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12   **UNITED STATES DISTRICT COURT**
                       NORTHERN DISTRICT OF CALIFORNIA
13   **SAN FRANCISCO DIVISION**

14 PALO ALTO NETWORKS, INC.,   Case No. 3:19-cv-02471-WHO

15   Plaintiff and Counter-Defendant,   **PACKET INTELLIGENCE LLC'S**
                                             OPENING CLAIM CONSTRUCTION
16   v.   **BRIEF**

17 PACKET INTELLIGENCE LLC,

18   Defendant and Counterclaimant.   **DEMAND FOR JURY TRIAL**

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PI'S OPENING CLAIM CONSTRUCTION BRIEF   CASE NO. 3:19-CV-02471-WHO

I. INTRODUCTION

This case involves five related patents: U.S. Patent Nos. 6,651,099 ("the '099 Patent") (attached as Ex. A); 6,665,725 ("the '725 Patent") (attached as Ex. B); 6,771,646 ("the '646 Patent") (attached as Ex. C); 6,839,751 ("the '751 Patent") (attached as Ex. D); and 6,954,789 ("the '789 Patent") (attached as Ex. E) (collectively "the Patents-in-Suit").[1] Each of the patents claims priority to and incorporates by reference Provisional Application No. 60/141,903 ("Provisional") (attached as Ex. F), and thus the Provisional forms part of the intrinsic evidence.

The Patents-in-Suit generally address classifying and monitoring network traffic passing through one or more nodes or points in the network. Traffic classification involves detecting the underlying protocols implemented in the network traffic, as well as the applications or user activity responsible for generating the network traffic. Traffic monitoring involves tracking the state of the underlying protocols along with relevant network traffic statistics. Such classification and monitoring provide network administrators with detailed information about their networks that can be used to diagnose network problems, control bandwidth allocation, bill for use of the network, and ensure an appropriate quality of service on a per-user granular basis.

Packet's proposed constructions adhere to the well–known principles of claim construction and stem from the plain and ordinary meaning of the terms at issue, in light of the specification's teachings. Defendant's proposed constructions, on the other hand, generally seek to import extraneous limitations or ignore key disclosures to manufacture non-infringement and invalidity positions. Because Packet's constructions follow the canons of patent law and properly balance granting the full scope of Applicants' invention while ensuring that the public has proper notice of the scope of the invention, Packet respectfully requests that the Court adopt its proposed constructions for the disputed terms described below and reject Defendant's proposed constructions.

II. BACKGROUND

Before discussing the invention, it is useful to understand certain fundamentals regarding network traffic. The Open Systems Interconnection ("OSI") model represents the protocol layers

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[1] The specifications of the Patents-in-Suit are similar. Generally, the patent that includes the claims at issue for a given term is cited here.

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