

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GUEST TEK INTERACTIVE ENTERTAINMENT LTD.,

Petitioner,

v.

NOMADIX, INC.,

Patent Owner.

U.S. Patent No. 8,626,922 to Short et al.

Issued: January 7, 2014

Filed: April 26, 2011

Title: SYSTEMS AND METHODS FOR DYNAMIC DATA TRANSFER
MANAGEMENT ON A PER SUBSCRIBER BASIS IN A COMMUNICATIONS
NETWORK

IPR2019-00253

Reply Declaration of Dr. Peter Dordal

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	SUMMARY OF OPINION	1
III.	CLAIMS AT ISSUE	2
IV.	CLAIM CONSTRUCTION	3
V.	FURTHER OPINIONS REGARDING OBVIOUSNESS OF CLAIMS 1 AND 9 OF THE '922 PATENT	4
A.	My Opinion in Reply to Dr. Stubblebine Regarding the Combination of Bonomi and Borella.....	4
1.	Bonomi discloses calculating a delay period.....	4
2.	A skilled artisan would have been motivated to combine Bonomi and Borella	13
B.	My Opinion in Reply to Dr. Stubblebine Regarding the Combination of Chandran and Report #98-010P	19
C.	My Opinion in Reply to Dr. Stubblebine Regarding the Combination of Teraslinna and Bonomi	26

I. INTRODUCTION

1. My name is Dr. Peter Dordal, and I have been retained as a technical expert by counsel for Petitioner Guest-Tek Interactive Entertainment Ltd. to provide assistance in the above captioned *inter partes* review proceeding. I have reviewed the Declaration of Stuart G. Stubblebine and associated materials, and make the following statements in reply to his declaration, based on my own personal knowledge. If called as a witness, I could and would testify to the following.

II. SUMMARY OF OPINION

2. As I previously described, it is my opinion that claims 1 and 9 of the '922 patent would have been obvious to a person of ordinary skill in the art as of October 22, 1999, which I understand is the earliest date of the purported invention claimed in the '922 patent, based on any one of the following grounds:

(1) Obviousness over U.S. Patent No. 5,864,540 ("Bonomi") in view of U.S. Patent No. 6,587,433 ("Borella") under 35 U.S.C. § 103;

(2) Obviousness over U.S. Patent No. 7,392,279 ("Chandran") in view of IEEE's INDEX Project Report #98-010P ("Report #98-010P") under 35 U.S.C. § 103; and

(3) Obviousness over U.S. Patent No. 5,623,492 ("Teraslinna") in view of Bonomi under 35 U.S.C. § 103.

3. I have reviewed Dr. Stubblebine's declaration and, in my view, none of

the arguments that he makes changes the opinions I set forth in my original declaration

4. As mentioned, I have been asked to opine on the validity of claims 1 and 9 of the '922 patent. Claim 1 recites a “system for allowing a user to dynamically control an amount of bandwidth available to the user in a network.” Claim 9 recites most of the same limitations of claim 1, except claim 9 is in method form, directed to “A method of dynamically managing transmission of packets.”

III. CLAIMS AT ISSUE

5. The full language of the claims is as follows, where the individual subparagraphs have been designated (1.a)-(1.e) and (9.a)-(9.d) for convenient reference:

1. A system for allowing a user to dynamically control an amount of bandwidth available to the user in a network, the system comprising:

[1.a] a first network interface for communicating over a communication link with a user device during a network session;

[1.b] a second network interface for communicating with one or more computer networks;

[1.c] a data storage system including a user profile record associated with a user, the user profile record comprising an indication of a network communication bandwidth associated with the user device; and

[1.d] a processor configured to calculate a delay period associated with a received packet based on the network communication bandwidth associated with the user, and

[1.e] the processor further configured to delay transmission of the packet based on the delay period to prevent the user device from achieving a bandwidth greater than the network communication bandwidth associated with the user device.

9. A method of dynamically managing transmission of packets, the method comprising:

[9.a] establishing a network session over a communication link between a network and a user device of a user;

[9.b] associating a data transmission parameter with the user device, the data transmission parameter being retrieved from a user profile associated with the user;

[9.c] receiving a packet and calculating a delay period associated with the packet based on the data transmission parameter; and

[9.d] delaying transmission of the packet based on the delay period to prevent the user device from achieving a data transmission greater than the data transmission parameter associated with the user device and retrieved from the user profile associated with the user.

IV. CLAIM CONSTRUCTION

6. I understand that the terms of the unexpired '922 patent claims are to be given their broadest reasonable interpretation as understood by one of ordinary skill in the art at the time of the alleged invention in view of the '922 patent's specification.

7. Dr. Stubblebine opines that the term "period" in the phrase "delay period" in the claims at issue means a calculated "length of time." Para. 32. I disagree. In my opinion, the term "period" does not require a specific length of time.

8. For example, the claims do not refer to calculating a "length" of time.

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.