Exhibit H

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NETWORK-1 TECHNOLOGIES, INC., Plaintiff, v. GOOGLE, INC., AND YOUTUBE, LLC, Defendants.	Case No. 1:14-CV-02396-PGG

EXPERT REPORT OF JEFFREY H. KINRICH
DECEMBER 20, 2019

32. I understand that Dr. Mitzenmacher will opine that none of Google's proposed alternatives are viable, either because they are too ill-defined to be determined to be non-infringing; fail to provide the benefits of the patented method and are therefore not acceptable alternatives; raise significant questions regarding feasibility and acceptability that Google has not itself analyzed and has not provided sufficient evidence from which such an analysis might be conducted; or are not described with enough specificity to permit evaluation. I also understand that Google has not implemented any of its proposed non-infringing alternatives in the five years since the commencement of this litigation, with the exception of approaches that Dr. Mitzenmacher opines are still infringing.

33. One of the alternatives proposed by Google involves relocating the servers that run the Content ID system outside the United States.[46] Although Google has not performed even a cursory analysis of the cost and potential consequences of such a move,[47] its employees acknowledge that latency, reliability, and other adverse issues may result.[48] I understand that Dr. Mitzenmacher will opine that there are likely significant resource and performance costs to this alternative, and that he has seen no evidence that this is a viable alternative. I therefore do not consider this alternative further.

34. A second set of the non-infringing alternatives proposed by Google, including the second through eighth, twelfth, fourteenth, and fifteenth alternatives proposed in its responses to Plaintiff's Interrogatory No. 13, involves modification of the matching and fingerprinting technology of the Patents-in-Suit. For instance, the second alternative proposed by Google

[46] Third Supplemental Responses, no. 13.

[47] Erb Tr., 262:8–12; Konrad Tr., 68:15–69:9.

[48] Erb Tr., 260:2–11; Konrad Tr., 68:7–14.

- The profitability and contribution of the ’988 and ’237 patents suggest a reasonable royalty of approximately [redacted] to [redacted] percent of U.S. revenues, depending on the period. As expected, the results for the ’988 and the ’237 patents are greater than, but in line with, the expectations derived from the Audible Magic and RightsFlow analyses. This suggests that the royalty amounts computed above are reasonable.

- The profitability and contribution of the ’464 Patent suggest a reasonable royalty of approximately [redacted] percent of royalties (assuming only the ’464 Patent is infringed).

90. Based on these conclusions, the results of the hypothetical negotiation are as follows:

- The ’988 Patent negotiation covers the period from August 31, 2011, through either December 2019 or December 2018, depending on whether Siberia infringes. If the ’988 Patent is found to be infringed, the royalties owed by Google to Network-1 are $242.9 million through 2019, or $174.2 million through 2018.

- The ’237 Patent negotiation covers the period from June 19, 2012, through either December 2019 or December 2018, again depending upon whether Siberia infringes. If the ’237 Patent is found to be infringed (but the ’988 Patent is not), the royalties owed by Google to Network-1 are $234.9 million through 2019, or $166.3 million through 2018.