

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TALARI NETWORKS, INC.,

Petitioner,

v.

FATPIPE NETWORKS INDIA LIMITED,

Patent Owner.

Case IPR2016-00976
Patent 6,775,235 B2

**EXCLUSIVE LICENSEE FATPIPE INC.'S PRELIMINARY RESPONSE
UNDER 37 C.F.R. § 42.107**

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EXHIBIT LIST

Exhibit 2001 Declaration of Joel Williams in Support of Preliminary
Response

I. INTRODUCTION

Talari Networks, Inc. (“Petitioner”) filed a Petition for *Inter Partes* Review of U.S. Patent No. 6,775,235 B2 (the “’235 Patent”) on April 29, 2016 (Paper 1, the “Petition”). The Patent Trial and Appeal Board (the “Board”) mailed a Notice of Filing Date Accorded to Petition on May 3, 2016 (Paper 3). Pursuant to 37 C.F.R. § 42.107, exclusive licensee FatPipe, Inc. (for the purposes of consistency with Board convention, FatPipe will be referred to as “Patent Owner”) timely submits this Preliminary Response.

Patent Owner respectfully requests the Board to deny the Petition because it does not satisfy the statutory requirements of 35 U.S.C. § 311 and 37 C.F.R. § 42.100. In particular, Petitioner’s request for *inter partes* review should be denied for at least the following reasons:

1. With respect to all challenged claims of Grounds 1-3, the Petition fails to illustrate that the cited prior art teaches several claim elements and fails to establish that there is a “reasonable likelihood that the petitioner would prevail” as required by 35 U.S.C. § 314.
2. In addition, with respect to Grounds 2 and 3, the Petition fails to describe the scope and content of the prior art, and the differences between the claimed subject matter and the asserted references. *See Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

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