UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC., Petitioner,

v.

ORCKIT CORPORATION, Patent Owner.

Case IPR2023-00554 Patent 10,652,111

EXHIBIT 2025

DECLARATION OF MIGUEL GOMEZ

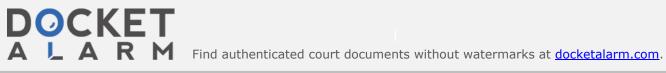


TABLE OF CONTENTS

		<u>P</u>	<u>age</u>	
I.	INT	RODUCTION	1	
II.	QUA	ALIFICATIONS	1	
III.	BAS	ES OF OPINIONS	9	
IV.	APPLICABLE LEGAL STANDARDS9			
	A.	Ordinary Skill in the Art	9	
	В.	Claim Construction	11	
	C.	Obviousness (35 U.S.C. § 103)	11	
V.		ERVIEW OF THE '111 PATENT AND THE STATE OF E ART	15	
	A.	Technical Background of the '111 Patent	15	
	B.	Petitioner's Cited References	17	
		1. Lin (Ex. 1005)	17	
		2. Shieh (Ex. 1006)	19	
		3. Swenson (Ex. 1007)	19	
	C.	Level of Ordinary Skill	20	
VI.	CLA	AIM CONSTRUCTION	21	
VII.	REF	COMBINATION OF THE CITED PRIOR ART TERENCES TEACHES OR SUGGESTS EVERY IITATION OF THE CLAIMS	21	
	Α.	Lin and Swenson do not render obvious claim 1	21	



	1.	the claimed controller under either Patent Owner's or Petitioner's proposed constructions21			
		a. Lin does not disclose or render obvious a controller configured to perform or capable of controlling DPI22			
		b. Swenson does not disclose or render obvious a controller configured to perform or capable of controlling DPI			
		c. A POSITA would not have combined Swenson's controller with Lin's or adapted such a combination to practice the claimed controller in Lin's system in any event			
		d. Lin does not disclose sending the packet to the second entity "responsive to the packet not satisfying the criterion" or sending the packet to an entity other than the second entity "responsive to the packet satisfying the criterion."			
B.	Shie	and Swenson do not render obvious claim 141			
	1.	Shieh does not disclose the claimed "packet-applicable criterion" responsive to which a packet is sent either to a second entity or to another entity that is different from the second entity			
C.	to ar	Claim 3: The prior art does not disclose sending the packet to an entity that is other than the second entity <i>and</i> to the <i>controller</i>			
D.	pack	Claims 4 and 5: The prior art does not disclose sending the packet to an entity that is other than the second entity and to the controller			
E.		6: The prior art does not disclose storing <i>the packet</i>			



	F.	Claim 7: The prior art does not disclose sending "a portion of the packet" as claimed	49
	G.	Claim 16: The prior art does not disclose "the packet comprises distinct header and payload fields, the header comprises one or more flag bits, and wherein the packet-applicable criterion is that one or more of the flag bits is set"	50
	Н.	Claim 30: The prior art does not disclose "receivingone or more additional packets" as claimed	51
VIII	CON	CLUSION	54



I. INTRODUCTION

- 1. My name is Miguel Gomez. I have been retained as an expert witness to provide my independent opinion in regards with matters at issue in the inter partes review of U.S. 10,652,111 ("the '111 Patent") in the IPR2023-00554 proceeding. I have been retained by Orckit Corporation ("Orckit"), the Patent Owner, in the above proceedings. Petitioner in this case is Cisco Systems, Inc. ("Cisco").
- 2. Unless otherwise noted, the statements made herein are based on my personal knowledge, and if called to testify about this declaration, I could and would do so competently and truthfully.
- 3. My CV is being submitted herewith as Exhibit 2026 to this proceeding and is summarized in Section II, *infra*.
- 4. I am not a legal expert and offer no opinions on the law. However, I have been informed by counsel of the various legal standards that apply, and I have applied those standards in arriving at my conclusions.
- 5. The opinions I set forth herein are my own and are based on my education, experience, training, and skill I have accumulated.

II. QUALIFICATIONS

6. I received a Bachelor of Science in Electrical Engineering degree from Yale University in 1983. I have forty years of experience in the design and



DOCKET

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.

