

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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JUNIPER NETWORKS, INC. & PALO ALTO NETWORKS, INC.,  
Petitioner,

v.

PACKET INTELLIGENCE LLC,  
Patent Owner.

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IPR2020-00335 (Patent 6,651,099 B1) IPR2020-00336 (Patent 6,665,725 B1)  
IPR2020-00337 (Patent 6,771,646 B1) IPR2020-00338 (Patent 6,839,751 B1)  
IPR2020-00339 (Patent 6,954,789 B2) IPR2020-00485 (Patent 6,651,099 B1)  
IPR2020-00486 (Patent 6,954,789 B2)<sup>1</sup>

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Before STACEY G. WHITE, CHARLES J. BOUDREAU, JOHN D.  
HAMANN, and KRISTI L. R. SAWERT, *Administrative Patent Judges*.

SAWERT, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Unopposed Motion to Withdraw Its Motion to  
Disqualify and Patent Owner's Motion to Withdraw Exhibits 2001 and 2043  
*37 C.F.R. § 42.5*

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<sup>1</sup> We exercise our discretion to enter a single order to be entered in each case. For convenience, we refer to the exhibit numbers entered in IPR2020-00335. The parties are not permitted to use this caption. This is not an expanded panel. The panel for IPR2020-00335, -00336, -00337, and -00485 includes Judges White, Boudreau, and Hamann. The panel for IPR2020-00338, -00339, and -00485 includes Judges Boudreau, Hamann, and Sawert.

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IPR2020-00486 (Patent 6,954,789 B2)

On July 6, 2020, counsel for Petitioner Juniper Networks, Inc. (“Juniper”<sup>2</sup>) contacted the Board via email to request a conference call seeking authorization to file a motion to disqualify Patent Owner’s declarant, Kevin C. Almeroth, Ph.D., in the above-identified proceedings. Ex. 3003. We then authorized Juniper to file a motion to disqualify Dr. Almeroth in these proceedings, as well as a motion to seal in accordance with 37 C.F.R. § 42.55 with a proposed protective order. Paper 11 (“Order”). Pursuant to our Order, Juniper filed both non-redacted and redacted versions of its Motion to Disqualify Dr. Almeroth on July 22, 2020. Paper 14 (non-redacted); Paper 15 (redacted). Juniper also filed an unopposed Motion to Seal (Paper 12) and an unopposed Motion for Entry of a Modified Protective Order (Paper 13).

On August 5, 2020, Patent Owner notified the Board via email that the parties had met and conferred to resolve the issues relating to Dr. Almeroth. Ex. 3005. In the email, Patent Owner stated that it agreed “to no longer rely on Dr. Almeroth’s declaration and any references thereto in the preliminary response” and that “this should render moot [Juniper’s] motion to disqualify Dr. Almeroth.” *Id.* On August 21, 2020, we responded by authorizing: (1) Patent Owner to file a motion to withdraw Dr. Almeroth’s declaration (Exhibit 2001) and *curriculum vitae* (Exhibit 2043), and (2) Juniper to file a motion to withdraw its motion to disqualify Dr. Almeroth and supporting exhibits. Ex. 3006.

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<sup>2</sup> Palo Alto Networks, Inc. is also a Petitioner in these proceedings but was not a party to Juniper’s request. *See* Ex. 3003.

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IPR2020-00339 (Patent 6,954,789 B2) IPR2020-00485 (Patent 6,651,099 B1)  
IPR2020-00486 (Patent 6,954,789 B2)

In accordance with our instructions, Patent Owner filed an unopposed Motion to Withdraw Exhibits 2001 and 2043 on August 25, 2020 (Paper 17) and Juniper filed an unopposed Motion to Withdraw Its Motion to Disqualify Dr. Kevin Almeroth and Supporting Exhibits on August 26, 2020 (Paper 18).

