

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

PETITION FOR *INTER PARTES* REVIEW

TABLE OF CONTENTS

List of Exhibits..... vii

Mandatory Notices Under 37 C.F.R. § 42.8 xii

 Real Party-in-Interest (37 C.F.R. § 42.8(b)(1))..... xii

 Related Matters (37 C.F.R. § 42.8(b)(2)) xii

 Lead and Back-Up Counsel (37 C.F.R. § 42.8(b)(3)) xiii

 Service Information (37 C.F.R. § 42.8(b)(4)) xiii

I. Introduction..... 1

II. Grounds for Standing..... 1

III. Technical Background 1

IV. The Challenged Patent.....6

 A. Overview of the '593 Patent.....6

 B. Prosecution History9

 C. Person of Ordinary Skill in the Art 11

V. Claim Construction..... 11

 A. “means for maintaining a set of behavioral statistics for the flow...” (claims 25 and 29)..... 12

 B. “means for determining... whether the flow is exhibiting undesirable behavior” (claim 25) 12

 C. “means for enforcing...[a/the] penalty on the flow” (claims 25 and 32)..... 12

 D. “means for computing... a badness factor for the flow” (claim 29)..... 13

 E. “means for determining... a penalty to impose on the flow” (claim 31) 13

 F. “means for determining an increased drop rate to impose on one or more information packets belonging to the flow” (claim 37) 13

 G. “means for imposing [an/the] increased drop rate on the flow” (claims 27 and 38) 13

H.	“means for receiving a particular information packet belonging to the flow” (claims 43 and 44).....	14
I.	“means for determining whether to forward the particular information packet to a destination” (claim 43).....	14
J.	“means for updating [...] the set of behavioral statistics to reflect processing of the particular information packet” (claims 43 and 44).....	14
VI.	Overview of the Prior Art.....	15
VII.	Grounds of Unpatentability	16
A.	Ground 1: Claims 1, 2, 4-7, 17, 18, 25-27, 37, and 38 Are Obvious over Yung	17
	1. Overview: Yung Discloses a System for Classifying and Controlling Flows Using Behavioral Statistics.....	17
	2. Independent Claim 1	19
	a. Yung Discloses the Preamble of Claim 1.....	19
	b. Yung Discloses the “Creating” Limitation.....	21
	c. Yung Stores Payload-Content-Agnostic Behavioral Statistics Regardless of the Presence or Absence of Congestion	25
	d. Yung Discloses the “Updating” Limitation.....	28
	e. Yung Discloses the “Determining” Limitation	30
	f. Yung Discloses the “Enforcing” Limitation.....	33
	g. Yung Discloses Performing the Steps on a Router Without Requiring Use of Inter-Router Data	34
	3. Independent Claim 2	36
	a. Yung Discloses the Preamble of Claim 2.....	36
	b. Yung Discloses the Limitations of Claim 2	37
	4. Independent Claims 4 and 5	37
	5. Independent Claim 25	39
	a. Yung Discloses the Preamble of Claim 25.....	39
	b. Yung Discloses the “Means for Maintaining” Limitation	39

c.	Yung Discloses the “Means for Determining” Limitation	40
d.	Yung Discloses the “Means for Enforcing” Limitation.	40
6.	Dependent Claims 6 and 26	41
7.	Dependent Claims 7 and 27	41
8.	Dependent Claims 17 and 37	42
9.	Dependent Claims 18 and 38	42
B.	Ground 2: Claims 9-13, 19-24, 29-33, and 39-44 Are Obvious over Yung and Copeland.....	43
1.	Overview: Yung Discloses a System for Classifying and Controlling Flows Using Behavioral Statistics, and Copeland Calculates a Flow-Based Concern Index.....	43
2.	Motivation to Combine	45
3.	Independent Claim 9	48
a.	Yung Discloses the Preamble of Claim 9.....	48
b.	Yung Discloses the “Maintaining” Limitation.....	48
c.	Yung in View of Copeland Discloses the “Computing” Limitation.....	49
4.	Independent Claim 29	51
a.	Yung Discloses the Preamble of Claim 29.....	51
b.	Yung Discloses the “Means for Maintaining” Limitation	52
c.	Yung Discloses the “Means for Computing” Limitation	52
5.	Dependent Claims 10 and 30	53
6.	Dependent Claims 11 and 31	53
7.	Dependent Claims 12 and 32	54
8.	Dependent Claims 13 and 33	54
9.	Dependent Claims 19 and 39	55
10.	Dependent Claims 20 and 40	55

11. Dependent Claims 21 and 41	56
12. Dependent Claims 22 and 42	57
13. Dependent Claims 23 and 43	58
14. Dependent Claims 24 and 44	59
C. Ground 3: Claim 3 Is Obvious over Yung and Four-Steps Whitepaper	61
1. Overview: Yung Discloses a System for Classifying and Controlling Flows Using Behavioral Statistics, and Four- Steps Whitepaper Discloses Tracking Dropped Packets	61
2. Motivation to Combine	62
3. Independent Claim 3	64
a. Yung Discloses the Preamble of Claim 3	64
b. Yung Discloses a Medium Storing a Data Structure	64
c. Yung Discloses the “First Field”	66
d. Yung in View of Four-Steps Whitepaper Discloses the “Second Field”	66
e. Yung Discloses the “Third Field”	67
f. Yung Discloses the “Fourth Field”	67
g. Yung Discloses the “Fifth Field”	68
D. Ground 4: Claims 8, 14-16, 28, and 34-36 Are Obvious over Yung and Copeland in View of Ye	69
1. Overview: Yung-Copeland Discloses a System for Classifying Flows Using Behavioral Statistics, and Ye Describes a Congestion Condition	69
2. Motivation to Combine	70
3. Dependent Claims 8, 14, 28, and 34	72
4. Dependent Claims 15 and 35	74
5. Dependent Claims 16 and 36	75
VIII. Discretionary Denial Would Be Inappropriate and Inequitable	75
IX. Conclusion	80

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.