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Paper 11
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZSCALER, INC.,
Petitioner,
v.

SYMANTEC CORPORATION,
Patent Owner.

Case IPR2018-00920
Patent 9,525,696 B2

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

SMITH, *Administrative Patent Judge*.

DECISION
Instituting *Inter Partes* Review
35 U.S.C. § 314(a)

I. INTRODUCTION

Petitioner filed a Petition for *inter partes* review of claims 1–19 of U.S. Patent 9,525,696 (Ex. 1001, the '696 patent"). Paper 1 ("Pet."). Patent Owner filed a Preliminary Response. Paper 9 ("Prelim. Resp."). Institution of an *inter partes* review is authorized by statute when "the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a).

Upon consideration of the Petition and the Preliminary Response, we are persuaded Petitioner has demonstrated a reasonable likelihood that it would prevail in establishing the unpatentability of at least one claim of the '696 patent. Accordingly, we institute an *inter partes* review on all challenged claims and grounds raised in the Petition.

A. Related Matters

The '696 patent, along with several other patents, is the subject of *Symantec Corporation and Symantec Limited v. Zscaler, Inc.*, 17-cv-04414 (N.D. Cal.), transferred from 17-cv-00806 (D. Del.) filed June 22, 2017. Pet. 2–3; Paper 5 (Patent Owner's Mandatory Notice).

The '696 patent shares common parent applications with U.S. Patent 8,402,540 ("the '540 patent"). The '540 patent is the subject of IPR2018-00930. Pet. 4; Paper 5.

B. The '696 Patent

The '696 patent relates generally to protecting computer systems from viruses, attacks from hackers, spyware, spam, and other malicious activities. Ex. 1001, 1:59–63. A flow processing facility inspects payloads of network traffic packets and provides security and protection to a computer. Abstract.

Figure 1 of the '696 patent is reproduced below.

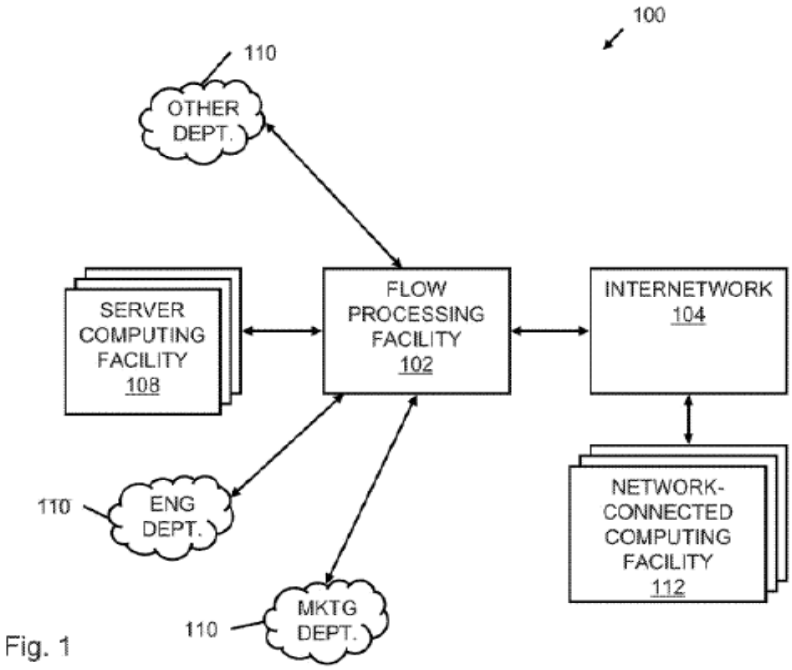

Fig. 1

Figure 1 above shows a networked computing environment 100 for data flow processing, including flow processing facility 102 coupled to internetwork 104, a network-connected computing facility 112, a plurality of server computing facilities 108, and a number of departmental computing facilities 110, such as an engineering department, a marketing department, and another department. Ex. 1001, 19:57–65, 20:7–8. Flow processing facility 102 receives data flows from the computing facilities via internetwork 104 and processes the data flows. *Id*. at 20:29–35. A virtualization aspect of flow processing facility 102 enables the flow processing facility to provide features and functions tailored to users of data flows. *Id*. at 22:16–19. For example, virtualization can present server computing facility 108 with different policies and applications than it provides to network-connected computing facility 112. *Id*. at 22:21–25. A

subscriber profile can relate an application to a subscriber. *Id*. at 37:58–59.

