

EXHIBIT I

Appeal Nos. 2016-2509, -2510, -2511, -2512, -2575

United States Court of Appeals
for the
Federal Circuit

GOOGLE INC.,

Appellant,

– v. –

NETWORK-1 TECHNOLOGIES, INC.,

Cross-Appellant.

CROSS-APPEAL FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE, PATENT TRIAL AND APPEAL BOARD, IN CASE NO. IPR2005-00345 AND APPEALS FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE, PATENT TRIAL AND APPEAL BOARD, IN CASE NOS. IPR2015-00343, IPR2015-00345, IPR2015-00347 AND IPR2015-00348

**BRIEF OF CROSS-APPELLANT AND
APPELLEE NETWORK-1 TECHNOLOGIES, INC.**

GREGORY S. DOVEL
MATTHAEUS MARTINO-WEINHARDT
DOVEL & LUNER, LLP
201 Santa Monica Boulevard, Suite 600
Santa Monica, CA 90401
Phone: (310) 656-7066
Facsimile: (310) 656-7069
greg@dovel.com
matthaeus@dovel.com

CHARLES R. MACEDO
JUNG S. HAHM
AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 Park Avenue
New York, NY 10016
Phone: (212) 336-8000
Facsimile: (212) 336-8001
cmacedo@arelaw.com
jhahm@arelaw.com

Counsel for Cross-Appellant and Appellee Network-1 Technologies, Inc.

Dated: February 8, 2017

Certificate of Interest

Counsel for Cross-Appellant and Appellee Network-1 Technologies, Inc. certifies the following:

1. The full name of every party or amicus represented by me is:

Network-1 Technologies, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

Network-1 Technologies, Inc.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Dovel & Luner, LLP: Gregory S. Dovel, Sean Luner, and Matthaesus Martino-Weinhardt

Amster, Rothstein, & Ebenstein LLP: Charles R. Macedo, Brian A. Comack, and Jung S. Hahm

February 8, 2017

Respectfully submitted,

/s/ Matthaesus Martino-Weinhardt

Matthaesus Martino-Weinhardt

Gregory S. Dovel

Dovel & Luner, LLP

201 Santa Monica Blvd., Suite 600

Santa Monica, CA 90401

(310) 656-7066

greg@dovel.com

matthaesus@dovel.com

Charles R. Macedo
Jung S. Hahm
Amster, Rothstein & Ebenstein LLP
90 Park Avenue
New York, NY 10016
(212) 336-8000
cmacedo@arelaw.com
jhahm@arelaw.com

*Counsel for Cross-Appellant and
Appellee Network-1 Technologies,
Inc.*

Table of Contents

STATEMENT OF RELATED CASES	1
STATEMENT OF THE ISSUES.....	2
STATEMENT OF THE CASE.....	5
1. The claimed “non-exhaustive search.”	5
2. The asserted prior art.....	7
3. The Board’s decisions.	9
4. Issues not appealed by Google	12
5. Issues not decided by the Board.....	12
SUMMARY OF THE ARGUMENT	14
ARGUMENT	17
I. The Board correctly defined a “non-exhaustive search” as “a search that locates a match without a comparison of all possible matches.”	17
A. Because no intrinsic evidence supports Google’s assertion that the “all data” clause should be part of the construction of “non- exhaustive search,” Google must rely on extrinsic evidence of the meaning of “non-exhaustive search” to one of ordinary skill in the art.....	17
B. The Board’s determination of a claim term’s ordinary meaning to those skilled in the art is a factual finding reviewed for substantial evidence.....	19
C. The Board’s factual finding that the “all data” clause is “not part of the ordinary meaning” of “non-exhaustive search” is supported by substantial evidence.....	20
D. The specification does not redefine or disclaim the ordinary meaning of “non-exhaustive.”	26
II. The Board’s findings that Iwamura, Ghias, and Conwell do not disclose a “non-exhaustive search” are supported by substantial evidence.	29
A. Iwamura does not disclose a “non-exhaustive search” of “extracted features.”	29

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.