EXHIBIT E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NETWORK-1 TECHNOLOGIES, INC.,	§	
	§	
Plaintiff,	§	
	§	Case No. 1:14-cv-02396-PGG
v.	§	
	§	
GOOGLE, INC. and YOUTUBE, LLC	§	
	§	
	§	
Defendants.	§	

GOOGLE INC. AND YOUTUBE, LLC'S THIRD SUPPLEMENTAL RESPONSES AND OBJECTIONS TO PLAINTIFF'S INTERROGATORY NOS. 2, 6, 7, 9-11, and 13

Pursuant to Rules 26(e) and 33 of the Federal Rules of Civil Procedure, Google Inc. ("Google") and YouTube, LLC ("YouTube") (collectively "Defendants") by and through their undersigned counsel, hereby further respond and object to Interrogatory Nos. 2, 6, 7, 9-11, and 13 (the "Interrogatories") of plaintiff Network-1 Technologies, Inc. ("Network-1" or "Plaintiff"). Defendants' investigation of the matters raised by Plaintiff's interrogatories is continuing and pursuant to Fed. R. Civ. P. 26(e), Defendants expressly reserve the right to amend and/or supplement their responses.

GENERAL RESPONSES & OBJECTIONS

Defendants incorporate by reference all general and specific responses and objections previously made in Defendants' original Responses and Objections to Plaintiff's First and Second Sets of Interrogatories.

SPECIFIC RESPONSES AND OBJECTIONS

Each of the General Responses and Objections are incorporated by reference into each and every specific response set forth below. Notwithstanding the specific response to any

language), the Asserted Patents fail to inform with reasonable certainty a person skilled in the art of their scope:

- "non-exhaustive search" (Present in at least claims 15, 17, 31, 32, 51, and 52 of the '988 Patent; claims 25, 26, and 27 of the '237 Patent; and their dependent claims.)
- "non-exhaustive neighbor search" (Present in at least claims 13, 24, 34, and 35 of the '179 Patent; claims 1, 2, 3, 9, 11, 22, 23, 25, and 26 of the '441 Patent; and their dependent claims.)
- "associating" an action with a work (Present in at least claims 15, 17, 31, 32, 51, and 52 of the '988 patent; claims 13, 24, 34, and 35 of the '179 Patent; claims 1, 2, 3, 9, 11, 22, 23, 25, and 26 of the '441 patent; and their dependent claims.)
- "transmitting" (Present in at least claim 34 of the '179 patent; and its dependent claims.)
- "(f) obtaining, by the computer system, second extracted features of a second electronic work; (g) searching, by the computer system, for an identification of the second electronic work by comparing the second extracted features of the second electronic work with the first electronic data in the database using a non-exhaustive neighbor search; and (h) determining, by the computer system, that the second electronic work is not identified based on results of the searching step" (Present in at least claim 24 of the '179 Patent; claims 23 and 26 of the '441 Patent; and their dependent claims.)
- "electronically determining an identification," and "identifying, by the computer system, a matching reference electronic work" (Present in at least claim 15 of the '988 Patent; claim 13 of the '179 Patent; claims 1 and 25 of the '441 patent; and their dependent claims.)
- "determining an action," "determining, by the computer system, an action" (Present in at least claims 15, 17, 31, 32, 51, and 52 of the '988 Patent; claim 25 of the '237 Patent; claims 13, 34, and 35 of the '179 Patent; claims 1, 2, 3, 9, 11, 22, 23, 25, and 26 of the '441 Patent; and their dependent claims.)
- "commercial transaction data" (Present in at least claim 9 of the '441 Patent and its dependent claims.)

INTERROGATORY NO. 13:

To the extent that you contend that there exist commercially acceptable and available non-infringing alternatives to the Accused Instrumentalities with respect to the patents-in-suit, identify with particularity such non-infringing alternatives, the dates on which such alternatives

were available, the cost of implementation for each, and the effect of implementation for each, including any studies, tests or analyses of these costs and effects.

RESPONSE TO INTERROGATORY NO. 13:

Defendants incorporate by reference each of their general objections above. Defendants object to this Interrogatory to the extent that it contains discrete subparts within the meaning of FED. R. CIV. P. 33.

Subject to the foregoing, Defendants respond as follows: In the first instance, Defendants contend that the Accused Instrumentalities do not infringe the Asserted Patents. Additionally, at least thirteen non-infringing alternatives exist. By providing the below descriptions, Defendants do not concede that the Accused Instrumentalities are distinct from or equivalent to any particular alternative.

The first available non-infringing alternative is geographically locating the servers running the Accused Instrumentalities, or a portion of the Accused Instrumentalities, outside of the United States. *See, e.g., NTP, Inc. v. Research In Motion*, 418 F.3d 1282 (Fed. Cir. 2005).

The second available non-infringing alternative is a content recognition system employing a brute force search to identify matches. Because a brute force search is not "non-exhaustive," as all asserted claims of the Asserted Patents require, such a system could not infringe the Asserted Patents. Systems and techniques for brute force searching were known to persons skilled in the art and readily available prior to August 30, 2011, the date when the first patent-in-suit issued. Indeed, Network-1 has asserted in its preliminary responses to petitions for *Inter Partes Review* of the Asserted Patents before the Patent Trial and Appeals Board that several prior art references disclose brute force searching.

The third available non-infringing alternative is a content recognition system that identifies matches by searching for bit-for-bit identical copies of a query work. Because such a

system does not require extracting features from a work, as all asserted claims of the Asserted Patents require, such a system could not infringe the Asserted Patents. Additionally, because such a system searches only for exact matches, it does not require conducting a "neighbor" or "near neighbor" search, as all asserted claims of the Asserted Patents require, and cannot infringe. Such systems were known to persons skilled in the art and readily available prior to August 30, 2011, the date when the first patent-in-suit issued.

The fourth available non-infringing alternative is a content recognition system that identifies matches by conducting a neighbor search based on full copies query and known works, not extracted features. Because such a system does not extract features from a work, as all asserted claims of the Asserted Patents require, such a system could not infringe the Asserted Patents. Such systems were known to persons skilled in the art and readily available prior to August 30, 2011, the date when the first patent-in-suit issued.

The fifth available non-infringing alternative is a content recognition system that identifies matches by computing a hash of a query work and searching for exact matches to the hashes of known works. Because a hash is a derived from the binary code of a work, rather than its audio or visual features, such a system does not extract features, as all asserted claims of the Asserted Patents require, and therefore cannot infringe. Additionally, because such a system searches only for exact matches, it does not require conducting a "neighbor" or "near neighbor" search, as all asserted claims of the Asserted Patents require, and cannot infringe. Such systems were known to persons skilled in the art and readily available prior to August 30, 2011, the date when the first patent-in-suit issued.

The sixth available non-infringing alternative is a content recognition system that identifies matches by computing a hash of a query work searching for neighbors among the

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