

# EXHIBIT J

1 UNITED STATES COURT OF APPEALS  
2 FOR THE FEDERAL CIRCUIT

3 -----  
4 GOOGLE LLC,

5 Appellant

6  
7 v.

8  
9 NETWORK-1 TECHNOLOGIES, INC.,

10 Appellee

11 -----  
12 2016-2509, 2016-2510, 2016-2511, 2016-2512  
13 -----

14  
15 December 4, 2017  
16  
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19

20 B E F O R E :

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22 HON. TIMOTHY B. DYK

23 HON. ALVIN A. SCHALL

24 HON. JIMMIE V. REYNA

25 Circuit Judges

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1 HON. TIMOTHY B. DYK: We have four  
2 cases this morning. The first of these is Number  
3 16-2509, Google, LLC v. Network-1 Technologies,  
4 Inc. Mr. Bagatell.

5 MR. BAGATELL: May it please the Court,  
6 Dan Bagatell on behalf of Google. With me is my  
7 colleague Robert Swanson. I'd like to start, if  
8 I may, with the construction of non-exhaustive  
9 search, because if you agree with us on that,  
10 it'll simplify the rest of the appeal  
11 considerably.

12 This is a case in which the BRI  
13 standard makes a difference. It's a case where  
14 there are multiple reasonable interpretations and  
15 not much to go on beyond the fine language. The  
16 term non-exhaustive search doesn't appear in the  
17 specification. It was added years into  
18 prosecution with no explanation of the  
19 definition. There's no ordinary meaning, single  
20 ordinary meaning.

21 HON. JIMMIE V. REYNA: So, just to be  
22 clear, the term exhaustive also does not appear  
23 in the specification.

24 MR. BAGATELL: It doesn't. The patent  
25 does refer to the term linear search but it

1 doesn't clearly answer what -- the relevant  
2 question for purposes of this appeal.

3           So we think the right question is the  
4 BRI standard: Is there a reason to rule out our  
5 definition, either intrinsic or extrinsic  
6 evidence? And I'll start with the intrinsic --  
7 the claim language.

8           You mention exhaustive search.  
9 Exhaustive means to go through completely, to use  
10 up entirely. In the case of this type of a  
11 search, it means that you're considering every  
12 single one and making sure you're going to get  
13 every possible match.

14           And in this case, there could be  
15 multiple matches because we're not talking about  
16 just a search that gives you one right answer.  
17 This is a neighbor search. You can get multiple  
18 answers and they may not be exact matches.

19           So, you can't just judge it by the  
20 first character. We use the example of Court of  
21 Appeals for the Federal Circuit in the database,  
22 and you search on Federal Circuit. If you're  
23 looking for an F to match a C, it's not going to  
24 match. If you're looking for the first word it's  
25 not going to match. The first couple of

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