

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZSCALER, INC.,

Petitioner,

v.

SYMANTIC CORPORATION,

Patent Owner.

IPR 2018-00920
Patent 9,525,696 B2

RECORD OF ORAL HEARING
Held: August 8, 2019

Before JEFFREY S. SMITH, BRYAN F. MOORE, and NEIL T. POWELL,
Administrative Patent Judges.

IPR 2018-00920
Patent 9,525,696 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Thursday, August 8, 2019, commencing at 3:22 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia, before Chris Hofer, Notary Public.

P R O C E E D I N G S

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2 JUDGE SMITH: Welcome back everybody. We're here for
3 the second case today. This is IPR 2018-00920. The procedure for this
4 hearing will be the same as the last one. Each side will have 30 minutes to
5 make their case and each side can reserve time for rebuttal. Petitioner will
6 go first. Petitioner, do you wish to reserve time for rebuttal?

7 MR. DAYBELL: Yes, Your Honor. We'll reserve ten minutes
8 for rebuttal.

9 JUDGE SMITH: Okay. And Patent Owner, do you wish to
10 reserve time for rebuttal?

11 MR. WALTERS: Yes, Your Honor, five minutes please.

12 JUDGE SMITH: Five minutes? Okay. And Petitioner, can
13 you step up to the podium and state your appearance.

14 MR. DAYBELL: Yes, Your Honor. Don Daybell appearing
15 for Petitioner Zscaler.

16 JUDGE SMITH: Thank you, and Patent Owner can you step
17 up to the podium and state your appearance.

18 MR. WALTERS: Your Honor, this is Chad Walters and my
19 colleague Bryan Parrish will be handling the argument for this IPR.

20 JUDGE SMITH: Thank you.

21 JUDGE MOORE: And Petitioner, just since it's a different
22 record you might want to mention who you have with you just so it's on the
23 record.

1 MR. DAYBELL: Thank you, Your Honor. With me is my
2 colleague, Jared Bobrow.

3 JUDGE SMITH: Okay. Petitioner, you have 20 minutes to
4 make your presentation and you may begin when ready.

5 MR. DAYBELL: Thank you, Your Honor. So there are four
6 grounds at issue in this case but there's really only one disputed issue and it
7 has to do with the network processing module limitation of claims 1 and 13.
8 Patent Owner highlights the subscriber profile as well but as we will show,
9 the dispute there is largely subsumed within the dispute over this claim
10 limitation, and the dispute is whether the cited prior art teaches what is
11 referred to in claim 13 --

12 JUDGE SMITH: Sorry, can you -- when you use your
13 demonstratives can you refer to --

14 MR. DAYBELL: I apologize, Your Honor. Yes, referring to
15 slide 3, the dispute is over the language in claims 1 and 13 referring to a
16 network processing module and in particular the steps for identifying one or
17 more of the plurality of application processing modules for processing the
18 identified data packets based on an association of the application configured
19 on each application processing module with the subscriber profile.

20 On slide 4 it is Petitioner's contention that Nortel which is the
21 ground 1 and 2 in view of the knowledge of a PHOSITA as well as the
22 combination of Alles and Lin which is grounds 3 and 4 disclose this
23 limitation. Now, as the parties have noted throughout their briefing Nortel is
24 essentially, it's not word for word identical but it's essentially the same

1 substantive disclosure as the combination of Alles and Lin so all of the
2 arguments that both sides make that apply to Nortel apply largely equally to
3 Alles and Lin and we're going to focus on Nortel in this discussion with
4 citations to the Nortel reference primarily.

5 So a quick sort of summary of how the Nortel reference works
6 is it teaches an internet service node which is used to police traffic flow in
7 between access ports and trunk ports. The access ports are where the users
8 are sitting and the trunk ports go back to the internet. So this traffic is
9 processed by what Nortel refers to as a packet service card or packet service
10 cards and those cards receive the traffic from the switch fabric 440 as shown
11 in figure 4 on slide 5. This switch fabric is configured or controlled by a
12 router service management card RNC460 and that card in turn is configured
13 by a configuration manager 470, and as we will show or have shown in our
14 papers that configuration manager uses service policies.

15 So the Nortel reference also teaches a CAM circuit. Cam
16 stands for --

17 JUDGE SMITH: And this is page 6 --

18 MR. DAYBELL: Sorry, slide 6, yes. The Nortel reference also
19 teaches a CAM circuit, CAM being a content addressable memory. This
20 circuit sits on the data path between the ports and the switch fabric as can be
21 seen in figure 8. The data path starts on the right hand side. The data comes
22 in through a framer 810 and then is received by a sign of logic 850 that uses
23 the CAM 820 to identify a processor that is going to process the traffic and it

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