 22
San Francisco, CA 94111

Feel free to contact me if you have any questions.

Respectfully yours,



Brian C. Howard

UNITED STATES DISTRICT COURT

for the

District of Delaware

Personalized User Model, LLP

Plaintiff

v.

Google Inc.

Defendant

Civil Action No. 1:09-cv-525 (LPS)

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Utopy, Inc. c/o National Registered Agents
160 Greentree Drive, Suite 101, Dover, DE 19904

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See Exhibit A

Place: Potter Anderson & Corroon LLP Hercules Plaza 1313 N. Market St., Wilmington, DE 19801	Date and Time: 10/18/2010 5:30 pm
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Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 09/22/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* Google, Inc, who issues or requests this subpoena, are:

Brian Howard, Quinn Emanuel Urquart & Sullivan LLP, 50 California St. 22nd Floor, San Francisco, CA 94111,
brianhoward@quinnemanuel.com 415 875 6317

Civil Action No. 1:09-cv-525 (LPS)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

EXHIBIT A

I. DEFINITIONS

1. "UTOPY" "YOU," and "YOUR," means Utopy, Inc., and its officers, directors, current and former employees, counsel, agents, consultants, representatives, and any other persons acting on behalf of any of the foregoing, and Utopy, Inc.'s affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal ENTITIES, whether foreign or domestic, that are owned or controlled by Utopy, Inc., and all predecessors and successors in interest to such ENTITIES.

2. "'040 PATENT" means U.S. Patent No. 6,981,040, entitled "Automatic, Personalized Online Information and Product Services," all underlying patent applications, all continuations, continuations-in-part, divisionals, reissues, and any other patent applications in the '040 patent family

3. "'031 PATENT" means U.S. Patent No. 7,320,031, entitled "Automatic, Personalized Online Information and Product Services," all underlying patent applications, all continuations, continuations-in-part, divisionals, reissues, and any other patent applications in the '031 patent family.

4. "'276 PATENT" means U.S. Patent No. 7,685,276, entitled "Automatic, Personalized Online Information and Product Services," all underlying patent applications, all continuations, continuations-in-part, divisionals, reissues, and any other patent applications in the '031 patent family.

5. "PATENTS-IN-SUIT" shall refer to the '040 PATENT, the '031 PATENT, and the '276 PATENT individually and collectively.

6. "DOCUMENT" shall mean all materials and information that are discoverable pursuant to Rule 34 of the Federal Rules of Civil Procedure. A draft or non-identical copy is a separate document within the meaning of this term.

7. “PUM” and “PLAINTIFF” shall mean Personalized User Model LLP., Plaintiff in the civil case captioned Personalized User Model, LLP v. Google Inc., Case No. 09-525 (JJF).

8. The term “PERSON” shall refer to any individual, corporation, proprietorship, association, joint venture, company, partnership or other business or legal entity, including governmental bodies and agencies.

9. “INFRINGE” and “INFRINGEMENT” means direct infringement, contributory infringement, infringement by inducement, literal infringement, and infringement by the doctrine of equivalents.

10. “PRIOR ART” shall mean the subject matter described in 35 U.S.C. §§ 102 and 103, including but not limited to publications, patents, physical devices, prototypes, uses, sales, and offers for sale, and any DOCUMENTS evidencing any of the foregoing.

11. “REFLECT,” “REFLECTING,” “RELATE TO,” “REFER TO,” “RELATING TO,” and “REFERRING TO” shall mean relating to, referring to, concerning, mentioning, reflecting, pertaining to, evidencing, involving, describing, discussing, commenting on, embodying, responding to, supporting, contradicting, or constituting (in whole or in part), as the context makes appropriate.

12. “Include” and “including” shall mean including without limitation.

13. Use of the singular also includes the plural and vice-versa.

14. The words “or” and “and” shall be read in the conjunctive and in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of these Interrogatories.

15. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

INSTRUCTIONS

The following instructions shall apply to each of the Document Requests herein:

1. If any portion of a DOCUMENT or THING is responsive to a request, the entire DOCUMENT or THING shall be produced, redacting only privileged material if any.

