

# EXHIBIT E1

DECLARATION OF CHRIS HOPEN

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                |   |                   |               |
|--------------------------------|---|-------------------|---------------|
| In re Patent No. 7,490,151     | ) |                   |               |
|                                | ) |                   |               |
| Munger et al.                  | ) | Group Art Unit:   | Central       |
|                                | ) |                   | Reexamination |
| Filed: September 30, 2002      | ) |                   | Unit          |
|                                | ) |                   |               |
| For: ESTABLISHMENT OF A SECURE | ) | Examiner:         | Not assigned. |
| COMMUNICATION LINK BASED       | ) |                   |               |
| ON A DOMAIN NAME SERVICE       | ) | Confirmation No.: | n/a           |
| (DNS) REQUEST                  | ) |                   |               |
|                                | ) |                   |               |
|                                | ) |                   |               |
|                                | ) |                   |               |

**DECLARATION OF CHRIS A. HOPEN UNDER 37 C.F.R. § 1.132**

I, CHRIS HOPEN, do hereby declare and state:

1. I am a citizen of the United States, and reside in 19805 15<sup>th</sup> Avenue NW, Shoreline, Washington.
2. I am presently the Chief Executive Officer of HomePipe Networks, Inc., based in Seattle, Washington.
3. Prior to HomePipe, I was affiliated with Aventail, Inc., until that company was acquired by SonicWall, Inc. in 2007. I helped co-found Aventail in 1996, and served as its Chief Technical Officer and Vice-President of Engineering from 1996 to 2007.
4. While I was affiliated with Aventail, I was involved in the design, development and distribution of all of Aventail's network security products.
5. In 1997, Aventail released a set of SOCKS v5 compliant VPN software products including AutoSOCKS, MobileVPN and PartnerVPN. AutoSOCKS was a client-based software product that ran on user's computers, while Mobile VPN and Partner VPN were server-based products.
6. When paired with Aventail MobileVPN or PartnerVPN server products, Aventail AutoSOCKS would automatically establish a VPN to give the remote user access to secured network resources on a private network. The AutoSOCKS client and the server would automatically authenticate the remote user and encrypt all communications with the remote user.

7. Version 2.1 of the AutoSOCKS product was publicly distributed in the summer of 1997. Exhibit A is a copy of a May 2, 1997 Aventail press release announcing the AutoSOCKS, MobileVPN and PartnerVPN products. Exhibit B is a copy of a June 23, 1997 article in InfoWorld reviewing the AutoSOCKS v2.1 and MobileVPN v2.0 products.
8. Aventail included printed manuals with the software packages that it distributed. Exhibit C is a copy of the Aventail AutoSOCKS v2.1 Administrator's Guide that was distributed with the AutoSOCKS v2.1 software. This document was distributed without any confidentiality restrictions.
9. I estimate that thousands of copies of the Aventail AutoSOCKS v2.1 software that included the AutoSOCKS v2.1 Administrator's Guide were distributed to customers during 1997 and 1998.
10. In the fall of 1998, Aventail announced a product called the Aventail Extranet Center ("AEC"). Exhibit D is a copy of an October 12, 1998 Aventail press release announcing the Aventail Extranet Center product.
11. The AEC product had three components: (i) the Extranet Server (which resided and ran on a server), (ii) the Aventail Management Server and Config Tool (which was used to configure server and client installations), and (iii) the Aventail Connect client software (which resided and ran on client computers).
12. Like the earlier Aventail VPN solution, Aventail Connect would, when paired with the Extranet Server, automatically establish a VPN between a remote user and a private network to give the remote user access to secured network resources on a private network. The Aventail Connect client and the Extranet Server would automatically authenticate the remote user and encrypt all communications with the remote user.
13. The initial release version of the AEC product was version 3.0. The AEC v3.0 product included version 3.01/2.51 of Aventail Connect and version 3.0 of the Aventail Extranet Server.
14. The AEC v3.0 product with its client and server components was publicly distributed during no later than January of 1999.
15. Exhibit E is a copy of the Aventail Connect v3.01/2.51 Administrator's Guide that was distributed with the Aventail Connect v3.01/2.51 software. Exhibit F is a copy of the Aventail Extranet Server v3.0 Administrator's Guide that was distributed with the Aventail Extranet Server software. Both of these documents were distributed without any confidentiality restrictions.

16. I estimate that Aventail distributed thousands of copies of the AEC v3.0 product (including the Administrator Guides for Aventail Connect and Extranet Center) during the first six months of 1999.
17. Aventail announced version 3.1 of the Aventail Extranet Center product in May of 1999. This version of AEC included Aventail Extranet Server v3.1 and Aventail Connect v3.1/v2.6. Exhibit G is a May 26, 1999 Aventail press release announcing the AEC v3.1 product. Exhibit H is copy of an August 9, 1999 Aventail press release reporting that Aventail had begun shipping the AEC v3.1 product to customers.
18. I recall that Aventail began distributing the AEC v3.1 product to its larger customers in June and July of 1999. Two such customers that I recall having received the AEC v3.1 product in June or July of 1999 were IBM and Morgan Stanley.
19. Exhibit I is a copy of the Administrator's Guide for the Aventail Connect v3.1/v2.6 product that was distributed with the Aventail Connect v3.1/v2.6 client software. This document was distributed without any confidentiality restrictions.
20. Aventail customers were not required to accept any obligations limiting their ability to use or disseminate the information contained in or associated with the AutoSOCKS v2.1 product, the Aventail Connect 3.01/2.51 product or the AEC v3.1 product, or the printed materials that accompanied each of these products.
21. I recall that between April and May of 1999, Aventail distributed pre-release versions of the AEC v3.1 product to organizations that conduct and report on the testing of network security products. I recall that Michael Fratto of Network World was one of the individuals who received a copy of the pre-release version of AEC v3.1 for testing and review between April and June of 1999. Mr. Fratto's review of the pre-release AEC v3.1 product was published in Network World on June 28, 1999. A copy of his review is provided in Exhibit J.
22. The pre-release version of AEC v3.1 provided to Mr. Fratto included a stable and feature complete version of Extranet Server component of the AEC v3.1 package. While I recall that certain bug fixes and other minor changes were made to this pre-release version of the server component of the AEC v3.1 package before it was distributed to customers, none of those changes significantly altered the features or functionality of the Extranet Server component that was later distributed to customers.
23. The Aventail Connect client in the pre-release version of AEC v3.1 product provided to Mr. Fratto, by contrast, was the same version of the Aventail Connect client that was later distributed to customers with the AEC v3.1 product in the summer of 1999.

24. The copy of the Aventail Connect v3.1/v2.6 Administrator's Guide that Mr. Fratto was provided with the pre-release version of the AEC v3.1 product is the same as the copy of this guide shown in Exhibit I. This printed Administrator's Guide did not change between the date it was given to Mr. Fratto and the date the final version of the AEC v3.1 product was distributed to customers.
25. The AEC v3.1 software and the Aventail Connect v3.1/v2.6 Administrator's Guide that were provided to Mr. Fratto between April and June of 1999 were provided without any restrictions or limitations on their use. Mr. Fratto was not required to enter into a agreement restricting his ability to disclose information about the pre-release AEC v3.1 product or the Aventail Connect v3.1/v2.6 Administrator's Guide as a condition of receiving and using these materials. Instead, I recall that it was Aventail's practice to simply provide recommendations to reviewers about installation and use of a pre-release version of a product, and information about the intended release date for the product.

\* \* \* \* \*

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent subject to this reexamination proceeding.

  
Chris A. Hopen

05-27-11  
Date

# 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.