

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NETWORK-1 TECHNOLOGIES, INC.,

Plaintiff,

v.

GOOGLE LLC and YOUTUBE, LLC,

Defendants.

14 Civ. 2396 (PGG)

14 Civ. 9558 (PGG)

**PLAINTIFF NETWORK-1 TECHNOLOGIES, INC.'S  
OPENING CLAIM CONSTRUCTION BRIEF**

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## I. INTRODUCTION

The parties ask the Court to construe four terms from the claims of the patents-in-suit: (1) “non-exhaustive search”; (2) “correlation information”; (3) “extracted features”; and (4) “extracting features.” Claim construction requires that the Court determine the ordinary and customary meaning of these terms to a person of ordinary skill in the relevant art at the time of the effective filing date of the patents-in-suit. This understanding is informed by intrinsic evidence such as the context of the particular claims in which a given term appears and the patent specification, as well as extrinsic evidence such as contemporaneous publications and expert testimony.

Defendants Google LLC and YouTube, LLC assert that the terms “non-exhaustive search” and “correlation information” are indefinite. Indefiniteness is a species of patent invalidity under 35 U.S.C. § 112, paragraph 2. Defendants bear a heavy burden in proving indefiniteness—they must prove by clear and convincing evidence that the claims fail to inform persons skilled in the art of the scope of the invention with reasonable certainty. Defendants cannot meet that burden as to either term they challenge here. Although Google previously proposed a construction for “non-exhaustive search” in a related proceeding, Defendants do not provide any proposed claim construction for either “non-exhaustive search” or “correlation information” here. On the other hand, Plaintiff Network-1 Technologies, Inc. proposes constructions for these two terms that are supported by the intrinsic and extrinsic evidence, and in the case of “non-exhaustive search,” a construction that is consistent with the prior constructions from related proceedings, including that previously proposed by Google.

For “extracted features” and “extracting features,” Network-1 offers constructions that provide context to the fact-finder on what “extracted features” are and what types of actions

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