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14
15 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
16 **SAN FRANCISCO DIVISION**

17 PACKET INTELLIGENCE LLC,

18 Plaintiff,

19 v.

20 JUNIPER NETWORKS, INC.,

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

**JUNIPER'S RESPONSIVE CLAIM
CONSTRUCTION BRIEF**

JUNIPER'S RESPONSIVE
CLAIM CONSTRUCTION BRIEF

CASE NO. 3:19-cv-4741-WHO

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1 **I. INTRODUCTION**

2 The law precludes using claim construction to expand the scope of a patent outside the
3 bounds of the patentee’s invention. As the Federal Circuit has explained, claim construction must
4 not “enlarge what is patented beyond what the inventor has described as the invention.”¹ This
5 protects the public from a patentee extending its monopoly rights beyond the patent’s contribu-
6 tions to the public storehouse of knowledge. Indeed, the Supreme Court has time and again reit-
7 erated that “exclusive patent rights are given in exchange for disclosure to the public.”²

8 Juniper’s proposed constructions here follow these principles, while Packet Intelligence’s
9 do not. The term “conversational flow” exemplifies these divergent approaches. The patents dif-
10 ferentiate between devices that classify packets of information into a “connection flow,” as com-
11 monly used in the prior art, and a “conversational flow,” as claimed in all five patents-in-suit.
12 For instance, the ’099 patent specification states:

13 Some prior art packet monitors classify packets into connection flows. The term
14 “connection flow” is commonly used to describe all the packets involved with a
15 single connection. A conversational flow, on the other hand, is the sequence of
packets that are exchanged in any direction as a result of an activity—for instance,
the running of an application on a server as requested by a client.³

16 Juniper’s proposed construction for “conversational flow” maintains this distinction, defining the
17 term to involve linking a group of multiple individual connection flows. Packet Intelligence’s
18 proposal, on the other hand, blurs the line between “connection flow” and “conversational flow,”
19 such that a “conversational flow” may be a single, individual connection flow, or a group of con-
20 nection flows. Thus, Packet Intelligence seeks to capture the single connection of a “connection
21 flow,” thereby eliminating the unique aspects of “conversational flow” that the specification es-
22 tablishes.

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24 ¹ *Inpro II Licensing, S.A.R.L. v. T-Mobile USA, Inc.*, 450 F.3d 1350, 1355 (Fed. Cir. 2006) (quot-
ing *Netword, LLC v. Centraal Corp.*, 242 F.3d 1347, 1352 (Fed. Cir. 2001)).

25 ² *E.g., Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, 535 U.S. 722, 736 (2002)
26 (citing *Bonito Boats, Inc. v. Thunder Craft Boats, Inc.*, 489 U.S. 141, 150–51 (1989) (“The fed-
27 eral patent system thus embodies a carefully crafted bargain for encouraging the creation and dis-
28 closure of new, useful, and nonobvious advances in technology and design in return for the ex-
clusive right to practice the invention for a period of years.”)).

³ ’099 Patent (Dkt. #57-2) at 2:34–40.

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