UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VIPTELA, INC.,

Petitioner,

v.

FATPIPE NETWORKS PRIVATE LIMITED,

Patent Owner.

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Case IPR2017-00684

U.S. Patent No. 6,775,235

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RESPONSE TO PETITION FOR *INTER PARTES* REVIEW

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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, Viptela, Inc. ("Viptela" or "Petitioner").

I.   Introduction

The technologies described by the prior art relied upon by the Petitioner and the subject matter described by claims 6 and 22-24 of the '235 patent differ fundamentally both in their purpose and their result. The differences are clear based on the plain meaning of these claims when viewed in light of the specification such that there is a stark deficiency in Petitioner's analysis. This Response demonstrates that Karol and the additional prior art do *not* render the challenged claims unpatentable.

II.   The '235 patent

The '235 patent describes a system that dynamically load-balances over WAN paths on disparate networks. Specifically, the '235 patent is directed to a controller that interfaces with a site and "two or more disparate networks in parallel" to "provide load balancing across

network connections, greater reliability, and/or increased security." (Ex. 1001, Abstract). The '235 patent's claimed invention represented a major advancement in the field of computer networking. (*See, e.g.*, Ex. 2011, p. 2). Sanchaita Datta, the first-named inventor on the '235 patent, was honored as a "Women Innovator" by the Women Tech Council for her major impact on technology for, among other things, the innovations claimed in the '235 patent. (Ex. 2007).

Prior art approaches did not combine two or more disparate networks in parallel to provide benefits such as dynamic per-packet load-balancing. (Ex. 1001, col. 4:40–45). Prior art Fig. 2 (below), for example, used a primary network (the frame relay network 106) and only used the secondary network (the ISDN network 204) when the primary network failed. (Ex. 1001, col. 3:18–28). The primary network path is used for most or all of traffic while the other path is used only when the primary path fails. (Ex. 1001, col. 9:55–65). The prior art configuration of Fig. 2 does not consider load balancing on a packet-by-packet basis, or provide security by splitting and distributing pieces of messages between disparate networks. (Ex. 1001, col. 9:65–10:3).

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