

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

VIPTELA, INC.  
Petitioner

v.

FATPIPE NETWORKS INDIA LIMITED,  
Patent Owner

---

*Inter Partes* Review Case No. 2017-00684

---

**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

---

**TABLE OF CONTENTS**

I. INTRODUCTION ..... 1

II. PATENT OWNER’S CLAIM CONSTRUCTION SHOULD BE REJECTED ..... 2

    A. Patent Owner Already Conceded that Claims 6 and 22 Should Be Construed Broadly ..... 3

    B. Patent Owner’s Proposed “Construction” is Limited to a Single Embodiment in the Specification ..... 4

III. CLAIMS 6 AND 22-24 ARE ANTICIPATED OR RENDERED OBVIOUS..... 10

    A. Claim 6 is anticipated by Karol (Ex. 1006)..... 10

    B. Claim 6 is obvious over Karol (Ex. 1006) in view of Stallings (Ex. 1011)..... 15

    C. Claims 22-24 are anticipated by Karol, and obvious over Karol in view of Stallings..... 19

IV. CONCLUSION..... 24

**TABLE OF AUTHORITIES**

**Cases**

*Hill-Rom Servs., Inc. v. Stryker Corp.*, 755 F.3d 1367 (Fed. Cir. 2014).....6  
*In re Freeman*, 30 F.3d 1459 (Fed. Cir. 1994) .....22  
*In re Morris*, 127 F.3d 1048 (Fed. Cir. 1997).....3  
*KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007) ..... 17, 18  
*Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898 (Fed. Cir. 2004) .....6  
*Oatey Co. v. IPS Corp.*, 514 F.3d 1271 (Fed. Cir. 2008) .....9  
*Pharmacia & Upjohn Co. v. Mylan Pharm., Inc.*, 170 F.3d 1373 (Fed. Cir. 1999)23  
*Phillips v. AWH Corp.*, 415 F.3d 1320 (Fed. Cir. 2005) (en banc).....2

**Other Authorities**

MPEP § 2143 ..... passim

**Regulations**

37 C.F.R. § 42.100(b) .....3

**PETITIONER'S EXHIBITS**

<b>Exhibit No.</b>	<b>Description</b>
1001	U.S. Patent No. 6,775,235 by Sanchaita Datta and Ragula Bhaskar entitled "Tools and Techniques for Directing Packets Over Disparate Networks" ("the '235 Patent")
1002	File History for U.S. Patent No. 6,775,235
1003	U.S. Patent No. 7,406,048 by Sanchaita Datta and Ragula Bhaskar entitled "Tools and Techniques for Directing Packets Over Disparate Networks" ("the '048 Patent")
1004	File History for U.S. Patent No. 7,406,048
1005	Declaration of Dr. Leonard J. Forys
1006	U.S. Patent No. 6,628,617 by Mark John Karol and Malathi Veeraraghavan entitled "Technique for Internetworking Traffic on Connectionless and Connection-Oriented Networks" ("Karol")
1007	W.R. Stevens, "TCP/IP Illustrated Volume 1, the Protocols," Addison-Wesley Professional Computing Series, 1994, ISBN-0-201-63346-9 ("Stevens").
1008	Complaint, D.I. 1 in 1:16- cv-00182-LPS in the District of Delaware
1009	U.S. Patent No. 6,748,439 by David R. Monachello et al. entitled "System and Method for Selecting Internet Service Providers from a Workstation that is Connected to a Local Area Network" ("Monachello")
1010	Petition for <i>Inter Partes</i> Review, IPR2016-00976, Paper No. 1 (April 29, 2016)
1011	William Stallings, "Data and Computer Communications," Prentice-Hall, 5th Edition, 1997, ISBN-81-203-1240-6, ("Stallings")
1012	Office Action dated 4/13/2012 for U.S. Application No. 10/034,197
1013	Office Action dated 2/2/2012 for U.S. Application No. 10/034,197
1014	FatPipe's Proposed Modifications to Claim Construction
1015	U.S. Patent No. 6,317,431 by Terence G. Hodgkinson and Alan W. O'Neill entitled "ATM Partial Cut-Through" ("Hodgkinson")
1016	Adaptive Private Networking Configuration Editor User's Guide, APNware Release 2.5 (FATPIPE-001374-1448)
1017	Decision, IPR2016-00976, Paper No. 7 (November 2, 2016)
1018	FatPipe's Infringement Contentions

1019	Deposition Transcript of Joel Williams (December 19, 2017)
1020	Final Written Decision, IPR2016-00976, Paper No. 32 (November 1, 2017)

# 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.