In its Motion to Withdraw, Patent Owner states that it “agrees to no longer rely on Dr. Almeroth’s declaration and any references thereto in its Preliminary Response” and that “Dr. Almeroth will refrain from further participation in this proceeding.” Paper 17, 1. Thus, Patent Owner requests that the Board expunge Exhibits 2001 and 2043, and any references thereto, from the record. *Id.*

In its Motion to Withdraw, Juniper states that, given Patent Owner’s statements, Petitioner “agrees to withdraw its motion to disqualify Dr. Almeroth and the supporting exhibits.” Paper 18, 3. Thus, Juniper requests that we withdraw its Motion to Disqualify Dr. Almeroth and supporting exhibits. *Id.* Although Juniper does not specifically identify those exhibits in its Motion, we discern them to be Exhibits 1103–1111. *See generally* Paper 14.

In view of the fact that the parties have settled their dispute regarding Dr. Almeroth’s Declaration and the current motions are unopposed, the panels hereby grant each party’s requested relief. Because the Board’s actions moot Juniper’s Motion to Seal and Motion for Entry of a Modified Protective Order, the Board also expunges these papers.

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IPR2020-00486 (Patent 6,954,789 B2)

## ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Juniper's Motion to Seal (IPR2020-00335, Paper 12; IPR2020-00336, Paper 12; IPR2020-00337, Paper 12; IPR2020-00338, Paper 13; IPR2020-00339, Paper 13; IPR2020-00485, Paper 12; IPR2020-00486, Paper 12) is hereby *expunged*;

ORDERED that Juniper's Motion for Entry of a Modified Protective Order (IPR2020-00335, Paper 13; IPR2020-00336, Paper 13; IPR2020-00337, Paper 13; IPR2020-00338, Paper 14; IPR2020-00339, Paper 14; IPR2020-00485, Paper 13; IPR2020-00486, Paper 13) is hereby *expunged*;

ORDERED that Patent Owner's Motion to Withdraw Exhibits 2001 and 2043 (IPR2020-00335, Paper 17; IPR2020-00336, Paper 18; IPR2020-00337, Paper 17; IPR2020-00338, Paper 19; IPR2020-00339, Paper 18; IPR2020-00485, Paper 17; IPR2020-00486, Paper 17) is *granted*;

ORDERED that Exhibit 2001 in each referenced case is hereby *expunged*;

ORDERED that Exhibit 2043 in each referenced case is hereby *expunged*;

ORDERED that Juniper's Motion to Withdraw Its Motion to Disqualify Dr. Kevin Almeroth and Supporting Exhibits (IPR2020-00335, Paper 18; IPR2020-00336, Paper 19; IPR2020-00337, Paper 18; IPR2020-00338, Paper 20; IPR2020-00339, Paper 19; IPR2020-00485, Paper 18; IPR2020-00486, Paper 18) is *granted*;

ORDERED that Juniper's non-redacted Motion to Disqualify Dr. Almeroth (IPR2020-00335, Paper 14; IPR2020-00336, Paper 14;

IPR2020-00335 (Patent 6,651,099 B1) IPR2020-00336 (Patent 6,665,725 B1)  
IPR2020-00337 (Patent 6,771,646 B1) IPR2020-00338 (Patent 6,839,751 B1)  
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IPR2020-00486 (Patent 6,954,789 B2)

IPR2020-00337, Paper 14; IPR2020-00338, Paper 15; IPR2020-00339,  
Paper 15; IPR2020-00485, Paper 14; IPR2020-00486, Paper 14) is hereby  
*expunged*;

ORDERED that Juniper's redacted Motion to Disqualify  
Dr. Almeroth (IPR2020-00335, Paper 15; IPR2020-00336, Paper 15;  
IPR2020-00337, Paper 15; IPR2020-00338, Paper 16; IPR2020-00339,  
Paper 16; IPR2020-00485, Paper 15; IPR2020-00486, Paper 15) is hereby  
*expunged*; and

FURTHER ORDERED that Exhibit 1103, Exhibit 1104, Exhibit  
1105, Exhibit 1106, Exhibit 1107, Exhibit 1108, Exhibit 1109, Exhibit 1110,  
and Exhibit 1111 in each referenced case are hereby *expunged*.

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