2. YOU are to produce the original and each non-identical copy of each DOCUMENT or THING requested herein that is in YOUR possession, custody or control.

3. DOCUMENTS produced pursuant to these requests shall be produced in the original files and shall not be shuffled or otherwise rearranged. DOCUMENTS which were stapled, clipped, or otherwise fastened together shall be produced in that form.

4. THINGS produced pursuant to these requests shall be produced in their present form and shall not be changed or modified in any way.

5. In the event that any DOCUMENT or THING called for by these requests or subsequent requests is to be withheld on the basis of a claim of privilege or immunity from discovery, that DOCUMENT or THING is to be identified by stating:

- (a) the author(s), addressee(s) and any indicated or blind copyee(s);
- (b) the DOCUMENT's or THING's date, number of pages and attachments or appendices;
- (c) the subject matter(s) of the document;
- (d) the nature of the privilege or immunity asserted; and
- (e) any additional facts upon which you would base your claim of privilege or immunity.

6. In the event that any DOCUMENT or THING called for by these requests or subsequent requests has been destroyed or discarded, that DOCUMENT or THING is to be identified by stating:

- (a) the author(s), addressee(s) and any indicated or blind copyee(s);
- (b) the DOCUMENT's or THING's date, number of pages and attachments or appendices;
- (c) the DOCUMENT's or THING's subject matter;
- (d) the date of destruction or discard, manner of destruction or discard, and reason for destruction or discard;

(e) the PERSONS who were authorized to carry out such destruction or discard; and

(f) whether any copies of the DOCUMENT or THING presently exist and, if so, the name of the custodian of each copy.

6. These Requests shall be deemed continuing so as to require further and supplemental production in accordance with the Federal Rules of Civil Procedure.

DOCUMENTS TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS and communications that REFLECT, REFER TO or RELATE TO the PATENTS-IN-SUIT, including any foreign counterparts to the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS that REFLECT, REFER TO or RELATE TO efforts to obtain patent protection on any invention related to the subject matter shown, described, or claimed in the PATENTS-IN-SUIT, including but not limited to:

- a) any invention disclosures;
- b) any DOCUMENT attached to, REFERRING TO or REGARDING any invention disclosure;
- c) drafts of patent applications;
- d) the prosecution history of each application that claims priority to the PATENTS-IN-SUIT or the application which led to the PATENTS-IN-SUIT;
- e) the prosecution history of each application on which Yochai Konig, Roy Twersky or Michael R. Berthold is a named inventor, including all issued, pending or abandoned applications;

- f) the prosecution history of each application that is directed to the subject-matter disclosed in the PATENTS-IN-SUIT assigned to UTOPY or in which UTOPY has or expects to have an interest, including all issued, pending, abandoned applications;
- g) all correspondence regarding the patent applications referred to in subparts (c) through (f) above;
- i) all DOCUMENTS consulted or reviewed by the applicants, patentees, or prosecuting attorneys during the preparation and prosecution of any application referred to in subparts (c) through (f) above, including but not limited to PRIOR ART references or potential PRIOR ART references; and
- j) ALL U.S. and foreign patents and patent applications, including unpublished applications, that are owned, in whole or in part, or licensed by or to UTOPY, that are directed to the subject-matter disclosed in the PATENTS-IN-SUIT, including without limitation all continuations, continuations-in-part, divisionals, parents and foreign counterparts of the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS that REFLECT, REFER TO or RELATE TO Your knowledge of PRIOR ART RELATING TO the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS that REFLECT, REFER TO or RELATE TO the date and circumstances pursuant to which You first learned of each piece of PRIOR ART RELATING TO the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS known or considered by UTOPIA as PRIOR ART or potential PRIOR ART or claimed by others to be PRIOR ART, or which show the state of the art, of the subject matter shown, described, or claimed in the PATENTS-IN-SUIT, including but not limited to patents, publications, books, magazines, course materials, any DOCUMENT reflecting prior knowledge, public uses, public sales or offers for sale, which have a publication DATE or that existed before the issuance of the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS RELATING TO any U.S. or foreign patents or patent applications filed prior to December 28, 1999 RELATING TO any personalized information services or personalized search technology.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS RELATING TO any publications, sale, offer for sale, or public use of any personalized information services or personalized search technology prior to December 28, 1999.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS that REFLECT, REFER TO or RELATE TO the conception, reduction to practice, research, design, development, or testing of the subject matter shown, described, and claimed in the PATENTS-IN-SUIT, including but not limited to laboratory notebooks, inventor notebooks, and computer data, as well as the first written description or disclosure (including drawings) and the first prototype of such subject matter.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS concerning any product, prototype, development version, test version, commercial embodiment, or commercialization of any invention claimed in the PATENTS-IN-SUIT or related to the subject matter of the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS concerning the inventorship of any invention described, disclosed or claimed in the PATENTS-IN-SUIT, including documents regarding any person considered for inclusion as an inventor, and the contribution of each person involved in the conception, development, and reduction to practice of the subject matter claimed as an invention in the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 11:

