

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

---

**DECLARATION OF SAMRAT BHATTACHARJEE, Ph.D.  
IN SUPPORT OF PETITION FOR *INTER PARTES*  
REVIEW OF U.S. PATENT NO. 10,652,111**

## TABLE OF CONTENTS

I.	INTRODUCTION AND QUALIFICATIONS.....	1
II.	UNDERSTANDING OF THE GOVERNING LAW .....	4
	A. Invalidity by Obviousness.....	4
	B. Interpreting Claims Before the Patent Office .....	8
	C. Materials Relied on in Forming My Opinions.....	8
III.	BACKGROUND DISCUSSION COMPUTER NETWORKING TECHNOLOGY .....	9
IV.	OVERVIEW OF THE '111 Patent.....	14
	A. Specification of the '111 Patent.....	14
	B. The Claims of the '111 Patent.....	18
	C. The Prosecution History of the '111 Patent.....	19
	D. The Priority Date of the '111 Patent .....	25
V.	STATE OF THE ART PRIOR TO THE '111 Patent .....	25
	A. The Person of Ordinary Skill in the Art.....	25
	B. Lin .....	26
	C. Shieh.....	30
	A. Swenson .....	35
VI.	CLAIM CONSTRUCTION .....	40
VII.	FOUNDATIONS OF INVALIDITY .....	44
	A. Ground 1: Claims 1-9, 12-24 and 27-31 of the '111 Patent are obvious over Lin in view of Swenson. ....	44

a. Claim 1.....	44
b. Claim 2.....	74
c. Claim 3.....	75
d. Claim 4.....	78
e. Claim 5.....	81
f. Claim 6.....	82
g. Claim 7.....	84
h. Claim 8.....	85
i. Claim 9.....	85
j. Claim 12.....	87
k. Claim 13.....	88
l. Claim 14.....	88
m. Claim 15.....	89
n. Claim 16.....	91
o. Claim 17.....	92
p. Claim 18.....	93
q. Claim 19.....	95
r. Claim 20.....	95
s. Claim 21.....	97
t. Claim 22.....	98
u. Claim 23.....	98
v. Claim 24.....	99
w. Claim 27.....	100

x. Claim 28.....	101
y. Claim 29.....	101
z. Claim 30.....	102
aa. Claim 31.....	103
B. Ground 2: Claims 1, 5-9, 12-24 and 27-30 of the '111 Patent are obvious over Shieh in view of Swenson.....	104
a. Claim 1.....	104
b. Claim 5.....	127
c. Claim 6.....	128
d. Claim 7.....	129
e. Claim 8.....	130
f. Claim 9.....	131
g. Claim 12.....	132
h. Claim 13.....	133
i. Claim 14.....	134
j. Claim 15.....	135
k. Claim 16.....	136
l. Claim 17.....	138
m. Claim 18.....	139
n. Claim 19.....	140
o. Claim 20.....	141
p. Claim 21.....	141
q. Claim 22.....	142

r. Claim 23.....	143
s. Claim 24.....	144
t. Claim 27.....	145
u. Claim 28.....	145
v. Claim 29.....	146
w. Claim 30.....	146
VIII. OBJECTIVE INDICIA OF NON-OBVIOUSNESS.....	148

# 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.