

EXHIBIT H

In answering these questions, you are to follow the instructions I have given you in the Charge of Court.

INFRINGEMENT

1. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to the Doubleclick website?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'985 Patent
Direct?	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____

2. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to the Google Finance website?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'906 Patent	'985 Patent
Direct?	Yes ____ No ____ _____	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____	Yes ____ No ____ _____

3. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to the Google Video website?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'906 Patent	'985 Patent
Direct?	Yes ____ No ____ _____	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____	Yes ____ No ____ _____

4. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to the Google News website?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'906 Patent	'985 Patent
Direct?	Yes ____ No ____ _____	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____	Yes ____ No ____ _____

5. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Google AdSense?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'985 Patent
Direct?	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____

6. Did Eolas prove by a preponderance of the evidence that Google infringes any the asserted patents with respect to Google Docs - Documents?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'985 Patent
Direct?	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____

7. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Google Docs - Presentation?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'985 Patent
Direct?	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____

8. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Google Docs - Spreadsheet?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'985 Patent
Direct?	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____

9. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Google Maps?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'985 Patent
Direct?	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____

10. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Google Music?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'985 Patent
Direct?	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____

11. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Gmail?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'985 Patent
Direct?	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____

12. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Google Search Suggest?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'985 Patent
Direct?	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____

13. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Google Instant?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'985 Patent
Direct?	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____

14. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Google Plus?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'906 Patent	'985 Patent
Direct?	Yes ____ No ____ _____	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____	Yes ____ No ____ _____

15. Did Eolas prove by a preponderance of the evidence that YouTube infringes the asserted patents with respect to Flash video or HTML5 video on the YouTube website?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'906 Patent	'985 Patent
Direct?	Yes ____ No ____ _____	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____	Yes ____ No ____ _____

16. Did Eolas prove by a preponderance of the evidence that YouTube infringes the asserted patents with respect to Search Suggest on the YouTube website?

Answer “Yes” or “No” to each question below. Also, if you answer “Yes,” please list the claims you found infringed.

	'985 Patent
Direct?	Yes ____ No ____ _____
Inducement?	Yes ____ No ____ _____
Contributory?	Yes ____ No ____ _____

DIVIDED INFRINGEMENT

17. For each claim that you find Google has infringed, has Eolas shown by a preponderance of the evidence that a single entity performs the entire claim?

Please answer only if you found infringement for these claims above. If you did not find infringement for these claims, skip this question. Otherwise, answer “Yes” or “No” for each listed claim:

<u>‘906 Patent</u>			
Claim 1 _____	Claim 6 _____		
<u>‘985 Patent</u>			
Claim 1 _____	Claim 3 _____	Claim 10 _____	Claim 16 _____
Claim 18 _____	Claim 20 _____	Claim 22 _____	Claim 36 _____
Claim 38 _____	Claim 40 _____	Claim 42 _____	

18. For each claim that you find YouTube has infringed, has Eolas shown by a preponderance of the evidence that a single entity performs the entire claim?

Please answer only if you found infringement for these claims above. If you did not find infringement for these claims, skip this question. Otherwise, answer “Yes” or “No” for each listed claim:

<u>‘906 Patent</u>			
Claim 1 _____	Claim 6 _____		
<u>‘985 Patent</u>			
Claim 1 _____	Claim 3 _____	Claim 10 _____	Claim 16 _____
Claim 18 _____	Claim 20 _____	Claim 22 _____	Claim 36 _____
Claim 38 _____	Claim 40 _____	Claim 42 _____	

19. Has Eolas shown by a preponderance of the evidence that Google controls or directs anyone in using Google’s products?

Yes _____ No _____

20. Has Eolas shown by a preponderance of the evidence that YouTube controls or directs anyone in using YouTube's products?

Yes ____ No ____

WILLFULNESS

ANSWER THESE QUESTIONS ONLY FOR THOSE CLAIMS YOU ANSWERED "YES" FOR IN THE QUESTIONS ABOVE – OTHERWISE SKIP THIS QUESTION AND PROCEED TO QUESTION 35

21. Did Eolas prove by clear and convincing evidence that Google willfully infringed the patents in suit?

Answer "Yes" or "No" for each listed patent:

'906 Patent: _____

'985 Patent: _____

22. Did Eolas prove by clear and convincing evidence that YouTube willfully infringed the patents in suit?

Answer "Yes" or "No" for each listed patent:

'906 Patent: _____

'985 Patent: _____

INVALIDITY

23. For each asserted claim, did Defendants prove by clear and convincing evidence that the claim is invalid?

Answer “Yes” or “No” to each question below. Your answer need not be the same for each question, but you may find that a claim is invalid on any or all of these bases. Answer all questions for all claims regardless of whether you have found those claims were infringed.

‘906 Patent	Anticipation?	Obviousness?	Written description?
Claim 1			
Claim 6			
‘985 Patent	Anticipation?	Obviousness?	Written description?
Claim 1			
Claim 2			
Claim 3			
Claim 8			
Claim 10			
Claim 11			
Claim 16			
Claim 17			
Claim 18			
Claim 20			
Claim 21			
Claim 22			
Claim 36			
Claim 37			
Claim 38			
Claim 39			
Claim 40			
Claim 41			
Claim 42			
Claim 43			

24. On what date did the named inventors of the '906 and '985 patents first conceive of the patented inventions?

Please provide the month, day, and year below.

Conception Date: _____

25. On what date did the named inventors of the '906 and '985 patents first reduce to practice the patented inventions?

Please provide the month, day, and year below.

Reduction to Practice Date: _____

26. Please answer the following questions:

a) At the time of the invention, did persons of skill in the art know how to embed interactive objects into web pages?

Yes ____ No ____

b) At the time of the invention, did persons of skill in the art know how to create applications that could be used to view interactive objects?

Yes ____ No ____

c) At the time of the invention, had persons of skill in the art considered embedding interactive objects in a browser-controlled window?

Yes ____ No ____

INEQUITABLE CONDUCT

27. Did Defendants prove by clear and convincing evidence that:

a) Anyone involved in the prosecution of the '906 and '985 patents withheld material prior art from the Patent and Trademark Office?

Please answer "Yes" or "No" in the spaces provided below

Yes ____ No ____

b) Any withholding of material prior art to the '906 and '985 patents from the Patent and Trademark Office was done with intent to deceive?

Please answer "Yes" or "No" in the spaces provided below

Yes ____ No ____