All U.S. and foreign patents, printed publications, systems, products or physical devices, provided to, received from, or identified to or by prosecution counsel for or during the preparation and prosecution of the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS concerning any reissue, reexamination, continuation, divisional, or continuation-in-part of the PATENTS-IN-SUIT, or other patent applications that claim priority in or through the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS concerning any foreign patent application or foreign patent that corresponds, in whole or in part, to the subject matter described or claimed in the PATENTS-IN-SUIT, and all PRIOR ART cited in each such foreign patent application or patent.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS concerning ownership of the PATENTS-IN-SUIT or other rights or interests in the PATENTS-IN-SUIT, including but not limited to any proposed, requested, or executed assignment, license, conveyance, and/or grant of any right, title or interest in or to the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 15:

All PRIOR ART and DOCUMENTS concerning PRIOR ART RELATING to the PATENTS-IN-SUIT or personalized information services or personalized search technology.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS concerning any investigations, analyses or searches conducted by or for UTOPIA or disclosed to UTOPIA concerning PRIOR ART RELATING to the PATENTS-IN-SUIT or bid management technology.

REQUEST FOR PRODUCTION NO. 17:

All PRIOR ART references, publications, patents and events discussed, referred to or learned about during or in connection with any negotiations or communications regarding any actual or proposed license or assignment of, or concerning, the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS that REFLECT, REFER TO or RELATE TO differences (or similarities) between the PRIOR ART and any invention disclosed or claimed in the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS that REFLECT, REFER TO or RELATE TO the manners or techniques by which the PATENTS-IN-SUIT allegedly improved upon the PRIOR ART, added functionality that did not exist in the PRIOR ART, or provided a variation on or upgrade of the PRIOR ART and whether each such alleged improvement, added functionality, or variation or upgrade, was non-obvious or unpredictable.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS that REFLECT, REFER TO or RELATE TO any of the secondary considerations of nonobviousness of the PATENTS-IN-SUIT, including but not limited to commercial success, long-felt need, attempts by others, failure of others, commercial acquiescence, licensing, professional approval, copying, or laudatory statements by others regarding the invention claimed in the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS that REFLECT, REFER TO or RELATE TO any service offerings, beta tests, or trials of personalized information services, personalized search or related technology prior to December 28, 1999.

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS that REFLECT, REFER TO or RELATE TO any formal, informal, written, or oral studies, analyses, opinions, pre-filing investigations or reports directed to the scope of patentability, validity, enforceability, or INFRINGEMENT concerning the subject matter shown, described, or claimed in the PATENTS-IN-SUIT, including specifically a complete set of all DOCUMENTS comprising the pre-filing investigation of this case.

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS that REFLECT, REFER TO or RELATE TO any of Google's products, services, or methods alleged to INFRINGE the PATENTS-IN-SUIT, including all DOCUMENTS referring to, REGARDING, or analyzing whether Google has infringed the PATENTS-IN-SUIT, either literally or under the doctrine of equivalents.

REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS concerning any manufacture, license, offer to license, use, sale or offer for sale, by or on behalf of UTOPIA of any product, service, method, prototype, development version, commercial embodiment, or commercialization of any invention disclosed, described or claimed in the PATENTS-IN-SUIT, related to the subject matter of the PATENTS-IN-SUIT, or any of UTOPIA's personalized information services or personalized search technology.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS concerning any manufacture, license, offer to license, use, sale, or offer for sale, by or on behalf of Utopia, or any other company controlled in whole or in part by or affiliated with Yochai Konig, Roy Twersky and/or Michael R. Berthold, of any product, service, method, prototype, development version, system, or method that is (1) disclosed, described, or claimed in the PATENTS-IN-SUIT, (2) related to the subject matter of the PATENTS-IN-SUIT, or (3) related to any personalized information services or personalized search technology.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS concerning any product or method related to the PATENTS-IN-SUIT or to any personalized information services or personalized search technology in general.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS related to features, functionalities, or any other technological components requested by any consumer as part of its use of, consideration of, or negotiation concerning any personalized information services or personalized search technology, including but not limited to technology associated with UTOPIA, or any other company controlled in whole or in part by or affiliated with Yochai Konig, Roy Twersky, or Michael R. Berthold.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS concerning any license of, offer to license, effort to license, or grant of any rights under the PATENTS-IN-SUIT, the subject matter described or claimed in the PATENTS-IN-SUIT, or any intellectual property portfolio including the PATENTS-IN-SUIT, to any person or entity, including documents relating to any licensing negotiations, notice letters, claim charts, claim construction, infringement, draft licenses, agreements, exhibits, demand letters, and cease and desist letters.

REQUEST FOR PRODUCTION NO. 29:

All DOCUMENTS related to the value to consumers of any features, functionalities, or any other technological components of any personalized information services or personalized search technology associated with UTOPIA, or any company controlled in whole or in part by or affiliated with Yochai Konig, Roy Twersky, or Michael R. Berthold.

REQUEST FOR PRODUCTION NO. 30:

All DOCUMENTS related to the value to consumers of any personalized information services or personalized search technology associated with UTOPIA, or any company controlled in whole or in part by or affiliated with Yochai Konig, Roy Twersky, or Michael R. Berthold.

REQUEST FOR PRODUCTION NO. 31:

All communications between or among UTOPIY, Yochai Konig, Roy Twersky, or Michael R. Berthold, and any employee of Lumen Intellectual Property Services, Inc., concerning the PATENTS-IN-SUIT or this Action.

REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS concerning any communications with third parties regarding the subject matter of this Action or the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 33:

All DOCUMENTS which RELATE TO, support or refute PUM's assertion that any of Google's products, services, methods, or systems infringe any of the claims of the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS which support or refute PUM's assertion that the PATENTS-IN-SUIT is valid and enforceable.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS which RELATE TO PUM or UTOPIY's first awareness of that Google's activities that would form the basis of an accusation that the Google's products, services, methods, or systems infringe the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS concerning any steps UTOPIY or PUM took to enforce the PATENTS-IN-SUIT against Google or any third party.

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS evidencing any damage or harm PUM or UTOPY allegedly suffered as a result of the sale, offer for sale, or use of any of Google's products, services, methods, or systems.

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS concerning sales, licensing, sales forecasts, budgets, expenses, costs, and profitability of any products, services, systems, or methods developed, offered, marketed or sold by UTOPY that embody any claim of the PATENTS-IN-SUIT or that relate to any personalized information services or personalized search technology.

REQUEST FOR PRODUCTION NO. 39:

All DOCUMENTS concerning the labeling and marking with patent information of any products, services, systems, or methods sold, marketed, or commercialized by PUM, or UTOPY, or any other company controlled by or affiliated with Yochai Konig, Roy Twersky, or Michael R. Berthold that embody any claim of the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS RELATING TO any computation, calculation or estimation of damages, lost profits or reasonable royalties claimed in this Action.

