

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVAYA INC., DELL INC., SONY CORPORATION OF AMERICA,
and HEWLETT-PACKARD CO.

Petitioners

v.

NETWORK-1 SECURITY SOLUTIONS, INC.

Patent Owner

CASE IPR2013-00071
U.S. Patent No. 6,218,930

Before the Honorable Joni Y. Chang, Justin T. Arbes, and Glenn J. Perry

SECOND DECLARATION OF DR. GEORGE A. ZIMMERMAN

I, George A. Zimmerman, do hereby declare as follows:

I. INTRODUCTION

1. On December 3, 2012, I submitted an initial declaration (“First Declaration”) accompanying a Petition for Inter Partes Review of U.S. Patent No. 6,218,930 (“the Petition”). I understand that the First Declaration was assigned the exhibit number of AV-1011. I provided a summary of my qualifications and experience in that First Declaration, and therefore I will not repeat them here.

2. On August 6, 2013, Dr. James Knox submitted a declaration (N1-2015) (“Knox Declaration”) responding to certain opinions expressed in my First Declaration, and also taking additional positions with respect to the ’930 Patent and the prior art that was relied upon in the Petition and discussed in my First Declaration.

3. In rendering opinions in this second declaration, in addition to the materials I considered in connection with my First Declaration, I have considered the (i) Knox Declaration, (ii) Network-1’s Patent Owner Response, (iii) the Patent Owner’s Motion to Amend, and (iv) the other documents referenced herein.

4. In my analysis, I have relied on certain claim constructions that were provided in the Avaya IPR Decision (IPR2013-00071, Paper 18) and in the Dell IPR Decision (IPR2013-0385, Paper 16) issued by the Board, both of which relate to the claims of the ’930 patent. I have formed no opinion as to the correctness of

the claim constructions, but have instead relied upon the Board's constructions in my analysis, including the following constructions:

“low level current”: a current (e.g., approximately 20 mA) that is sufficiently low that, by itself, it will not operate the access device.

“data node adapted for data switching”: a data switch or hub configured to communicate data using temporary rather than permanent connections with other devices or to route data between devices.

“sensing a voltage level on the data signaling pair”: sensing a voltage at a point on the pair of wires used to transmit data.

II. PATENT OWNER'S RESPONSE

“data network”

5. I understand that Dr. Knox has taken the position that an ISDN network is not a “data network,” as that term is used in the claims. I do not agree with that position.

6. I understand that the term “data network” has been interpreted by the Board in this IPR Proceeding as being “a data switch or hub configured to communicate data using temporary rather than permanent connections with other devices or to route data between devices.” Avaya IPR Decision (IPR2013-00071, Paper 18) at 10 – 12. In my opinion, an ISDN network would certainly satisfy this definition.

7. An ISDN is a versatile network that includes a packet data channel and provides access to packet-switched networks that transmit digital voice and data over media, including traditional telephone copper wires. The American National Standards Institute (ANSI) has adopted the ANSI T1.601 standard governing the interface between the NT1 and the network. According to the ANSI T1.601 Standard (AV-1026), under the definition of ISDN, it states, “[a] variety of implementation configurations is supported, including circuit-switched, packet-switched, and nonswitched connections and their concatenations.” *See* T1.601i3 draft, (AV-1026), p.3, Sec 3.6.

8. ISDNs further define channels for carrying not only data, but the specific “packet data” to which Dr. Knox attempts to narrow the definition of data networks. For example, the ANSI T1.601 Standard defines the ISDN B-channel as “[a] 64-kbit/s channel that carries customer information, such as voice calls, circuit switched data, or packet-switched data.” *Id.* at p.2, Sec 3.2. Similarly, it defines the D channel as the capability of carrying “packetized telemetry and data.” *See id.* at p.3, Sec 3.3.

9. I understand that Dr. Knox has relied on and regards as authoritative the reference book by Nick Burd, entitled “The ISDN Subscriber Loop” (“Burd Reference Book”). I have reviewed portions of that reference, including Figs.

1.2(a) and 1.2(b) reproduced below, and believe it clearly supports the position that an ISDN network is a data network.

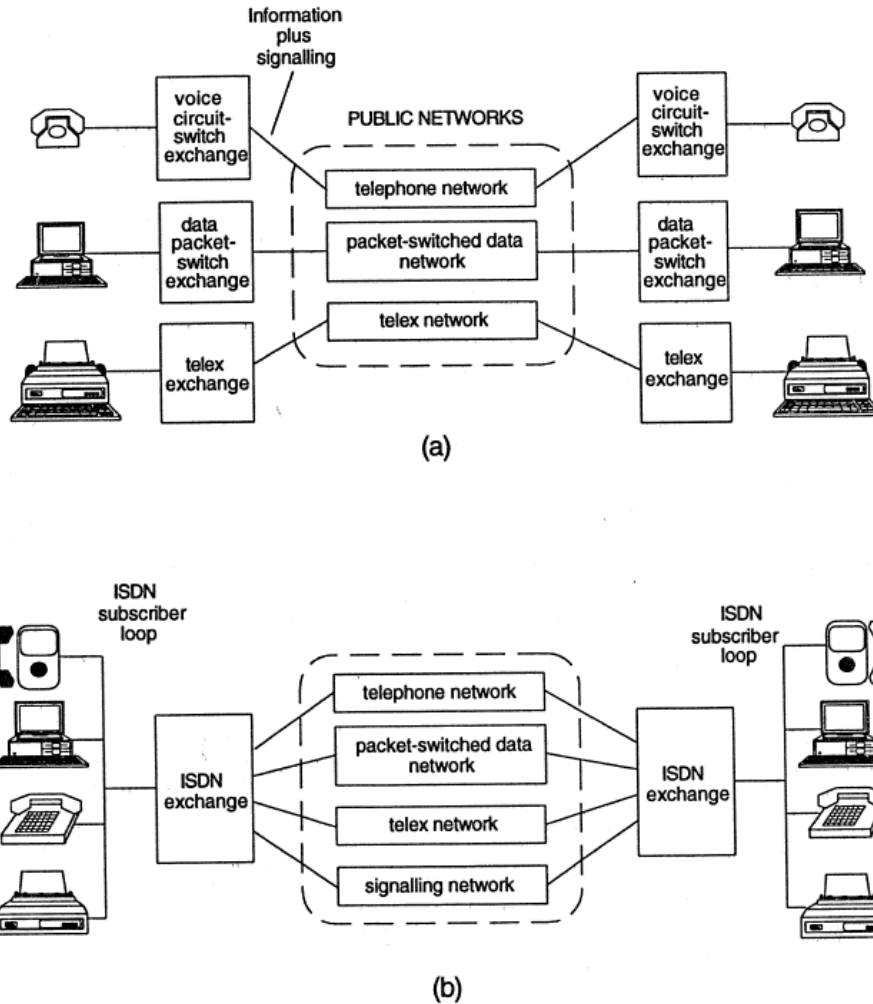


Fig. 1.2 (a) Separate access to networks prior to ISDN; (b) access integration provided by ISDN.

10. With reference to the Figs. 1.2(a) and 1.2(b) above, before ISDN was introduced, access to telephone networks had to be separate from access to packet-switched data networks. However, after the introduction of ISDN, access to telephone networks, packet-switched data networks, telex networks and signaling

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