EXHIBIT A

GOOGLE'S PROPOSED STIPULATION OF FACT

***Inter Partes* Review Determinations**

U.S. Patent No. 7,917,843 ("'843 Patent") was the subject of a proceeding at the Patent Office called *inter partes* review, also referred to as "IPR." An IPR permits a petitioner to request cancellation of patent claims as unpatentable on the basis of prior art consisting of patents or printed publications. Specifically:

- On December 2, 2013, Google filed an IPR arguing that the Asserted Claims of the '843 Patent were invalid because they are obvious in light of U.S. Patent No. 5,859,636, also referred to as the "Pandit" reference. That ground is different from the prior art grounds that Google is raising as a defense in this trial.

- On June 9, 2015, the Patent Office issued a Final Written Decision in the IPR, holding that the Asserted Claims of the '843 Patent were invalid because they were obvious in light of Pandit. The Patent Office found that Pandit taught all of the limitations of the Asserted Claims except for one: "performing a search using at least part of the first information as a search term in order to find the second information, of a specific type or types, associated with the search term in an information source external to the document," but the Patent Office found that limitation would still be obvious to a person of ordinary skill.

- Arendi appealed that decision to the United States Court of Appeals for the Federal Circuit, also referred to as simply the "Federal Circuit." On August 10, 2016, the Federal Circuit reversed the Patent Office's Final Written Decision regarding Pandit. The legal basis for the Federal Circuit's decision is not relevant to any of the specific invalidity grounds raised by Google in this trial.

The litigation in this court was stayed and therefore became inactive on February 24, 2014 in order to allow for final resolution of the IPR. The case restarted on October 23, 2018 after the IPR proceedings were completed.

EXHIBIT B

GOOGLE'S PROPOSED LIMITING INSTRUCTION

Inter Partes Review Determinations

The '843 Patent was the subject of a proceeding at the Patent Office called *inter partes* review, also referred to as "IPR," filed by Google. An IPR permits a petitioner to request cancellation of patent claims as invalid on the basis of prior art consisting of patents or printed publications.

In the IPR, Google could not have raised, and the Patent Office did not consider, any of the prior art grounds that Google is now relying on in this trial. When I say "prior art grounds," I mean each combination of prior art that Google contends renders the '843 Patent invalid for being anticipated or obvious. For example, one such ground is CyberDesk alone, another ground is U.S. Patent No. 5,859,636 (also referred to as the "Pandit" reference) plus the CyberDesk system, and yet another ground is Pandit plus the Apple Data Detectors system. Google is permitted to raise these prior art grounds for you to assess in determining whether the Asserted Claims are invalid.

You have heard evidence that the Patent Office issued a Final Written Decision in the IPR finding that the Asserted Claims of the '843 Patent were obvious in view of the Pandit reference. The Patent Office's Final Written Decision did not analyze any other prior art grounds.

You have also heard evidence that the United States Court of Appeals for the Federal Circuit, also referred to as the "Federal Circuit," reversed the Patent Office's decision in the IPR, holding that, for legal reasons not relevant here, the Pandit reference alone does not invalidate the '843 Patent. The legal basis on which the Federal Circuit ruled does not apply to any of the invalidity grounds raised by Google in this trial.

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