UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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CISCO SYSTEMS, INC.,
Petitioner,

v.

EGENERA, INC.,
Patent Owner.

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Case IPR2017-01341
Patent 7,231,430 B2

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Before CHARLES J. BOUDREAU, WILLIAM M. FINK, and
MELISSA A. HAAPALA, *Administrative Patent Judges*.

HAAPALA, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

Cisco Systems, Inc. ("Petitioner") filed a Petition pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1–8 of U.S. Patent No. 7,231,430 B2 ("the '430 patent"). Paper 2 ("Pet."). Egenera, Inc. ("Patent Owner") filed a Preliminary Response. Paper 7 ("Prelim. Resp."). Pursuant to our authorization, Petitioner filed a Reply to Patent Owner's Preliminary Response. Paper 9. Applying the standard set forth in 35 U.S.C. § 314(a), which requires demonstration of a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim, we deny Petitioner's request and do not institute an *inter partes* review.

I. BACKGROUND

A. The '430 Patent (Ex. 1001)

The '430 patent describes processing systems having virtualized communication networks and storage for quick deployment and reconfiguration. Ex. 1001, 1:17–19. The platform provides a large pool of processors from which a subset may be selected and configured through software commands to form a virtualized network of computers ("processing area network" or "processor clusters") that may be deployed to serve a given set of applications or customer. *Id.* at 2:47–52. The virtualization may include virtualization of local area networks (LANs) or the virtualization of I/O storage. *Id.* at 2:55–57.

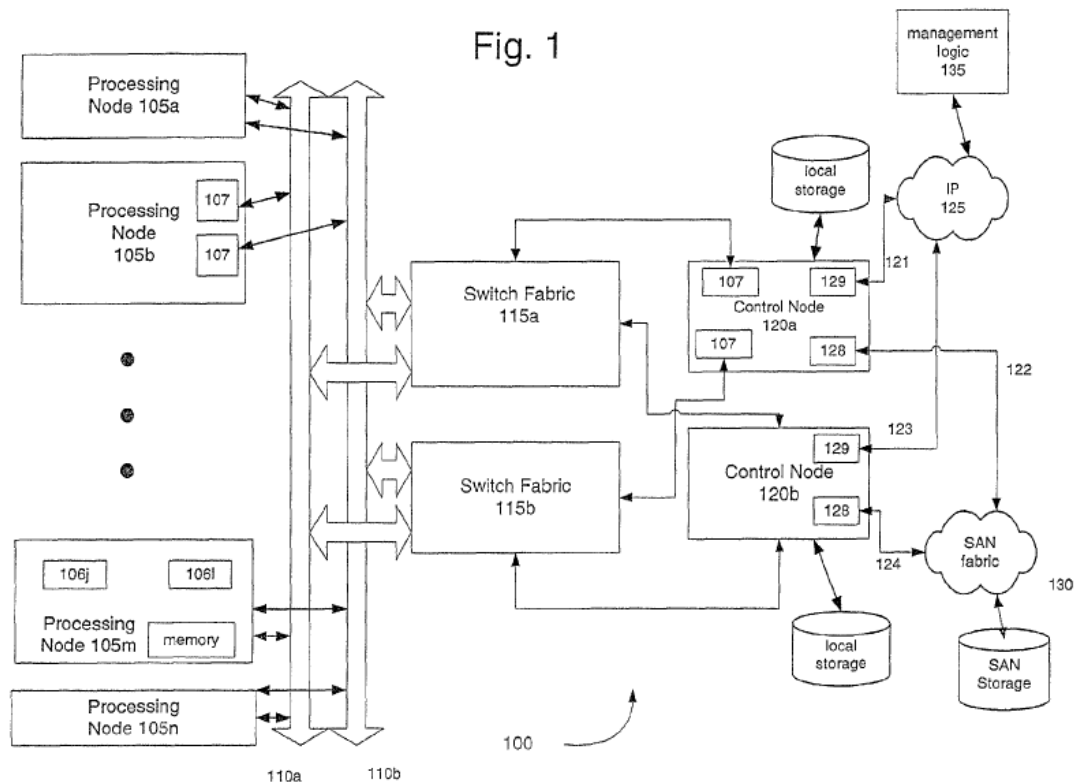Figure 1 of the '430 patent is reproduced below:

