



MEMO ENDORSED

The Court is aware of the pending motions and is working on them. The Court does not have the option to transfer the case to another judge. While the delay in resolving the pending motions is regrettable, it is not accurate to say that the motions have been fully briefed for 33 months. At the Court's request, the parties

12424 WILSHIRE BOULEVARD SUITE 1200 LOS ANGELES CALIFORNIA 90025 TELEPHONE 310.826.7474 FACSIMILE 310.826.6991

September 15, 2023 filed supplemental briefing in September 20, 22. The parties should also be aware that the Court has more than 350 other civil cases, as well as a substantial criminal docket, and that substantial time was lost during the pandemic.

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

Re: Network-1 Technologies, Inc. v. Google, Inc., et al., Case No. 1:14-cv-02396-PGG; Network-1 Technologies, Inc. v. Google, Inc., Case No. 1:14-cv-09558-PGG

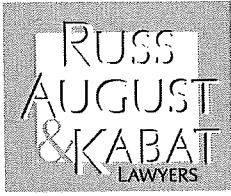
Dear Judge Gardephe:

We write on behalf of Plaintiff, Network-1 Technologies, Inc. ("Network-1") in these two related actions further to our March 14, 2023 letter to the Court, U.S.D.J. pendency of the parties' motions for summary judgment for more than twenty-seven months at that time (now more than thirty-three months). On April 13, 2023, the Court requested that the parties provide word document versions of the parties' Rule 56.1 statements relating to the motions, which were provided on April 14, 2023.

Network-1 understands that the Court has recently assumed senior status. We further note that in the Civil Justice Reform Act reports relating to these matters, the Court has noted its heavy caseload as a factor in its delay in ruling on outstanding motions and advancing its cases to resolution. In light of these facts and the long-pending status of the numerous pending pre-trial matters, Network-1 respectfully requests that the Court either consider transferring these actions to another Judge, or to the extent that these matters will remain on the Court's docket, Network-1 renews its request for a scheduling conference in this matter. The parties have discussed settlement but remain at an impasse without further input from the Court on the pending motions. As set forth in Network-1's letter of March 14, 2023, the claims in this case are significant and the continued delay proceeding to trial is prejudicial to Network-1. Network-1 is a publicly-traded company and a number of its shareholders have directly raised with company management their concerns with the delay in resolution of these matters.

Via ECF Having said that the Court is presently engaged with this case and will endeavor to issue a decision on the pending matters as soon as possible. The application for a scheduling conference is denied, because it is not clear what purpose such a conference would serve. SO ORDERED: Paul A. Sandage

Oct 11 2023



Hon. Paul G. Gardephe
September 15, 2023
Page 2

Network-1 would appreciate any guidance the Court can provide as to how to move these cases forward.

Sincerely,

Russ, August & Kabat

s/ Marc A. Fenster

Marc A. Fenster