

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,

Petitioner,

- vs. -

ORCKIT IP, LLC,

Patent Owner.

Case IPR2023-00554

U.S. Patent No. 10,652,111

REPLY DECLARATION OF SAMRAT BHATTACHARJEE, PH.D.

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I, Samrat Bhattacharjee, Ph.D., hereby declare as follows:

I. INTRODUCTION

1. I have been retained on behalf of Cisco Systems, Inc. (“Cisco”) to provide my technical review, analysis, insights, and opinions concerning the validity of the claims of U.S. Patent No. 10,652,111 (EX1001; “the ’111 Patent”) entitled “Method and System for Deep Packet Inspection in Software Defined Network.” The patent is assigned to Orckit IP, LLC (“Orckit” or “Patent Owner”).

2. I am the same Samrat Bhattacharjee who provided a declaration on February 21, 2023, in support of Cisco’s Petition for *Inter Partes* Review in this proceeding. See EX1004. I maintain the opinions that were set forth in that previous declaration. I provide this reply declaration to respond to certain opinions provided by Miguel Gomez in a declaration (the “Gomez Declaration”) submitted in support of the Patent Owner Response filed by Patent Owner. The Gomez Declaration is marked as Exhibit 2025 in this proceeding.

3. My background and qualifications were set forth in Paragraphs 1-11 of my original declaration (EX1004) in this proceeding, as well as my curriculum vitae marked as Exhibit 1003, and I incorporate that information by reference in this reply declaration. In this reply declaration, I apply the same understanding of the governing law as set forth in Paragraphs 12-19 of my original declaration.

II. MATERIALS RELIED ON IN FORMING MY OPINIONS

4. In forming my opinions in this reply declaration, I have relied on the '111 Patent's claims, specification and prosecution history, on the prior art exhibits to the IPR Petition (Paper 1), any other materials cited in this reply declaration, and my own knowledge, experience and expertise, and the knowledge of a POSA in the relevant timeframe. I have also reviewed and relied upon the materials cited in my original declaration (EX1004), the materials cited in the Gomez Declaration, and the transcript of Mr. Gomez's deposition. I have also reviewed the Decision Granting Institution of *Inter Partes* Review provided by the U.S. Patent and Trademark Office Patent Trial and Appeal Board ("PTAB") in this proceeding. See Paper 8.

III. LEVEL OF ORDINARY SKILL IN THE ART AND PRIORITY DATE

5. In this reply declaration, I apply the same definition of a person of ordinary skill in the art ("POSA") as set forth in Paragraphs 48-49 of my original declaration. EX1004. Mr. Gomez does not dispute my definition of a POSA. EX2025, ¶¶23-25, 46-47; see Paper 22 at 16.

6. In this reply declaration, I apply the same priority date for the '111 Patent of April 22, 2014, as was set forth in Paragraph 47 of my original declaration. EX1004. Mr. Gomez's declaration asserts that the priority date for the '111 Patent should be April 7, 2006. EX2025, ¶¶23. However, he acknowledged during his

deposition that this was a mistake in his declaration, and he agreed that the priority date to be applied should be April 22, 2014. EX1016 at 54:16-55:24.

IV. THE '111 PATENT

7. In Paragraphs 36-39 of the Gomez Declaration, Mr. Gomez provides his description of the '111 Patent. EX2025. Paragraphs 30-46 of my original declaration provide a description of the specification disclosure and claims of the '111 Patent, as well as the prosecution history for the patent application that resulted in the issuance of the '111 Patent. EX1004.

V. THE PRIOR ART REFERENCES

A. Lin

8. Paragraphs 50-56 of my original declaration provide my opinions on the disclosure of Lin. EX1004. Mr. Gomez provides his opinions on Lin in Paragraphs 41-43 of the Gomez Declaration. EX2025. I note that some of the citations in Paragraph 43 of the Gomez Declaration cite to the wrong sections of Lin. Mr. Gomez acknowledged the mistaken citations during his deposition. EX1016 at 61:21-62:18. Further, Mr. Gomez cites to example embodiments in Lin (EX2025, ¶¶42-43), and a POSA would have known that the disclosure of Lin is not limited just to what is disclosed in example embodiments. EX1016 at 61:17-20.

B. Shieh

9. Paragraphs 57-62 of my original declaration provide my opinions on the disclosure of Shieh. EX1004. Mr. Gomez provides his opinions on Shieh in

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