

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.
Petitioner

v.

NETWORK-1 TECHNOLOGIES, INC.
Patent Owner

Case IPR2015-00345
Patent 8,205,237 B2

PATENT OWNER'S NOTICE OF CROSS-APPEAL

via PTAB E2E
Patent Trial and Appeal Board

via Hand Delivery
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, Virginia

via CM/ECF
United States Court of Appeals for the Federal Circuit

Pursuant to 35 U.S.C. §§ 141(c) and 319 and 37 C.F.R. § 90.2(a), notice is hereby given that Patent Owner, Network-1 Technologies, Inc. (“Patent Owner”), hereby cross appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered by the Patent Trial and Appeal Board (“Board”) on June 20, 2016 (Paper No. 30) in case IPR2015-00345, and from all underlying findings, orders, decisions, determinations, rulings, and opinions adverse to Patent Owner in this case, including, without limitation, the Board’s Decision on Institution of *Inter Partes* Review entered on June 23, 2015 (Paper No. 6).

Petitioner, Google Inc., filed an initial notice of appeal on August 18, 2016 (Paper No. 31). Petitioner’s appeal was docketed in the Federal Circuit as Case No. 16-2510, which has been consolidated with Case Nos. 16-2509, -2511, and -2512. This Notice of Cross-Appeal is timely under 37 C.F.R. § 90.3(a) and Rule 4(a)(3) of the Federal Rules of Appellate Procedure.

Pursuant to 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner indicates that the issues on cross-appeal include, but are not limited to:

1. Whether the Board erred in determining that Petitioner demonstrated by a preponderance of the evidence that claims 9, 11-13, 15, 16, 23, and 24 of the subject patent, U.S. Patent No. 8,205,237 (“the ‘237 Patent”), are unpatentable as

being anticipated by U.S. Patent No. 6,188,010 (“Iwamura”) under 35 U.S.C. § 102(e);

2. Whether the Board erred in determining that Petitioner demonstrated by a preponderance of the evidence that claims 9-11, 13-15, 23, and 24 of the ‘237 Patent are unpatentable as being anticipated by U.S. Patent No. 5,874,686 (“Ghias”) under 35 U.S.C. § 102(b);

3. Whether the Board erred in its claim construction of the limitation “approximate nearest neighbor search”;

4. Whether the Board erred in finding that Iwamura discloses the claimed “approximate nearest neighbor search” in the context of the ‘237 Patent;

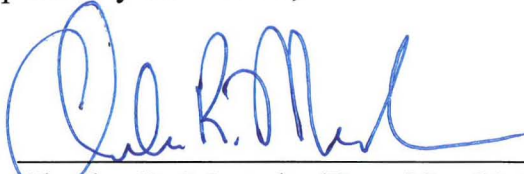
5. Whether the Board erred in finding that Ghias discloses the claimed “approximate nearest neighbor search” in the context of the ‘237 Patent; and

6. Any other issues decided adversely to Patent Owner in any orders, decisions, determinations, rulings, or opinions issued in this proceeding.

Simultaneously with this submission to the Director, a copy of this Notice of Cross-Appeal is being filed with the Patent Trial and Appeal Board. In addition, this Notice of Cross-Appeal and the required fee are being submitted to the Clerk’s Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Date: August 29, 2016

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Network-1 Technologies, Inc.*

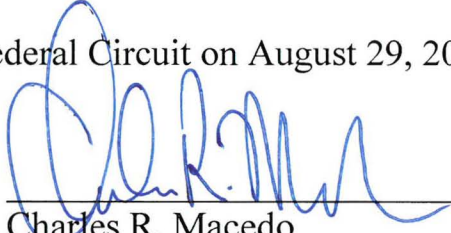
CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PTAB E2E, a true and correct copy of the foregoing **PATENT OWNER'S NOTICE OF CROSS-APPEAL** is being filed with the Director of the United States Patent and Trademark Office c/o the Office of General Counsel via hand delivery on August 29, 2016, to the following address pursuant to 37 C.F.R. § 104.2:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, Virginia 22314

The undersigned also hereby certifies that a true and correct copy of the foregoing **PATENT OWNER'S NOTICE OF CROSS-APPEAL**, together with the required filing fee, is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on August 29, 2016.

Date: August 29, 2016

By: 
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