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**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
BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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I. INTRODUCTION

Google's motion for summary judgment addresses a number of discrete issues. For each, Google fails to establish its entitlement to summary judgment. Google relies on factually incorrect assertions, incorrect characterizations of the evidence, and legally incorrect premises to support its motion. Indeed, Google's motion rests on the premise that 158 statements of fact are all each entirely undisputed. *See* Google's Rule 56.1 Statement. Unsurprisingly, Google fails to identify such a sweeping panoply of undisputed facts, warranting denial of its motion at the outset. Further, the individual arguments put forward in Google's motion each fails on its own terms.

First, Google asserts that neither of the two versions of its accused Content ID system utilize a "sublinear" search consistent with the parties' agreed construction of that term. Clear evidence shows that both versions use a sublinear search—as explained in detail by Network-1's expert witness, Professor Mitzenmacher, and as admitted repeatedly in Google's own documents and witness testimony. Genuine issues of fact clearly preclude summary judgment.

Second, Google asserts that neither of the versions of the accused system utilize an approximate nearest neighbor search of reference extracted features. To make this argument, Google starts from the incorrect premise of examining only a subpart of the search algorithm identified by Network-1, rather than the entire algorithm that is actually accused. This incorrect focus alone is sufficient to reject Google's motion on these issues. Google also fails to show that this issue can be decided on summary judgment because numerous genuine issues of material fact make summary judgment inappropriate. Professor Mitzenmacher, relying on Google's own documents, computer code, and testimony, explains at length why each version of the accused system meets these claim elements.

Third, Google asserts that a clear printing error that appears in one location on the '464 patent renders the patent invalid even though the correct version of the same information appears

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