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.

CENTRIPETAL NETWORKS, INC.,
Patent Owner.

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IPR2018-01513
Patent 9,560,077 B2

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Before BRIAN J. McNAMARA, J. JOHN LEE, and
JOHN P. PINKERTON, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

INTRODUCTION

Cisco Systems, Inc. ("Petitioner") filed a Petition (Paper 2, "Pet.") requesting an *inter partes* review of claims 1–20 ("the challenged claims") of U.S. Patent No. 9,560,077 B2 (Ex. 1001, "the '077 Patent"). An *inter partes* review of all challenged claims was instituted on April 2, 2019. Paper 7 ("Inst. Dec."). After institution, Centripetal Networks, Inc. ("Patent Owner") filed a Patent Owner Response (Paper 13, "PO Resp."), Petitioner filed a Reply (Paper 16, "Pet. Reply"), and Patent Owner filed a Sur-reply (Paper 20, "PO Sur-reply"). An oral hearing was held on January 9, 2020. Paper 24 ("Tr.").

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a). As explained below, Petitioner has shown by a preponderance of the evidence that all challenged claims of the '077 Patent are unpatentable.

A.   Related Cases

The parties identify as related to the present case *Centripetal Networks, Inc. v. Cisco Systems, Inc.*, Case No. 2:18-cv-00094-MSD-LRL (E.D. Va.). Pet. 1; Paper 3, 1.

B.   The '077 Patent

The '077 Patent relates to protecting networks using packet security gateways (PSGs) armed with dynamic security policies. Ex. 1001, 1:48–61. Figure 1 of the '077 Patent is reproduced below:
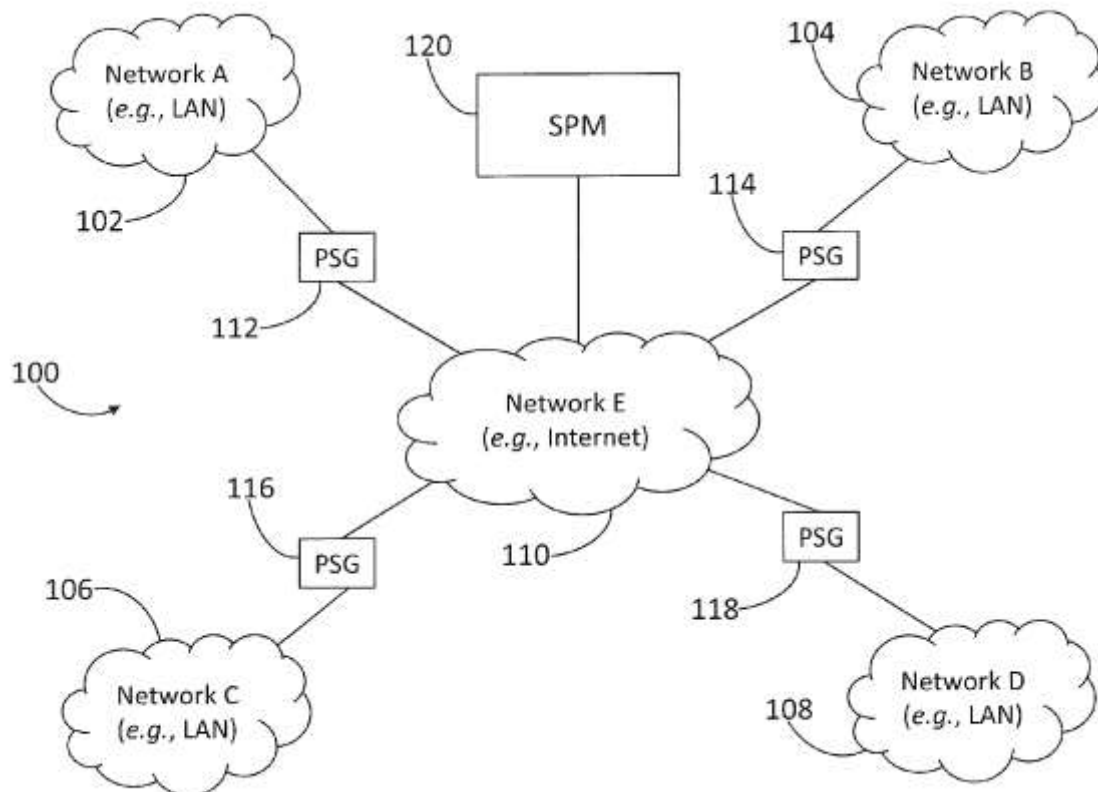
FIG. 1