REQUEST FOR PRODUCTION NO. 41:

DOCUMENTS sufficient to show any royalty rates to any patents relating to any bid management technology licensed by UTOPY.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS relating to PUM's or UTOPY's patent licensing policies.

REQUEST FOR PRODUCTION NO. 43:

All DOCUMENTS relating to policies and procedures at UTOPY related to pursuing patents, including policies and/or procedures related to when to pursue patents, invention disclosures, patent prosecution, and the citation of PRIOR ART.

REQUEST FOR PRODUCTION NO. 44:

All DOCUMENTS concerning any litigation, threatened litigation or possible litigation involving the PATENTS-IN-SUIT.

REQUEST FOR PRODUCTION NO. 45:

All DOCUMENTS sufficient to identify the current shareholders, officers, and directors of UTOPY.

REQUEST FOR PRODUCTION NO. 46:

All DOCUMENTS concerning the retention of documents, whether formal or informal, by UTOPY.

REQUEST FOR PRODUCTION NO. 47:

All DOCUMENTS concerning communications between UTOPY and Google prior to initiation of this Action.

REQUEST FOR PRODUCTION NO. 48:

All DOCUMENTS concerning any assignment of any or all of the PATENTS-IN-SUIT or any interest in the PATENTS-IN-SUIT to Blacksmith Ventures I-A L.P. or Blacksmith Capital UTP L.L.C.

REQUEST FOR PRODUCTION NO. 49:

All DOCUMENTS concerning any assignment of any or all of the PATENTS-IN-SUIT or any interest in the PATENTS-IN-SUIT to Square 1 Bank.

REQUEST FOR PRODUCTION NO. 50:

All DOCUMENTS concerning any assignment of either or both of the PATENTS-IN-SUIT or any interest in the PATENTS-IN-SUIT to Levino.

REQUEST FOR PRODUCTION NO. 51:

All DOCUMENTS concerning the assignment of the PATENTS-IN-SUIT or any interest in the PATENTS-IN-SUIT to PUM.

REQUEST FOR PRODUCTION NO. 52:

DOCUMENTS sufficient to determine any relationship or affiliation between Levino, Skoulino, PUM, Utopy, Yochai Konig, Roy Twersky, and/or Michael R. Berthold.

REQUEST FOR PRODUCTION NO. 53:

All licenses, license agreements, contracts, assignments, or grant of any rights to any patents or patent applications relating to any personalized search technology licensed by UTOPY to any person(s).

REQUEST FOR PRODUCTION NO. 54:

All DOCUMENTS sufficient to identify the employees, officers, and directors of UTOPY between its founding and January 1, 2002.

DATED: September 22, 2010

By /s/ David A. Perlson

Charles K. Verhoeven, CA Bar No. 170151
charlesverhoeven@quinnemanuel.com
David A. Perlson, CA Bar No. 209502
davidperlson@quinnemanuel.com
Brian C. Cannon, CA Bar No. 193071
briancannon@quinnemanuel.com

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP
555 Twin Dolphin Drive, Suite 560
Redwood Shores, CA 94065
Tel.: (650) 801-5000
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Richard L. Horwitz, DE Bar No.
rhorwitz@potteranderson.com

POTTER ANDERSON & CORROON LLP
Hercules Plaza
1313 North Market Street, 6th Floor
Wilmington, Delaware 19801
Tel.: (302) 984-6000
Fax: (302) 658-1192

ATTORNEYS FOR GOOGLE INC.

CERTIFICATE OF SERVICE

I certify that all counsel of record were served via electronic mail on September 22, 2010 with Defendants' First Set of Requests for Production of Documents to Plaintiff Personalized User Model LLP.