Fig. 1

Figure 1 illustrates a system diagram of a preferred hardware platform of the invention. *Id.* at 2:21–22, 2:65. Hardware platform 100 includes processing nodes 105a-105n connected to switch fabrics 115a, 115b via high-speed interconnects 110a, 110b. *Id.* at 2:65–67. Switch fabrics 115a, 115b are also connected to at least one control node 120a, 120b in communication with external Internet Protocol (IP) network 125 and storage area network (SAN) 130. *Id.* at 3:1–4.

Each control node 120a, 120b communicates with SAN 130 via channel adapter card 128. *Id.* at 3:26–27. Control nodes 120a, 120b communicate with Internet 125 (or other external network) via external network interface 129. *Id.* at 3:28–30. Management application 135 may access one of more of control nodes 120a, 120b via IP network 125 to assist in configuring platform 100 and deploying virtualized Processing Area Networks (PANs). *Id.* at 3:4–8. In some embodiments, processing nodes

105a–105n, control nodes 120a, 120b, and switch fabrics 115a, 115b are contained in a single chassis and interconnected via a fixed, pre-wired mesh of point-to-point (PtP) links. *Id.* at 3:9–12. Figure 1 depicts additional components not described.

Under software control, the platform supports multiple, simultaneous, and independent PANs, which are each configured to have a corresponding subset of processors that may communicate via a virtual local area network that is emulated over the PtP mesh. *Id.* at 3:53–58. An administrator defines the network topology of a PAN. *Id.* at 5:56–57. The virtual local area network provides communication among a set of computer processors, but excludes processors not in the defined set. *Id.* at 2:11–15. A virtual storage space is also defined and established with a defined correspondence to the address space of a storage network. *Id.* at 2:15–16. Logic at the control node translates or transforms the addresses and commands as necessary from a PAN and transmits them accordingly to the SAN, which services the commands. *Id.* at 21:39–42.

The '430 patent further describes that control node-side networking logic may include a virtual LAN server. *Id.* at 6:40–47. The virtual LAN server services external connection by moving packets between external Ethernet driver and internal processors. *Id.* at 15:15–18. It intercepts and process packets from and to the external domain and handles IP address not configured locally. *See id.* at 15:7–9, 15:27–30

B. Illustrative Claim

Claims 1, 3, 4, 5, 7, and 8 are independent claims. Claim 3 is illustrative of the subject matter of the claims at issue:

3. A platform for automatically deploying at least one virtual processing area network, in response to software commands, said platform comprising:

a plurality of computer processors connected to an internal communication network;

at least one control node in communication with an external communication network and in communication with an external storage network having an external storage address space. wherein the at least one control node is connected to the internal communication network and thereby in communication with the plurality of computer processors, said at least one control node including logic to receive messages from the plurality of computer processors, wherein said received messages are addressed to the external communication network and to the external storage network and said at least one control node including logic to modify said received messages to transmit said modified messages to the external communication network and to the external storage network;

configuration logic for receiving and responding to said software commands, said software commands specifying (i) a number of processors for a virtual processing area network (ii) a virtual local area network topology defining interconnectivity and switching functionality among the specified processors of the virtual processing area network, and (iii) a virtual storage space for the virtual processing area network, said configuration logic including logic to select, under programmatic control, a corresponding set of computer processors from the plurality of computer processors, to program said corresponding set of computer processors and the internal communication network to establish the specified virtual local area network topology, and to program the at least one control node to define a virtual storage space for the virtual processing area network, said virtual storage space having a defined correspondence to a subset of the external storage address space of the external storage network;

wherein the at least one control node receives, via the internal communication network, storage messages from said corresponding set of computer processors, and wherein the at

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