

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RADWARE, INC.,

Petitioner

v.

F5 NETWORKS, INC.,

Patent Owner

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*Inter Partes Review No. 2017-01249*

Patent No. 6,311,278

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PETITION FOR *INTER PARTES* REVIEW

UNDER 35 U.S.C. §§311-319 AND 37 C.F.R. §§42.1-.80, 42.100 ET SEQ.

## TABLE OF CONTENTS

	Page
INTRODUCTORY STATEMENT .....	1
I. MANDATORY NOTICES (37 C.F.R. §42.8(A)(1)).....	1
A. Real Parties-in-Interest (37 C.F.R. §42.8(b)(1)) .....	1
B. Related Matters (37 C.F.R. §42.8(b)(2)).....	1
C. Designation of Lead and Back-Up Counsel (37 C.F.R. §42.8(b)(3)) .....	2
D. Grounds for Standing (37 C.F.R. §42.104(a)) .....	2
E. Service Information (37 C.F.R. §42.8(b)(4)) .....	3
F. Payment of Fees (37 C.F.R. §42.103).....	3
II. STATEMENT OF THE PRECISE RELIEF REQUESTED AND THE REASONS THEREFOR .....	3
III. THE '278 PATENT (“RAANAN”) .....	4
A. Summary .....	4
B. Raanan’s File History.....	8
IV. A PERSON OF ORDINARY SKILL IN THE ART .....	9
V. CLAIM CONSTRUCTION (37 C.F.R. §§42.104(B)(3)).....	10
A. “Deriving From The Server Messages Sets Of Allowable Actions” .....	10
VI. PRIOR ART BACKGROUND .....	12
A. U.S. Patent No. 6,219,786 to Cunningham et al. (“Cunningham”) (Ex. 1010).....	12
B. U.S. Patent No. 5,987,611 to Freund et al. (“Freund”) (Ex. 1011).....	17
C. U.S. Patent No. 6,151,624 to Teare et al. (“Teare”) (Ex. 1012) .....	20
VII. IDENTIFICATION OF THE CHALLENGE (37 C.F.R. §42.104(B)) .....	22
A. Claims of Raanan Are Not Entitled to the Priority Date of 9/9/1998.....	22

**TABLE OF CONTENTS**  
(continued)

	<b>Page</b>
B. GROUND 1 .....	24
1. Claim 15 .....	24
2. Claims 1 and 25 .....	28
3. Claims 2 and 3 .....	32
4. Claim 5 .....	34
5. Claims 19, 26, and 10 .....	35
6. Claim 21 .....	41
7. Claims 11, 12, and 14 .....	42
C. GROUND 2: Claims 1-7, 10-12, 14-15, 19-26 are Rendered Obvious By Cunningham In View Of Freund .....	44
1. Claim 15 .....	47
2. Claims 1 and 25 .....	50
3. Claims 2 and 3 .....	55
4. Claims 4, 5 and 7 .....	58
5. Claim 6 .....	60
6. Claims 19, 26, and 10 .....	62
7. Claims 20-21 and 23-24 .....	67
8. Claim 22 .....	70
9. Claims 11, 12 and 14 .....	72
D. Ground 3: Claim 23 Is Rendered Obvious By Cunningham In View Of Freund And Teare .....	75
VIII. CONCLUSION .....	77
IX. CERTIFICATION TO WORD COUNT UNDER 37 C.F.R. §42.24(D) .....	78

## INTRODUCTORY STATEMENT

Radware, Inc. (“Radware” or “Petitioner”) in accordance with 35 U.S.C. §§311-319 and 37 C.F.R. §§42.1-.80, 41.100-41.123, respectfully requests *inter partes* review and cancellation of claims 1-7, 10-12, 14-15, and 19-26 of U.S. Patent No. 6,311,278 (“’278 Patent” or “Raanan”) as anticipated and/or obvious under 35 U.S.C. §§102 and 103. The U.S. Patent and Trademark Office (USPTO) assignment records indicate that Raanan is assigned to F5 Networks, Inc. (“Patent Owner”).

### **I. MANDATORY NOTICES (37 C.F.R. §42.8(a)(1))**

#### **A. Real Parties-in-Interest (37 C.F.R. §42.8(b)(1))**

The real party-in-interest is Radware, a corporation organized under the laws of New Jersey. Radware is not barred by operation of estoppel to submit this Petition for *inter partes* review.

#### **B. Related Matters (37 C.F.R. §42.8(b)(2))**

Raanan (Ex. 1001) is asserted against Petitioner in litigation, *F5 Networks, Inc. v. Radware, Inc.*, Case No. 16-cv-480-RAJ, pending in the United States District Court for the Western District of Washington. The complaint was filed on April 4, 2016 (Ex. 1002) and served on April 7, 2016 (Ex. 1003). Petitioner is not aware of any pending prosecution or administrative proceedings concerning Raanan.

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

Petitioner provides the following designation of counsel. Please address all correspondence to lead and back-up counsel.

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**D. Grounds for Standing (37 C.F.R. §42.104(a))**

Petitioner certifies that Raanan is eligible for *inter partes* review and further certifies that Petitioner is not barred or otherwise estopped from requesting *inter partes* review challenging the identified claims on the grounds in the present Petition. This Petition is filed within one year of the date Petitioner was served with a complaint of infringement of Raanan. A true copy of the Proof of Service of Summons and Complaint, showing the date of service of April 7, 2016 is included as Ex. 1003. Petitioner has not filed a civil action challenging the validity of a claim of Raanan. 35 U.S.C. §315(a).

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