

## EXHIBIT 2

**IN THE UNITED STATES PATENT TRIAL AND APPEAL BOARD**

In re Post-Grant Review of:	)	
	)	
U.S. Patent No. 8,904,464	)	
	)	
Issued: December 2, 2014	)	
	)	
Inventor: Ingemar J. Cox	)	
	)	
Application No. 13/800,573	)	
	)	
Filed: March 13, 2013	)	
	)	
For: METHOD FOR TAGGING AN	)	FILED ELECTRONICALLY
ELECTRONIC MEDIA WORK	)	PER 37 C.F.R. § 42.6(b)(1)
TO PERFORM AN ACTION	)	
	)	

**Mail Stop *Patent Board***  
Patent Trial and Appeal Board  
U.S.P.T.O.  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR COVERED BUSINESS METHOD REVIEW UNDER 35 U.S.C. § 321 AND § 18 OF THE LEAHY-SMITH AMERICA INVENTS ACT**

Pursuant to 35 U.S.C. § 321 and § 18 of the Leahy-Smith America Invents Act (“AIA”) and pursuant to 37 C.F.R. § 42.300 *et seq.*, Google Inc. hereby requests covered business method review of claims 1-34 of U.S. Patent No. 8,904,464 (“the ‘464 patent,” attached as Exhibit 1001), now purportedly assigned to Network-1 Technologies, Inc. (“Network-1”).

An electronic payment in the amount of \$43,950.00 for the post-grant review fee specified by 37 C.F.R. § 42.15—comprising the \$12,000 request fee, the respective

Covered Business Method Review of U.S. Patent No. 8,904,464

excess claim fee of \$3,500, the \$18,000 post-institution fee, and the respective excess claim fee of \$10,450—is being paid at the time of filing this petition. If there are any additional fees due in connection with the filing of this paper, please charge the required fees to Deposit Account No. 06-0916.

**Table of Contents**

**I. Preliminary Statement .....1**

**II. The '464 Patent Is a Covered Business Method Patent .....2**

A. The '464 Patent Claims Relate to a Financial Product or Service .....3

B. The Claims Are Not Directed to a “Technological Invention” .....5

1. The Claims Do Not Recite a Novel and Unobvious Technical Feature .....5

2. The Claims Do Not Solve a Technical Problem With a Technical Solution.....13

**III. Claim Construction .....15**

A. “near neighbor”/“neighbor” .....16

**IV. Claims 1-34 of the '464 Patent Are Unpatentable .....17**

A. Claims 1-34 Are Unpatentable Under 35 U.S.C. § 101 .....17

1. The '464 Patent Claims the Abstract Idea of Linking Media with a Business Action .....18

2. Claims 1, 7-9, 18, and 24-26 Add Only Conventional Computer Technology to the Abstract Idea .....20

3. Dependent Claims 2-6, 10-17, 19-23, and 27-34 Add Only Descriptions of Types of Data .....23

4. The '464 Patent Does Not Satisfy the Machine-or-Transformation Test .....25

B. Claims 1-34 are Unpatentable Under 35 U.S.C. § 103.....26

1. *Ferris* is Prior Art Under 35 U.S.C. § 102(a) .....26

2. *Lambert* is Prior Art Under 35 U.S.C. § 102(a) .....26

3. *Gionis* is Prior Art Under 35 U.S.C. § 102(a) .....27

4. *Philyaw* is Prior Art Under 35 U.S.C. § 102(a) .....27

Covered Business Method Review of U.S. Patent No. 8,904,464

5.	<i>Goldstein</i> is Prior Art Under 35 U.S.C. § 102(a) .....	27
6.	<i>Ferris</i> in Combination with <i>Lambert</i> and <i>Gionis</i> Renders Claims 1-11, 13-15, 18-28, and 30-32 Obvious Under 35 U.S.C. § 103 .....	27
7.	<i>Ferris</i> in combination with <i>Lambert</i> , <i>Gionis</i> , and <i>Philyan</i> Renders Claims 16 and 33 Obvious Under 35 U.S.C. § 103.....	58
8.	<i>Ferris</i> in Combination with <i>Lambert</i> , <i>Gionis</i> , and <i>Goldstein</i> Renders Claims 12, 17, 29, and 34 Obvious Under 35 U.S.C. § 103 .....	60
C.	Claims 1-34 are Unpatentable Under 35 U.S.C. § 112.....	63
1.	Claims 1-34 are Indefinite Under 35 U.S.C. § 112, ¶ 2 .....	63
2.	Claims 1-34 Lack Written Description Support Under 35 U.S.C. § 112, ¶ 1.....	69
<b>V.</b>	<b>Mandatory Notices and Standing.....</b>	<b>76</b>
A.	Real Party-in-Interest.....	76
B.	Related Matters.....	77
C.	Lead and Back-Up Counsel, and Service Information .....	77
D.	At Least One Challenged Claim Is Unpatentable.....	78
E.	Google Has Been Sued for Infringement of the '464 Patent and Is Not Estopped.....	78
<b>VI.</b>	<b>Statement of Precise Relief Requested For Each Claim Challenged .....</b>	<b>78</b>
A.	Claims for which Review Is Requested .....	78
B.	Statutory Grounds of Challenge.....	78
<b>VII.</b>	<b>Conclusion .....</b>	<b>79</b>

# 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.