

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ARENDI S.A.R.L.,)	
)	
Plaintiff,)	C.A. No. 13-919-LPS
)	
v.)	JURY TRIAL DEMANDED
)	
GOOGLE LLC,)	PUBLIC VERSION
)	
Defendant.)	

**DEFENDANT GOOGLE LLC’S REPLY IN SUPPORT OF ITS MOTION
FOR SUMMARY JUDGMENT OF NONINFRINGEMENT**

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Dated: May 6, 2021
7190700 / 40549

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Arendi's Answering Brief ("Arendi's Opposition," D.I. 345) to Google's Motion for Summary Judgment ("Motion," D.I. 275; "Google's Supporting Brief," D.I. 276) attempts to misdirect the Court into assuming that there are facts at issue, when in fact there are none. Once the Court cuts through Arendi's cluttered assertions and overstatements about its own infringement allegations and its overbroad characterizations of Google's Accused Products, it will see a lack of material factual disputes regarding Google's non-infringement defenses. Indeed, for each of the "can be searched for" and "in consequence of receipt by the first computer program of the user command" non-infringement arguments (Sections II.D and II.F, respectively), the parties agree on the material facts, such that straightforward application of the unambiguous claim language and the Court's constructions disposes of the entire case.

I. THE COURT MUST CONSIDER THE DIFFERENCES BETWEEN THE ACCUSED FUNCTIONALITIES

The parties agree that the Accused Functionalities are Linkify, Smart Linkify and Smart Text Selection with TextClassifier ("STS"). Arendi separately accuses Content Detectors and Quick Actions *for the Google Chrome app alone*. D.I. 345, p. 4. Arendi accuses no other functionalities.

Arendi attempts to confuse and lump together these separate functionalities to create the false impression that a single unitary functionality stands accused and that potential infringement by any Accused Functionality negates the Court's need to assess Google's arguments as to each Accused Functionality. *See, e.g.*, D.I. 345, pp. 9, 13 (citing screen captures of STS to rebut arguments for Linkify and Smart Linkify). The Court should reject Arendi's attempt to confuse Linkify and Smart Linkify with STS because, as explained below, their differences impact two non-infringement arguments in Google's Motion (those relating to the elements "while the document is displayed, . . . analyzing first information from the document" and "providing an input

device, configured by the first computer program”). Further, a finding of non-infringement for only some Accused Functionalities (*e.g.*, only Linkify and Smart Linkify) would significantly simplify the issues for trial. There is no need to present trial testimony explaining each Accused Functionality when it is clear from the evidentiary record that at least some of these functionalities simply do not practice the Asserted Claims. Also, because each Accused Functionality was launched and used at unique times during Arendi’s alleged damages period [REDACTED], a non-infringement judgment as to any of the Accused Functionalities will materially impact the damages period and amount. Linkify was first introduced in an Accused App in [REDACTED]; STS was introduced [REDACTED], in December 2017; and Smart Linkify was launched nearly a year after that, in August 2018. Thus, for example, a finding of non-infringement as to Linkify would significantly change the start of the potential damages period (from [REDACTED] to December 2017). For the Court’s benefit, Google provides Appendix 1 to this Reply, detailing the date range for each Accused App/Functionality combination to highlight the importance of analyzing each of Google’s non-infringement theories.¹

The parties do not genuinely dispute the following relevant facts:

- The parties agree that [REDACTED]. There is no genuine dispute that [REDACTED].
- The parties do not dispute that Linkify and Smart Linkify can be invoked by any app, including each Accused App, using an API call (“These implementations may include incorporating one of several addLinks methods defined in the Linkify.java library,” D.I. 345, p. 7); or that there is no API call for STS in any Accused App—STS is always enabled in any so-called “View” display. D.I. 276, p. 13; D.I. 345, pp. 9-10.
- There is no genuine dispute that Linkify and Smart Linkify, as used with most Accused Apps, can and do only work on text that is non-editable. D.I. 276, pp. 11, 15; D.I. 345, p. 8. The parties agree that STS, by contrast, can work on editable text. D.I. 345, p. 31.

¹ Appendix 1 makes visually clear the important difference in the Accused Product date ranges previously described in Google’s Supporting Brief. D.I. 276, p. 10 n.7, p. 12 n.8, p. 14.

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