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August 7, 2020

Via ECF

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: Network-1 Technologies, Inc. v. Google LLC, et al., Nos. 1:14-cv-2396-PGG-SN & 1:14-cv-9558-PGG-SN

Dear Judge Gardephe:

In response to the Court's Order of June 29, 2020 (Dkt. No. 219), Plaintiff Network-1 Technologies, Inc. and Defendants Google LLC and YouTube, LLC hereby submit their agreed-upon briefing schedule for summary judgment.¹

Pursuant to Rule IV.B of the Court's Individual Rules of Practice, Defendants respectfully request that the Court expand the page limits available to the parties as reflected in the chart below. To the extent that any party intends to bring multiple summary judgment motions, subject to the Court's approval of these page limits, that party will complete briefing on all such motions in a single brief within the page limits set forth below. Defendants believe that additional pages are necessary in light of the number and complexity of issues presented in these two cases involving three asserted patents. Plaintiff does not oppose this request for additional pages, provided that it applies to both parties.

Date	Event	Total Page Limit Per Side
September 11, 2020	Opening summary judgment briefs	40
October 16, 2020	Opposition briefs concerning summary judgment	40
November 6, 2020	Reply briefs in support of summary judgment motions	20

¹ All citations to the docket refer to docket entries in Case No. 1:14-cv-2396-PGG-SN. The parties interpret the Court's Order of June 29, 2020 as obviating the need to file pre-motion letters and request a pre-motion conference pursuant to Rule IV.A of the Court's Individual Rules of Practice. If the Court wishes to set a pre-motion conference before the briefing and submission of motions for summary judgment, the parties can be available at the Court's convenience.



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The parties understand that motions to exclude or strike expert opinions, testimony, or portions thereof, including *Daubert* motions, will be submitted 30 days after the issuance of the summary judgment order in conjunction with the parties' motions *in limine* pursuant to Rule X.D.1 of the Court's Individual Rules of Practice. If the Court wishes that these motions be submitted on a different timeframe, the parties welcome guidance on this issue.

Finally, for purposes of the above briefing schedule and page limits, Defendants have assumed that there will be no further briefing regarding the alleged indefiniteness of the claim terms "non-exhaustive search" and "correlation information." Although Defendants will formally move for summary judgment on the ground that claims containing either of these terms are invalid for indefiniteness for the reasons stated in their claim construction papers, Defendants do not intend to re-brief this issue or address it in their Rule 56.1 Statement absent further instruction from the Court, and will instead devote their summary judgment briefs to matters that have not previously been submitted. See Dkt. No. 218 (describing the parties' agreement that the matter may be submitted on the current record, including the briefs at Dkt. Nos. 148, 151, 152, 153, 158, 163, and 164; the claim construction hearing; the demonstrative slides presented at the hearing; and the post-hearing letter briefs at Dkt. Nos. 201 and 202). If the Court would prefer a different approach, Defendants respectfully request that the Court inform the parties of its preferred approach so that the parties can consider revising the proposed schedule for and length of summary judgment briefs.



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Respectfully submitted,

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