

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TALARI NETWORKS, INC.,

Petitioner,

v.

FATPIPE NETWORKS INDIA LIMITED,

Patent Owner.

Case IPR2016-00976
Patent U.S. 6,775,235

RESPONSE TO PETITION FOR *INTER PARTES* REVIEW

Pursuant to 37 C.F.R. § 42.120 Exclusive Licensee, FatPipe, Inc. (“FatPipe” or “Patent Owner”), submits this Response to Petition for *Inter Partes* Review (“Response”) to the Petition for *Inter Partes* Review of United States Patent No. 6,775,235 filed by Petitioner, Talari Networks, Inc. (“Talari” or “Petitioner”).

TABLE OF CONTENTS

I.	Introduction.....	1
II.	WAN-path selection technology	1
III.	Person of ordinary skill in the art	7
IV.	Claim construction.....	8
	A. “selects between network interfaces on a per-packet basis”/“make network path selections on a packet-by-packet basis.”	9
	B. “dynamic load-balancing”	15
V.	Overview of Karol	18
VI.	Claim 4 is not anticipated by or obvious over Karol.....	23
	A. Karol does not disclose or render obvious the claimed “packet path selector which selects between network interfaces on a per-packet basis.”	23
	B. Karol does not disclose the claimed “site interface.”	28
VII.	Claims 5 and 7–15 are not anticipated by Karol or obvious over Karol alone or in view of Stallings.....	34
	A. Claim 5 is patentable over Karol alone or in view of Stallings.	34
	1. Karol does not anticipate claim 5.....	34
	2. Karol does not render obvious claim 5.....	37
	3. Karol in view of Stallings does not render obvious claim 5.....	40
	B. Claim 7 is not anticipated by or obvious over Karol.	42
	C. Claim 8 is not anticipated by or obvious over Karol.	45
	D. Claim 9 is not anticipated by or obvious over Karol.	51
	E. Claims 11–13 are not anticipated by Karol or obvious over Karol alone or in view of Stallings.....	51
VIII.	Claim 19 is not anticipated by Karol or obvious over Karol alone or in view of Stallings.	55

A.	Karol does not disclose the claimed “site interface.”.....	56
B.	Karol does not disclose the claimed “a packet path selector which selects between the network interfaces on a per-session basis to promote load-balancing.”	56
C.	Karol does not disclose the claimed “step of sending a packet to the controller site interface is repeated as multiple packets are sent, and the controller sends different packets of a given message to different parallel networks.”	59
IX.	Conclusion	60

TABLE OF AUTHORITIES

<u>Case</u>	<u>Page(s)</u>
<i>ActiveVideo Networks, Inc. v. Verizon Commc'ns., Inc.</i> , 694 F.3d 1312 (Fed. Cir. 2012).....	37, 44
<i>Arendi S.A.R.L. v. Apple Inc.</i> , 832 F.3d 1355 (Fed. Cir. 2016).....	45
<i>Innogenetics, N.V. v. Abbott Labs.</i> , 512 F.3d 1363 (Fed. Cir. 2008).....	38, 44
<i>In re Gordon</i> , 733 F.2d 900 (Fed. Cir. 1984).....	39
<i>In re GPAC Inc.</i> , 57 F.3d 1573 (Fed. Cir. 1995).....	7
<i>In re NTP, Inc.</i> , 654 F.3d 1279 (Fed. Cir. 2011).....	9, 12
<i>In re Nuvasive</i> , 842 F.3d 1376 (Fed. Cir. 2016).....	37, 44
<i>In re Translogic Tech., Inc.</i> , 504 F.3d 1249 (Fed. Cir. 2007).....	8
<i>Kinetic Concepts, Inc. v. Smith & Nephew, Inc.</i> , 688 F.3d 1342 (Fed. Cir. 2012).....	37, 38, 44
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	<i>passim</i>
<i>PPC Broadband Inc. v. Corning Optical Comm'cns. RF LLC</i> , 815 F.3d 747 (Fed. Cir. 2016).....	9
<i>Tinnus Enters., LLC v. Telebrands Corp.</i> , 2017 U.S. App. LEXIS 1198 (Fed. Cir. Jan. 24, 2017).....	39, 45

TABLE OF AUTHORITIES (Con't)

<u>Rules</u>	<u>Page(s)</u>
37 C.F.R. §42.100(b)	8
37 C.F.R. § 42.120	Cover
<u>Other Authorities</u>	<u>Page(s)</u>
MPEP § 2143.01(V).....	39

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.