Figure 1 illustrates network environment 100 in which aspects of the claimed invention of the '077 Patent are implemented, with networks 102, 104, 106, 108, and 110 interfacing with each other. *Id.* at 4:27–30, 4:38–40. For example, one or more Internet Service Providers (ISPs) in network environment 100 may interface one or more networks via the Internet. *Id.* at 4:40–45. PSG 112 is located at the boundary between Network A 102 and Network E 110. *Id.* at 5:11–15. Network A 102 may be, for example, a Local Area Network (LAN) associated with an organization or other entity. *Id.* at 4:30–37. Each PSG receives a dynamic security policy from security policy management (SPM) server 120. *Id.* at 5:29–31.

PSG 112 may include a packet filter that examines information associated with data packets received by the PSG via its network interfaces

with network A and network E. *Id.* at 5:66–6:10, Fig. 2. The packet filter
may be configured with a dynamic security policy that includes one or more
rules, each of which may specify criteria and an action to be taken on data
packets meeting the criteria. *Id.* at 6:11–31. Such actions may include
forwarding or dropping the packets. *Id.* at 6:19–27. In addition, PSG 112
may be configured in a "network layer transparent manner," i.e., without a
network layer address, to be insulated against attacks launched at the
network layer. *Id.* at 6:32–46.

C.   *Challenged Claims*

Petitioner challenges all of the claims of the '077 Patent. Claims 1, 7,
13, 19, and 20 are the independent claims. Claim 1 is illustrative and is
reproduced below:

> 1.   A method comprising:

> provisioning, each device of a plurality of devices, with one or
> more rules generated based on a boundary of a network protected
> by the plurality of devices with one or more networks other than
> the network protected by the plurality of devices at which the
> device is configured to be located; and

> configuring, each device of the plurality of devices, to:

>> receive packets via a communication interface that does
>> not have a network-layer address;

>> responsive to a determination by the device that a portion
>> of the packets received from or destined for a host located
>> in the network protected by the plurality of devices
>> corresponds to criteria specified by the one or more rules,
>> drop the portion of the packets; and

>> modify a switching matrix of a local area network (LAN)
>> switch associated with the device such that the LAN

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> switch is configured to drop the portion of the packets responsive to the determination by the device.

D. Asserted Grounds of Unpatentability and Asserted Prior Art

Trial was instituted on the following grounds of unpatentability asserted in the Petition:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1–4, 6–10, 12–16, 18, 20	103(a)[1]	Jungck[2]
5, 11, 17, 19	103(a)	Jungck, RFC 2003[3]

Inst. Dec. 26; *see* Pet. 20. In addition, Petitioner relies on two declarations by its proffered expert witness, Dr. Kevin Jeffay (Ex. 1004; Ex. 1012). Likewise, Patent Owner relies on a declaration by its proffered expert witness, Dr. Michael Goodrich (Ex. 2004).

ANALYSIS

A. Level of Ordinary Skill in the Art

Based principally on the testimony of Dr. Jeffay, Petitioner asserts that a person of ordinary skill in the art would have had a bachelor's degree

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[1] The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. § 103. Because the application from which the '077 patent issued is a continuation of an application filed before March 16, 2013, the effective date of the relevant amendment, the pre-AIA version of § 103 applies.

[2] U.S. Patent Appl. Pub. No. 2009/0262741 A1, published Oct. 22, 2009 (Ex. 1008, "Jungck").

[3] C. Perkins, *IP Encapsulation within IP*, Oct. 1996 (Ex. 1009, "RFC 2003").

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