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

14 PACKET INTELLIGENCE LLC,

15 Plaintiff,

16 v.

17 JUNIPER NETWORKS, INC.,

18 Defendant.

Case No. 3:19-cv-04741-WHO

**PLAINTIFF PACKET INTELLIGENCE  
LLC'S OPENING CLAIM  
CONSTRUCTION BRIEF**

**DEMAND FOR JURY TRIAL**

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1       **I. INTRODUCTION**

2           This case involves five related patents: U.S. Patent Nos. 6,651,099 (“the ’099 Patent”)  
3 (attached as Ex. A); 6,665,725 (“the ’725 Patent”) (attached as Ex. B); 6,771,646 (“the ’646  
4 Patent”) (attached as Ex. C); 6,839,751 (“the ’751 Patent”) (attached as Ex. D); and 6,954,789 (“the  
5 ’789 Patent”) (attached as Ex. E) (collectively “the Patents-in-Suit”).<sup>1</sup> Each of the patents claims  
6 priority to and incorporates by reference Provisional Application No. 60/141,903 (“Provisional”)  
7 (attached as Ex. F), and thus the Provisional forms part of the intrinsic evidence.

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

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

25       **II. BACKGROUND**

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

28       <sup>1</sup> 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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