

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLOUDFLARE, INC.,
Petitioner,

v.

SABLE NETWORKS, INC.,
Patent Owner

Case IPR2021-00909
Patent 8,243,593

**PATENT OWNER SABLE NETWORKS, INC'S
UPDATED MANDATORY NOTICE INFORMATION**

Pursuant to 37 C.F.R. § 42.8(a)(3), Patent Owner Sable Networks, Inc. provides notice that a statutory disclaimer disclaiming claims 1, 2, 4-8, 14-16, 25-28, 34-36 from challenged U.S. Patent No. 8,243,593 has been filed and recorded under 35 U.S.C. § 253(a) and 37 C.F.R. § 1.321(a). It is attached as Exhibit 2006.

Patent Owner notes that it entered this disclaimer for efficiency. Patent Owner was required in the multi-patent infringement litigation between the parties to reduce the number of asserted patent claims, and determined to drop these claims to comply, and that, given that they are no longer asserted, no good purpose would have been served by burdening the parties or the Board with further trial on these claims. *See also Raytheon Techs. Corp. v. Gen. Elec. Co.*, 993 F.3d 1374, 1379 n.4 (Fed. Cir. 2021) (“Disclaimed claims are treated as if they never existed, and disclaimer does not legally constitute an admission that the subject of the disclaimer appears in the prior art.”) (citations and marks omitted).

For avoidance of doubt, Patent Owner notes that section 42.73(b) of Title 37 of the Code of Federal Regulations by its terms does not apply to this disclaimer because, *inter alia*, Patent Owner continues to have remaining claims at trial.

Respectfully submitted,

/Kenneth J. Weatherwax/
Kenneth J. Weatherwax, Reg. No. 54,528
LOWENSTEIN & WEATHERWAX LLP

Date: March 11, 2022

| UPDATED EXHIBIT LIST | |
|----------------------|--|
| 2001 | Josh McHugh, “The <i>n</i> -Dimensional SuperSwitch,” WIRED (May 1, 2001, 12:00 am) (available at https://www.wired.com/2001/05/caspian/ (last visited Aug. 16, 2021)) |
| 2002 | Email from Jun Zheng, U.S. District Court for Western District of Texas staff, to counsel for parties, with Subject “Sable Networks, Inc., et al. v. Riverbed Technology, Inc., No. 6:21-cv-00175-ADA and Sable Networks, Inc., et al. v. Cloudflare, Inc., No. 6:21-cv-00261-ADA – Request for Telephone Conference” (Aug. 20, 2021, 9:04 am) |
| 2003 | Scheduling Order, Dkt. 21, <i>Sable Networks, Inc., et al. v. Cloudflare, Inc.</i> , No. 6:21-cv-00261-ADA (June 24, 2021) |
| 2004 | Declaration of Daniel P. Hipskind in Support of Motion for <i>Pro Hac Vice</i> Admission |
| 2005 | Declaration of Erin McCracken in Support of Motion for <i>Pro Hac Vice</i> Admission |
| 2006 [new] | March 4, 2022 Disclaimer in U.S. Patent No. 8,243,593 Under 37 C.F.R. §1.321(a) |

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date below:

**PATENT OWNER SABLE NETWORKS, LLC'S
UPDATED MANDATORY NOTICE INFORMATION**

EXHIBIT 2006

The names and address of the parties being served are as follows:

| | |
|-----------------|-------------------|
| James L. Day | jday@fbm.com |
| Daniel Callaway | dcallaway@fbm.com |
| Winston Liaw | wliaw@fbm.com |
| | calendar@fbm.com |

Respectfully submitted,

/ Colette Woo /

Date: March 11, 2022