

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

**SUR-REPLY IN SUPPORT OF
PATENT OWNER'S PRELIMINARY RESPONSE**

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Pursuant to the Order dated November 16, 2017 (Paper 10), Patent Owner (“FatPipe”) timely submits this Sur-Reply to Petitioner’s reply to Patent Owner’s preliminary response for U.S. Patent No. 6,775,235 (“the ’235 Patent”), filed November 22, 2017 (Paper 11, “the Reply”).

I. Introduction

This proceeding marks the fourth petition filed against the ’235 patent and the third petition filed by Petitioner (“Cisco”) or third-party Viptela, which was acquired by Cisco this year and was served with a complaint for infringement of the ’235 patent more than one year prior to the filing of the Petition.

FatPipe is a small disadvantaged business enterprise (DBE) founded by two immigrants to the United States, the first-named inventor on the ’235 patent, Sanchaita Datta, and her husband, Dr. Ragula Bhaskar. (Ex. 2013, ¶ 2). The founders built the company using their life savings with only a small investment from others. *Id.* The founders have spent their entire careers developing a technology that has resulted in a new market. *Id.* This technology now known as SDWAN overcomes 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. *Id.* This 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. *Id.* In fact, newer

DSL and Ethernet internet connections eliminate the need for a router, which means there are no routers to talk to each other. *Id.* 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. *Id.* This represents a technological leap compared to Cisco's technology. *Id.* 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. *Id.* As a result of their efforts, over the past 15 years they have built a company with 74-employees in the U.S., and have acquired 11 patents. *Id.* Even though FatPipe embodies the American dream, petitioner Cisco Systems, Inc., a \$49 billion company with over 74,000 employees, attempts to unfairly destroy FatPipe's legacy using its market power and extensive bankroll (\$60 billion) to unfairly harass FatPipe. (Ex. 2013, ¶ 7).

Cisco has consistently tried to bully FatPipe in the marketplace by undercutting the price of its products in order to compete with FatPipe and as an attempt to dominate the market. (Ex. 2013, ¶ 7). Cisco's Senior Corporate Counsel of IP Litigation even expressed to Patent Owner that Cisco would like a free license to FatPipe's patents for the privilege of withdrawing the Viptela lawsuit.

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