

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,

Petitioner,

v.

FATPIPE NETWORKS PRIVATE LIMITED,

Patent Owner.

Case IPR2017-01845
U.S. Patent No. 6,775,235

DECLARATION OF SANCHAITA DATTA

I, Sanchaita Datta, hereby declare as follows:

1. My name is Sanchaita Datta. I am a Co-founder, President, and Chief Technology Officer of FatPipe Networks Private Limited and FatPipe, Inc. (collectively “FatPipe”) I make this declaration from my personal knowledge. All statements concerning the title of Cisco and Viptela employees are made to the best of my recollection, based on information and belief.

2. FatPipe is a small disadvantaged business enterprise (DBE) founded by two immigrants (me and my husband, Dr. Ragula Bhaskar). Together, we built FatPipe using our life savings, with a small investment from others. Over the past 15 years, we have grown FatPipe, Inc. into a company with 74 employees in the U.S. We have also acquired 11 U.S. patents covering the technology that goes into FatPipe’s products. Over the last 18 years, we spent our lifetime developing a technology now called SDWAN to overcome the limitations of routers developed by companies like Cisco, and other telecom companies that sought to dominate the telco market by limiting customers in their choice of telcos. Our technology helps connect multiple low cost lines to reduce costs, without telcos and routers

having to use BGP (Border Gateway Protocol) programming, saving the customer money. Further, our technology eliminates the need for routers to communicate with each other to share routing information. Additionally, our technology decreases overhead cost by reducing the need for a Cisco Certified Engineer to design and implement a corporate WAN. In fact, newer DSL and Ethernet internet connections eliminate the need for a router, which means there are no two routers to talk to each other. FatPipe works with all Internet or Wide Area technologies, whether there is a router at the end, or a modem (DSL, cable, etc.), or no router at all, such as an Ethernet or fiber handoff, obviating the need to program routers to talk to each other to decide paths. This represents a technological leap compared to Cisco's technology. For the first time, end users have the ability to use multiple internet/WAN connections without the need for a Cisco certified programmer, a revolution called SDWAN.

3. FatPipe has met with petitioner Cisco Systems, Inc. on numerous occasions and provided Cisco with information about U.S. Patent Nos. 6,775,235 ("the '235 patent") and 7,406, 048 ("the '048 patent") (collectively, "the targeted patents") and with notice of FatPipe's lawsuit against Viptela for infringing the targeted patents. Beginning in January 2014, Dr. Bhaskar met with Ali Sheikh, Corporate Development and Venture Investment Associate at Cisco,

and his team to present FatPipe's technology in attempt to license the targeted patents to Cisco. As part of the presentation, a PowerPoint—entitled *Software Defined Solutions for Mission Critical Clouse Access, Multi line WAN redundancy without BGP Automatic session load balancing and failover for all applications-99.999988% WAN reliability*—was presented to provide information about the targeted patents, among other things. Exhibit 2014 is a true and accurate copy of that presentation. Further, on January 8, 2014, following the presentation a copy of the PowerPoint was provided, via email, to Mr. Sheikh. Exhibit 2015 includes a true and accurate copy of the email forwarding the presentation to Mr. Sheikh.

4. Again, in October 2015, I was involved in discussions with Liad Ofek and Chandrodaya Prasad of Cisco to setup up a presentation of FatPipe's technology in an attempt to re-discuss a technology partnership with Cisco. Mr. Ofek and Mr. Prasad were both Directors of Product Management at Cisco. On December 1, 2015, Mr. Prasad and I confirmed a date and time for FatPipe to give a presentation on the technology at issue via Webex—December 3, 2015, at 11:30 a.m.-12:30 p.m. PST. That Webex meeting between FatPipe and Cisco took place

as scheduled. Exhibit 2016 includes a true and accurate copy of the email that confirmed the date and time for that Webex meeting. On December 4, 2014, the day after the presentation, I provided Mr. Prasad, via email, the PowerPoint presentation from the meeting, and information on FatPipe's 11 patents. Exhibit 2017 includes a true and accurate copy of the email that forwarded that presentation to Mr. Prasad. Furthermore, the PowerPoint presentation, entitled *FatPipe Networks Corporate Overview*, provided information about the targeted patents. Exhibit 2018 is a true and accurate copy of that presentation.

5. In February 2016, an investor with high-ranking contacts at Cisco connected Cisco with FatPipe. Shortly afterwards, Dr. Bhaskar sent a Cisco executive an email describing FatPipe's technology and disclosing that FatPipe owns 11 key U.S. patents. The purpose of this communication was to explore whether Cisco was interested in investing FatPipe or otherwise partnering with respect to FatPipe's technology.

6. In October of 2016, Dr. Bhaskar emailed Cisco to arrange a meeting to discuss partnering on FatPipe's technology. In response to that email, Matt Carbonara, Director of Strategic Business at Cisco,

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