Figure 30 below shows a schematic of an enterprise network. *Id*. at 89:27–28.

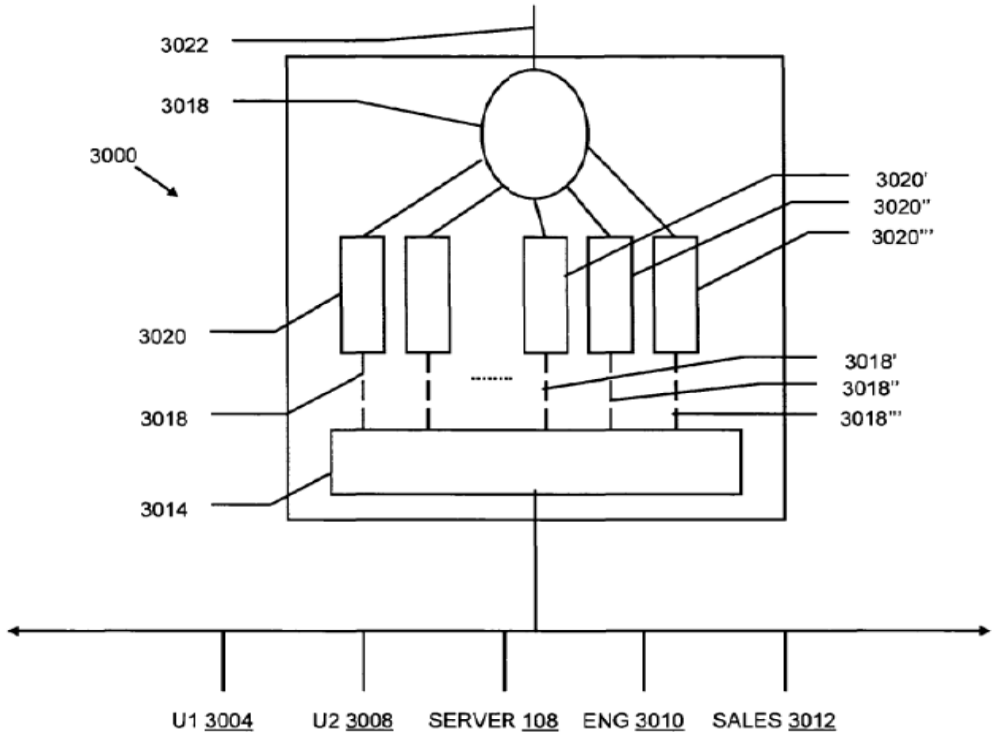

FIG. 30

Figure 30 above shows network participants of network 3000 include user1 3004, user2 3008, and server 108, and participant types of network 3000 include engineering 3010 and sales 3012. *Id*. at 89:42–45. Each of the network participants and participant types has a physical connection to flow processing 102. *Id*. at 89:45–48. Virtualization model 3014 of flow processing facility 102 uniquely identifies data flows 444 from each participant and routes the data flow to a virtual network 3018 associated with the virtual network. *Id*. at 90:3–9. Security policy 3020 is applied to data flow 444 of virtual network 3018, such as anti-virus, anti-span, anti-

spyware, and anti-worm. *Id*. at 90:19–26.

C. Illustrative Claim

Claims 1 and 13 of the challenged claims of the '969 patent are independent. Claim 1 is illustrative of the claimed subject matter:

> 1. A flow processing facility for implementing a security policy, comprising:
>
> a plurality of application processing hardware modules, each configured with an application for processing data packets;
>
> a subscriber profile for identifying data packets associated with the subscriber profile in a stream of data packets; and
>
> a network processing module for identifying one or more of the plurality of application processing modules for processing the identified data packets based on an association of the application configured on each application processing module with the subscriber profile and for transmitting the identified data packets in at least one of series and parallel to the identified application processing modules based on the security policy.

Ex. 1001, 123:48–63.

D. References

Petitioner relies on the following references. Pet. 5–6.

Ex. 1004	Nortel	WO 00/33204	June 8, 2000
Ex. 1005	Stone	US 5,598,410	Jan. 28, 1997
Ex. 1006	Alles	US 6,466,976 B1	Oct. 15, 2002 (filed Dec. 3, 1998)
Ex. 1007	Lin	US 6,633,563 B1	Oct. 14, 2003 (filed Mar. 2, 1999)

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