

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC., DELL TECHNOLOGIES INC., VMWARE,
INC., JUNIPER NETWORKS, INC., HEWLETT PACKARD ENTERPRISE
COMPANY, AND ARUBA NETWORKS, INC.

Petitioners

v.

SABLE NETWORKS, INC.

Patent Owner

Case No. IPR2020-01712

U.S. Patent No. 8,243,593

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,243,593**

Mail Stop "PATENT BOARD"

Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	MANDATORY NOTICES	3
III.	GROUNDS FOR STANDING	7
IV.	STATEMENT OF RELIEF REQUESTED	7
V.	IDENTIFICATION OF CHALLENGE	7
VI.	TECHNICAL BACKGROUND	10
VII.	THE '593 PATENT	12
	A. Overview.....	12
	B. Summary of Prosecution History	14
	C. Level of Ordinary Skill in the Art.....	15
	D. Claim Construction	16
	1. “means for maintaining a set of behavioral statistics for the flow . . .” (claims 25 and 29).....	17
	2. “means for determining . . . whether the flow is exhibiting undesirable behavior” (claim 25)	17
	3. “means for enforcing . . . [a/the] penalty on the flow” (claims 25 and 32)	17
	4. “means for computing . . . a badness factor for the flow” (claim 29).....	17
	5. “means for determining . . . a penalty to impose on the flow” (claim 31)	17
	6. “means for determining an increased drop rate to impose on one or more information packets to belonging to the flow” (claim 37)	18

Inter Partes Review of U.S. Patent No. 8,243,593

7.	“means for imposing [an/the] increased drop rate on the flow” (claims 27 and 38).....	18
8.	“means for receiving a particular information packet belonging to the flow” (claims 43 and 44).....	18
9.	“means for determining whether to forward the particular information packet to a destination” (claim 43).....	18
10.	“means for updating . . . the set of behavioral statistics to reflect processing of the particular information packet” (claims 43 and 44)	19
VIII.	GROUPS OF UNPATENTABILITY	19
A.	<u>Ground 1</u> : Claims 1, 2, 4-7, 17, 18, 25-27, 37, and 38 are obvious over Yung.....	19
1.	<u>Overview</u> : Yung discloses a system for classifying and controlling flows using behavioral statistics.....	19
2.	Independent claim 1	21
3.	Independent claim 2.....	38
4.	Independent claims 4 and 5	41
5.	Independent claim 25	41
6.	Dependent claims 6 and 26	43
7.	Dependent claims 7 and 27	44
8.	Dependent claims 17 and 37.....	45
9.	Dependent claims 18 and 38.....	45
B.	<u>Ground 2</u> : Claims 9-13, 19-24, 29-33, and 39-44 are obvious over Yung in view of Copeland.	46
1.	<u>Overview</u> : Yung discloses a system for classifying and controlling flows using behavioral statistics, and Copeland calculates a flow-based concern index.	46

Inter Partes Review of U.S. Patent No. 8,243,593

2.	<u>Motivation to Combine</u>	47
3.	Independent claim 9.....	50
4.	Independent claim 29.....	53
5.	Dependent claims 10 and 30.....	55
6.	Dependent claims 11 and 31.....	55
7.	Dependent claims 12 and 32.....	56
8.	Dependent claims 13 and 33.....	56
9.	Dependent claims 19 and 39.....	57
10.	Dependent claims 20 and 40.....	58
11.	Dependent claims 21 and 41.....	58
12.	Dependent claims 22 and 42.....	59
13.	Dependent claims 23 and 43.....	60
14.	Dependent claims 24 and 44.....	62
C.	<u>Ground 3</u> : Claim 3 is obvious over Yung in view of Four-Steps Whitepaper.	64
1.	<u>Overview</u> : Yung discloses a system for classifying and controlling flows using behavioral statistics, and Four- Steps Whitepaper discloses tracking dropped packets.	64
2.	<u>Motivation to Combine</u>	65
3.	Independent claim 3.....	67
D.	<u>Ground 4</u> : Claims 8, 14-16, 28, and 34-36 are obvious over Yung in view of Copeland in view of Ye.....	72
1.	<u>Overview</u> : Yung-Copeland discloses a system for classifying flows using behavioral statistics, and Ye describes a congestion condition.	72
2.	<u>Motivation to Combine</u>	74

***Inter Partes* Review of U.S. Patent No. 8,243,593**

3.	Dependent claims 8, 14, 28, and 34	76
4.	Dependent claims 15 and 35.....	77
5.	Dependent claims 16 and 36.....	78
IX.	THIS PETITION CONTAINS NEW ARGUMENTS AND PRIOR ART NOT PREVIOUSLY PRESENTED TO THE OFFICE.	78
X.	THE <i>NHK SPRING</i> DECISION IS INAPPLICABLE.....	79
XI.	SECONDARY CONSIDERATIONS.....	84
XII.	CONCLUSION.....	84

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.