By /s/ David A. Perlson

David A. Perlson
davidperlson@quinnemanuel.com
QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP
50 California Street, 22nd Floor
San Francisco, California 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Attorneys for Defendant Google Inc

5. On December 27, 2005, the United States Patent and Trademark Office ("USPTO") duly and legally issued U.S. Patent No. 6,981,040 B1 (the "'040 patent"), entitled "Automatic, Personalized Online Information and Product Services," in the names of Yochai Konig, Roy Twersky, and Michael Berthold, who assigned their rights and interests in the '040 patent to Utopy, Inc. The '040 patent was later assigned to plaintiff P.U.M. A true and correct copy of the '040 patent is attached as Exhibit A.

6. On January 15, 2008, the USPTO duly and legally issued U.S. Patent No. 7,320,031 B2 (the "'031 patent"), entitled "Automatic, Personalized Online Information and Product Services," in the names of Yochai Konig, Roy Twersky, and Michael Berthold, who assigned their rights and interests in the '031 patent to Utopy, Inc. The '031 patent is a continuation of application No. 09/597,975, filed on June 20, 2000, now the '040 patent. The '031 patent was later assigned to plaintiff P.U.M. A true and correct copy of the '031 patent is attached as Exhibit B.

CLAIM FOR RELIEF

7. P.U.M. incorporates and realleges the allegations of paragraphs 1 through 6 as if fully set forth herein.

8. Google has been and is infringing, inducing infringement and/or contributing to infringement in this District, and throughout the United States, by making, selling, offering for sale, and/or importing infringing search technology covered by one or more claims of the '040 and '031 patents, including at least Google's personalized search technology and Google's personalized advertising technology that operate and are found in features of Google's website, www.google.com.

9. Google's infringing activities in the United States also include, but are not limited to, the personalized search implemented when a user logs into iGoogle (formerly known as Google Personal, or Google Personalized Search) at www.google.com/ig, which incorporates

and utilizes personalized search technology and personalized advertising technology covered by one or more claims of the '040 and '031 patents.

10. Google committed these acts of infringement without license or authorization from P.U.M.

11. As a direct and proximate result of Google's infringement of the '040 and '031 patents, P.U.M. has suffered and continues to sustain monetary damages.

12. P.U.M. has been and continues to be irreparably harmed by Google's infringement of the '040 and '031 patents. On information and belief, Google will continue to infringe unless such infringement is enjoined by this Court.

13. Google has had actual notice of the '040 and '031 patents.

14. On information and belief, Google's infringement of the '040 and '031 patents, has been and continues to be willful and deliberate.

PRAYER FOR RELIEF

WHEREFORE, plaintiff P.U.M. respectfully requests that this Court grant the following relief in favor of P.U.M. and against defendant Google:

A. Declare that Google is infringing, has infringed, actively induced and/or committed acts of contributory infringement with respect to one or more claims of the '040 patent;

B. Declare that Google's infringement of the '040 patent has been and is willful;

C. Declare that Google is infringing, has infringed, actively induced and/or committed acts of contributory infringement with respect to one or more claims of the '031 patent;

D. Declare Google's infringement of the '031 patent has been and is willful;

E. Award P.U.M. its damages sustained as a result of Google's infringement of P.U.M.'s '040 and '031 patents;

F. Treble the damages P.U.M. has incurred as a result of Google's willful and deliberate infringement of P.U.M.'s '040 and '031 patents;

G. Preliminarily and permanently enjoin Google and its officers, agents, divisions, affiliates, subsidiaries, employees, and representatives, and all those controlled by or acting in concert with or in privity with Google, from infringing, inducing the infringement and/or contributing to the infringement of the '040 and '031 patents;

H. Declare that this is an "exceptional case" within the meaning of 35 U.S.C. § 285, and enter judgment in favor of P.U.M. for its attorneys' fees;

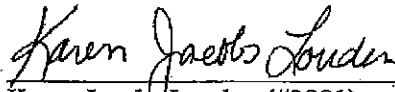
I. Award P.U.M. prejudgment interest and costs; and

J. Grant such other relief that the Court deems just and equitable.

JURY DEMAND

P.U.M demands trial by jury on all issues triable of right by a jury.

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