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Case IPR2015-00343 Paper No. 29

Case IPR2015-00345 Paper No. 29

Case IPR2015-00347 Paper No. 29

Case IPR2015-00348 Paper No. 29

April 13, 2016

571-272-7822

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, INC.,
Petitioner,

v.

NETWORK-1 TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2015-00343 (Patent 8,640,179 B1)

Case IPR2015-00345 (Patent 8,205,237 B2)

Case IPR2015-00347 (Patent 8,010,988 B2)

Case IPR2015-00348 (Patent 8,656,441 B1)

Held: March 9, 2016

BEFORE: KEVIN F. TURNER, LYNNE E. PETTIGREW, and
JON B. TORNQUIST, Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday,
March 9, 2016, commencing at 2:05 p.m., at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2015-00343 (Patent 8,640,179 B1); Case IPR2015-00345 (Patent 8,205,237 B2); Case IPR2015-00347 (Patent 8,010,988 B2); Case IPR2015-00348 (Patent 8,656,441 B1)

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Case IPR2015-00343 (Patent 8,640,179 B1); Case IPR2015-00345 (Patent 8,205,237 B2); Case IPR2015-00347 (Patent 8,010,988 B2); Case IPR2015-00348 (Patent 8,656,441 B1)

1 JUDGE PETTIGREW: And do you wish to reserve any
2 rebuttal time?

3 MR. ELACQUA: Yes, we wish to reserve 35 minutes.

4 JUDGE PETTIGREW: Thirty-five minutes?

5 MR. ELACQUA: Yes.

6 JUDGE PETTIGREW: Thank you.

7 MR. ELACQUA: And we have hard copies of the
8 slides for the Board, if you would like.

9 JUDGE PETTIGREW: Yes, that would be useful,
10 thank you.

11 JUDGE TURNER: And, Judge Pettigrew, can I just
12 confirm that you can hear me fine?

13 JUDGE PETTIGREW: We can hear you, Judge
14 Turner, thank you.

15 JUDGE TURNER: And I apologize to the parties for
16 the delay, which perhaps was on our end out here in Silicon
17 Valley. So, accept my apologies for our brief delay in getting
18 started today.

19 JUDGE PETTIGREW: All right, please begin.

20 MR. ELACQUA: Thank you. Good afternoon, Your
21 Honors. My name is Jim Elacqua and I'm hear this afternoon
22 with Doug Nemec and Andrew Gish, also from Skadden, and
23 Rich Sonnentag, in-house counsel for Google. We are here today
24 representing Google on these four IPRs that involve 90 claims.

Case IPR2015-00343 (Patent 8,640,179 B1); Case IPR2015-00345 (Patent 8,205,237 B2); Case IPR2015-00347 (Patent 8,010,988 B2); Case IPR2015-00348 (Patent 8,656,441 B1)

1 And this afternoon, I'm going to be using a slide deck, and the
2 slide deck is Exhibit 1022 for IPRs 343, 347 and 348, and Exhibit
3 1021 for IPR 345. The numbering of the slides is identical for all
4 the exhibits.

5 Now, even though we have four IPRs and 90 claims,
6 there are actually a limited number of issues for the Board to
7 decide, and also interesting, the dependent claims are not
8 contested for any of the patents and the motivation to combine is
9 not contested on any of the obviousness issues. So, that again is
10 limiting the number of decisions that the Board is needing to
11 make.

12 There are only really two main limitations contested,
13 and if we go to slide 2, we will see that there are three references
14 that we are going to be dealing with this afternoon, Ghias,
15 Iwamura and Conwell, and the two main limitations are
16 nonexhaustive search, regarding all the patents and all the
17 references, and the near neighbor terms, which include
18 identifying a neighbor and neighbor search. And that involves
19 three of the patents, the '988, '179 and '441, and all of the
20 references.

21 There's another limitation we'll talk about and that's
22 determining an action, which only involves the '988 patent and
23 the Ghias reference. Now, if we go to slide 3, we will see that all
24 of the contested limitations were widely known, and we took the

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