Filed on behalf of Patent Owner Network-1 Security Solutions, Inc.

By: Robert G. Mukai, Esq.
Charles F. Wieland III, Esq.
BUCHANAN INGERSOLL & ROONEY PC
1737 King Street, Suite 500
Alexandria, Virginia 22314-2727
Telephone (703) 836-6620
Facsimile (703) 836-2021
robert.mukai@bipc.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVAYA INC. and DELL INC. Petitioner

v.

NETWORK-1 SECURITY SOLUTIONS, INC.
Patent Owner

Case IPR2013-00071¹
Patent 6,218,930
Administrative Patent Judges Jameson Lee, Joni Y. Chang and Justin T. Arbes

DECLARATION OF DR. JAMES KNOX

¹ IPR2013-00385 has been joined with this proceeding.



Table of Contents

I.	Expe	ertise1				
II.	Background to my opinions in this declaration2					
	A.	Assignment2				
		1. Approach	3			
		2. Materials	3			
		3. Understanding of the law	3			
		4. Person of Ordinary Skill in the Art	4			
III.	Over	Overview of Validity Findings5				
	A.	The '930 Patent5				
	B.	Overview of Matsuno				
	C.	Overview of De Nicolo				
	D.	General Findings				
IV.	Clair A.	Claim Constructions				
	B.	"low level current"				
	C.	"data network"4				
V.	Grou	Ground 1: The Challenged Claims are not anticipated by Matsuno4				
	A.	Matsuno does not disclose the claimed "low level current" and second step of Claim 6	45			
		1. Reason 1: The current disclosed in Matsuno is sufficient to operate the access device	46			
		2. Reason 2: The current disclosed in Matsuno is not below a threshold that will not damage a device that is not capable of accepting remote power				
	B.	Matsuno does not disclose the claimed "sensing a voltage level on the data signaling pair."				
	C.	Matsuno does not disclose Claim 9				
		1. <u>Reason 1</u> : Matsuno does not teach anything about the "removal of the access device" when "power from the				
		secondary power source" is being delivered	69			



		2.	level drops on the data signaling pair."	78			
		3.	Reason 3: Had (a) Claim 9 been drafted differently (<i>i.e.</i> , "across" rather than "on" the data signaling pair), and (b) Matsuno taught the removal of the access device when the secondary power is being delivered (it does not), Matsuno would not teach but rather would teach away from the voltage level dropping across the data signaling pair if the access device were removed.	78			
		4.	Reason 4: The embodiment referenced by Petitioners as support for claim 9 teaches that if the voltage level between the TIP and RING wires <u>increases</u> (rather than drops), the power from the secondary power source decreases. Accordingly, Matsuno teaches away from claim 9 for this additional reason	81			
	D.	Mats	suno does not disclose a "data network."	84			
VI.	Ground 2: The Challenged Claims are not obvious over De Nicolo in view of Matsuno						
	A.	The Challenged Claims are not obvious over De Nicolo in view of Matsuno because neither reference teaches critical claim elements					
	В.		art expressly taught away from claim 6 and claim 9				
	C.	Matsuno is not analogous art					
	D.	Secondary objective factors demonstrate that claims 6 and 9 are not obvious					
VII.	Analysis of the Proposed Amended Claims						
	A.		Support in the original disclosure of the '930 Patent for the proposed amendments				
		1.	Ethernet data network	96			
		2.	Ethernet data node	98			
		3.	determining whether the access device is capable of accepting remote power based on the sensed voltage	99			



	В.	The proposed amendments do not expand the scope of the claim			101
	C.	Each proposed amendment responds to a ground of patentability involved in this trial and further obviates the proposed grounds for rejection			101
		1.	Antic	cipation by Matsuno	101
			a.	"Method for remotely powering access equipment in an <u>Ethernet</u> data network, comprising"	102
			b.	"providing an Ethernet data node adapted for data switching"	103
			c.	"determining whether the access device is capable of accepting remote power based on the sensed voltage"	103
		2.	Obvi	ousness of Matsuno in light of De Nicolo	105
	D.	Relat	ionshi	p of proposed amendments to known art	106
VIII.	Signature				



List of Figures

Figure A – Figure 1 of Matsuno	18, 26, 63
Figure B – Figure 3 of De Nicolo	
Figure C – Figure 2 of the '930 Patent	
Figure D – Illustration of data flow	
Figure E – Illustration of power feed circuit	Attachment C, 4
Figure F – typical Bob Smith Termination	
Figure G – Figure 11 of Matsuno	
Figure H – Figure 6 of Matsuno	
Figure I – Figure 5 of Matsuno	
Figure J – Figure 10 of Matsuno	72
Figure K – Figure 6a of Chang	



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

