

Filed on behalf of: Google Inc.

By:

James J. Elacqua
james.elacqua@skadden.com
(650) 470-4510

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Google Inc.,
Petitioner,

v.

Network-1 Technologies, Inc.,
Patent Owner.

Case IPR2015-00348
Patent 8,656,441

August 18, 2016

**PETITIONER GOOGLE INC.'S
NOTICE OF APPEAL**

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

Pursuant to 35 U.S.C. §§ 141, 142, and 319 and 37 C.F.R. § 90.2(a), Petitioner, Google Inc., hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on June 20, 2016 (Paper 30), and from all underlying orders, decisions, rulings and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner further indicates that the issues on appeal may include, but are not limited to, the following: (1) the PTAB's construction of "non-exhaustive search"; (2) the PTAB's determination that Google's argument regarding the Ghias reference's disclosure of "packing all songs into one file" was a new argument improperly raised for the first time in the Reply; (3) the PTAB's determination that Petitioner did not demonstrate by a preponderance of the evidence that claims 1-3, 6, 8-14, 19, 21-26, and 30 of the '441 patent were anticipated by the Conwell reference; (4) the PTAB's determination that Petitioner did not demonstrate by a preponderance of the evidence that claims 1-3, 8, 10-14, 18, 19, 21-27, 29, and 30 of the '441 patent were obvious over the combination of the Ghias and Philyaw references; and (5) any finding or determination supporting or related to those issues, as well as all

other issues decided adversely to Petitioner in any orders, decisions, rulings and/or opinions.

In addition to this submission, a copy of this Notice of Appeal is being filed with the PTAB through the Patent Review Processing System ("PRPS"); and a copy is being electronically filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit (via CM/ECF), along with the required docketing fee (via pay.gov).

Dated: August 18, 2016

Respectfully submitted,

By: /s/ James J. Elacqua

James J. Elacqua (Reg. No. 28,412)
Lead Counsel for Petitioner

Douglas R. Nemec (Reg. No. 41,219)
Back-Up Counsel for Petitioner

CERTIFICATE OF FILING AND SERVICE

I hereby certify that, in addition to being filed electronically through the PTAB's PRPS, the original version of the foregoing PETITIONER GOOGLE INC.'S CORPORATION'S NOTICE OF APPEAL was filed by hand on this 18th day of August, 2016 with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

I further certify that a true and correct copy of the foregoing PETITIONER GOOGLE INC.'S NOTICE OF APPEAL was filed with the Clerk's Office of the United States Court of Appeals for the Federal Circuit by CM/ECF on this 18th day of August, 2016.

I further certify that a true and correct copy of the foregoing PETITIONER GOOGLE INC.'S NOTICE OF APPEAL was served on August 18, 2016 by Federal Express and electronic mail on counsel for Petitioner at the following address:

Charles R. Macedo
Amster, Rothstein & Ebenstein LLP
90 Park Avenue
New York, New York 10016
Tel.: (212) 336-8074

Email: cmacedo@arelaw.com

Marc. A Fenster & Brian D. Ledahl
Russ, August & Kabat LLP
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
Tel.: (310) 826-7474
Email: mfenster@raklaw.com
Email: bledahl@raklaw.com

Dated: August 18, 2016

Respectfully submitted,

By: /s/ James J. Elacqua

James J. Elacqua (Reg. No. 28,412)
Lead Counsel for Petitioner