

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.,  
Petitioner,

v.

NETWORK-1 TECHNOLOGIES, INC.,  
Patent Owner.

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Case CBM2015-00113  
Patent 8,904,464

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**PETITIONER'S NOTICE OF APPEAL**

via 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, VA 22314

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

Pursuant to 35 U.S.C. §§ 141 and 142, and 37 C.F.R. §§ 90.2 and 90.3, Petitioner Google Inc. hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered October 18, 2016 (Paper 35) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 8,904,464 in CBM2015-00113.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the issues on appeal include, but are not limited to: the Board's failure to find that claims 1-34 of the '464 patent are unpatentable under 35 U.S.C. § 103 as obvious over combinations of Ferris, Lambert, Gionis, Philyaw, and/or Goldstein, including and without limitation, the Board's construction of the term "machine-readable instructions"; the Board's violation of the Administrative Procedures Act through its failure to timely (i) inform Petitioner of the matters of fact and law asserted and (ii) give Petitioner the opportunity for the submission and consideration of facts and arguments, and hearing and decision on notice, as required by 5 U.S.C. § 554; the Board's reliance on evidence, arguments, and/or theories not articulated at all or with particularity until after Petitioner filed its Reply (Paper 23); and any finding or determination supporting or relating to these issues, as well as all other issues decided adversely to Google Inc. in any order, decision, ruling, or opinion by the Patent Trial and Appeal Board in CBM2015-00113.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being

filed with the Director of the United States Patent and Trademark Office, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice along with the required docketing fees are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Respectfully submitted,

Dated: December 19, 2016

By: By: /Joshua L. Goldberg/  
Joshua L. Goldberg  
Reg. No. 59,369

*Counsel for Google Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of December, 2016, a true and correct copy of the foregoing “**PETITIONER’S NOTICE OF APPEAL**” was filed by hand 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, 10B20  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22314

I also hereby certify that on this 19<sup>th</sup> day of December, 2016, a true and correct copy of the foregoing “**PETITIONER’S NOTICE OF APPEAL,**” and the filing fee, were filed with the Clerk’s Office of the United States Court of Appeals for the Federal Circuit, via CM/ECF.

I also hereby certify that a true and correct copy of the foregoing “**PETITIONER’S NOTICE OF APPEAL**” was served by electronic mail on this 19<sup>th</sup> day of December, 2016, on counsel of record for the Patent Owner as follows:

Charles R. Macedo  
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Brian A. Comack  
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Greg Dovel  
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Patent Owner has agreed to electronic service.

Dated: December 19, 2016

By: /Lauren K. Young/  
Lauren K. Young  
Legal Assistant

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP