

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLOUDFLARE, INC. AND SONICWALL INC.
Petitioners

v.

SABLE NETWORKS, INC.
Patent Owner

Case IPR2021-00909
Patent No. 8,243,593

**SUPPLEMENTAL DECLARATION OF DR. KEVIN JEFFAY
REGARDING EXHIBITS 1006 AND 1033**

I, Kevin Jeffay, Ph.D., declare as follows:

1. I provided a prior declaration regarding U.S. Patent No. 8,243,593 (EX1001, the “’593 patent”). In that prior declaration (EX1003), I discussed and analyzed a paper entitled “Four Steps to Application Performance Across the Network with Packeteer’s PacketShaper®” (EX1006, “Four-Steps Whitepaper”) that was obtained from an archived version of the Packeteer website. In my prior declaration, I also cited a document entitled “Requirements for Internet Gateways” (EX1033, “RFC 1009”). I understand that the Patent Owner has objected to these exhibits arguing that they have not been authenticated or identified and do not constitute prior art to the ’593 patent. I have been asked to provide supplemental information and opinion testimony regarding these two exhibits.

EX1006: “Four-Steps Whitepaper”

2. In my opinion, the Four-Steps Whitepaper identified as EX1006 is what it purports to be, i.e., a PDF version of a paper available from the Packeteer website not later than March 2003. It is further my opinion that the Four-Steps Whitepaper identified as EX1006 constitutes prior art to the ’593 patent because—according to the information provided in EX1006—it was published on the Packeteer website by no later than March 17, 2003 and, in my opinion, a POSA would have been able to find it using reasonable diligence. As I stated in my prior declaration, Packeteer was a well-known industry leader and would have been

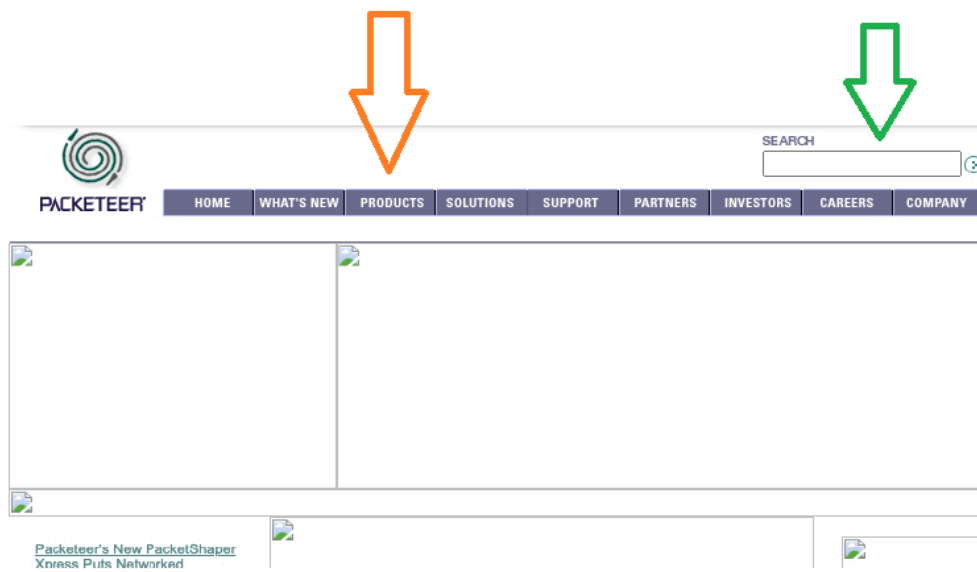
familiar to a POSA. Further, as I previously stated, I personally configured and deployed Packeteer's PacketShaper[®] in my lab. EX1003 ¶43. I have also personally visited the Packeteer website and reviewed documents provided on the Packeteer website. In my opinion, a POSA interested in the PacketShaper[®] could have easily found Packeteer whitepapers and other materials about it on the Packeteer website including the Four-Steps Whitepaper.

3. In addition to my personal experience, I have also accessed and reviewed an archived version of the Packeteer website from February 2003. Several of the archived web pages are provided in EX1081. In particular, I accessed the following web pages that are each included in EX1081:

- <https://web.archive.org/web/20030216044653/http://packeteer.com/>: This is an archived version of the Packeteer Home Page and is shown on page 5 of EX1081.
- <https://web.archive.org/web/20030206100115/http://www.packeteer.com/products/index.cfm>: This is an archived version of the Packeteer Products Page and is shown on page 7 of EX1081.
- <https://web.archive.org/web/20030206100416/http://www.packeteer.com/products/packetshaper/>: This is an archived version of the Packeteer PacketShaper Page and is shown on page 9 of EX1081.

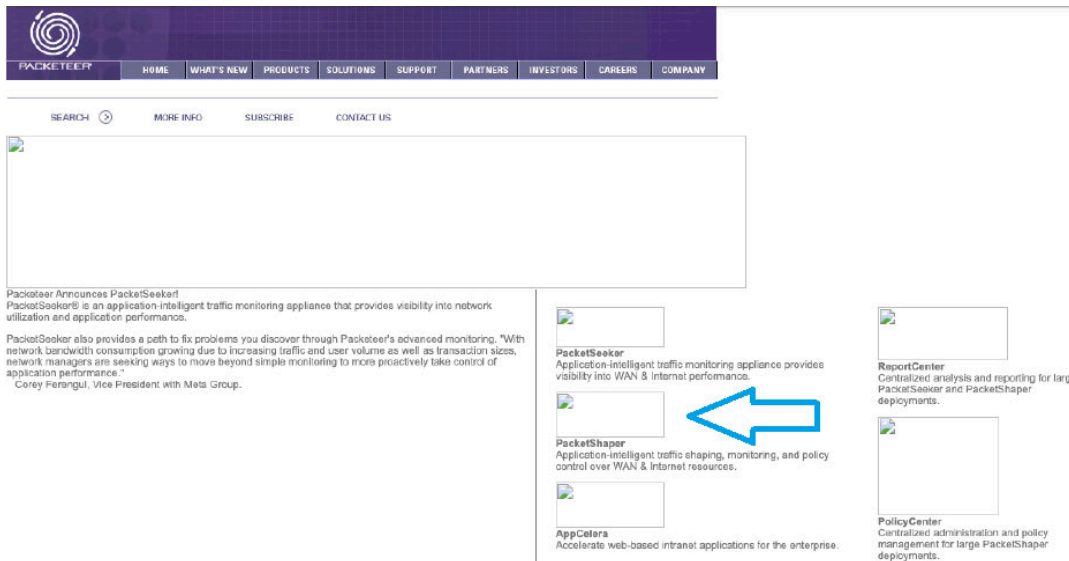
4. I accessed these archived web pages and navigated through them as

follows: First, I accessed the Packeteer Home Page, which is excerpted and annotated below. That web page has a search box at the top of the screen, identified by the green arrow below. Beneath the search bar appears a link bar that includes the following nine links: “Home,” “What’s New,” “Products,” “Solutions,” “Support,” “Partners,” “Investors,” “Careers,” and “Company.” The link “Products” is identified below by an orange arrow.



EX1081, 5 (excerpted and annotated).

5. The “Products” link on the Packeteer Home Page points to the Products Page, which is excerpted and annotated below. Clicking on the “Products” link leads to the Products Page. The Products Page includes a link titled “Packetshaper,” which is identified by a blue arrow below.



EX1081, 7 (excerpted and annotated).

6. The “PacketShaper” link on the Products Page points to the PacketShaper Page, which is excerpted and annotated below. Clicking on the “PacketShaper” link leads to the PacketShaper Page. The PacketShaper Page includes a section titled “White Papers” that includes a link to “Four Steps to Application Performance,” which is identified by a red arrow below.

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