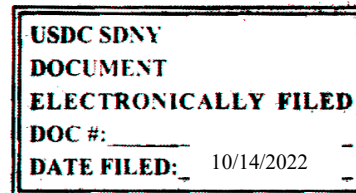


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NETWORK-1 TECHNOLOGIES, INC.,

Plaintiff,

14-CV-02396 (PGG)(SN)

14-CV-09558 (PGG)(SN)

-against-

ORDER

GOOGLE, LLC, et al.,

Defendants.

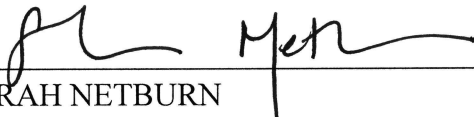
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SARAH NETBURN, United States Magistrate Judge:

On October 7, 2022, the Court held a discovery conference to hear arguments regarding Defendants' motion to strike the portions of Plaintiff's supplemental expert report that relate to "the '216 patent."

Under Rule 26(a)(1), a party has a continuing duty to supplement its production with documents it "may use to support its claims or defenses." Plaintiff's failure to affirmatively identify the '216 patent, especially during the supplemental discovery period, violated that duty. Defendants relied on Plaintiff's silence and would be unduly prejudiced by being made to challenge the '216 patent without the aid of additional discovery. Plaintiff may not now interject information relating to the '216 patent through its expert, and therefore Defendants' motion to strike paragraphs 38-147 of the Supplemental Expert Report prepared by Dr. Michael Mitzenmacher is GRANTED.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: October 14, 2022
New York, New York