

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

MPH TECHNOLOGIES OY,
Patent Owner

Case IPR2019-00819
Patent No. 7,620,810

**DECLARATION OF DAVID GOLDSCHLAG, PH.D., IN SUPPORT OF
PETITIONER'S REPLY TO THE PATENT OWNER RESPONSE**

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Apple EX1020

TABLE OF CONTENTS

I. Introduction.....1

II. Claim Construction.....2

III. The Combination of Ishiyama and Murakawa Discloses the Claimed
“Security Gateway.”6

 A. It would have been obvious to a POSITA from Ishiyama’s use of
 IPSec for its correspondent host to be a security gateway because
 IPSec only has a finite number of endpoint configurations.7

 B. Ishiyama’s use of tunnel mode suggests that its correspondent host
 can be a security gateway.12

 C. A POSITA Would Have Sought Out References Such as
 Murakawa for its Teaching of a Tunnel Mode Implementation15

IV. Nothing in the Prior Art Precludes Ishiyama’s “Correspondent Host”
from Operating as a “Security Gateway.”19

V. The Combination of Ishiyama and Murakawa Teaches the “Other
Terminal.”24

VI. Ishiyama Teaches the Mobile Terminal Transmitting a Message While
at a Second Address to Change the Definition of a Security
Association.30

VII. The Combination of Ishiyama and Murakawa Teaches the
“Request”/“Reply” Messages Being Encrypted.....33

VIII. The Combination of Ishiyama, Murakawa, and Ahonen Renders
Claims 2-3 Obvious.34

IX. Conclusion40

I, David Goldschlag, Ph.D., hereby declare as follows:

I. Introduction

1. I am the same David Goldschlag, Ph.D. who submitted a prior declaration (EX1002) in this matter, which I understand was filed on March 27, 2019. I have been retained on behalf of Apple Inc. (“Petitioner”) for the above-captioned *inter partes* review proceeding.

2. My background and qualifications were provided in paragraphs 6-12 of my prior declaration, and my CV was provided as EX1016. My statements in paragraphs 2-5 of my prior declaration regarding my review of U.S. Patent No. 7,620,810 (“the ’810 patent”) and related materials remain unchanged, as do my understandings of the relevant legal principles stated in paragraphs 13-21.

3. Since my prior declaration, I have reviewed and considered the following additional materials:

Paper	Description
10	Decision Granting Institution, IPR2019-00819 (“DI”)
23	Replacement Patent Owner’s Response

Exhibit	Description
1019	Deposition Transcript of George N. Rouskas, Ph.D., dated March 20, 2020.
2003	Declaration of Professor George N. Rouskas, Ph.D.

4. I have also considered all other materials cited herein. My work on this case is being billed at my normal hourly rate, with reimbursement for actual expenses. My compensation is not contingent upon the outcome of this *inter partes* review proceeding.

II. Claim Construction

5. Dr. Rouskas contends that the term “security gateway” should be construed as a “gateway that provides additional security functionality, such as firewall functionality.” EX2003, Rouskas Decl., ¶64. Dr. Rouskas further contends that a “gateway” is “an intermediary system with two or more communication interfaces that interconnects different networks and can forward packets it receives from one network on to another network.” *Id.* I disagree that the term “security gateway” needs additional construction, and I further disagree with the definition provided by Dr. Rouskas.

6. Dr. Rouskas appears to propose this construction in an attempt to distinguish a “security gateway” from a “host.” But as admitted by Dr. Rouskas and well-known in the art, “[p]ersons of ordinary skill in the art [POSITA] recognize that devices can perform multiple functions.” *Id.*, ¶69. Dr. Rouskas further acknowledges that “the same device that otherwise performs a security gateway function may in some cases be the end destination for traffic...” *Id.*, ¶70.

This understanding is consistent with my own and indicates the artificial distinction between the words “security gateway” and “host.”

7. I agree with Dr. Rouskas, as he admitted during his deposition, that the '810 patent uses the term “security gateway” in its common form as well-understood in the art and as described in RFC 2401—the IPsec specification. EX1019, Rouskas Depo., 165:17-166:5; 168:9-20. There is thus no dispute that the '810 patent uses the term “security gateway” in its well-known and conventional manner. Accordingly, in view of the '810 patent, a POSITA would not have needed to construe the term “security gateway” because the '810 patent does not use the term in any atypical or special manner.

8. The '810 patent itself also supports this interpretation. For example, Dr. Rouskas quotes the following passage from the '810 patent, which I have further extended and emphasized below:

Typically, transport mode is used for end-to-end communication between two hosts...[T]unnel mode may also be used for end-to-end communication between two hosts. Tunnel mode is often used when one or both ends of a SA is *a security gateway, such as a firewall or a router* that implements IPsec....The IPsec tunnel mode operates e.g. in such a way that if a host on a network generates an IP packet with a destination address of another host on another network, the packet is routed from the originating host to a security gateway (SGW), firewall or other secure router at the boundary of the first

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