

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

AVI NETWORKS, INC.,  
Petitioner,

v.

CITRIX SYSTEMS, INC.,  
Patent Owner.

---

Case IPR2019-00844  
Patent 8,631,120 B2

---

Before JUSTIN T. ARBES, PATRICK M. BOUCHER, and  
FREDERICK C. LANEY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

DECISION  
Granting Institution of *Inter Partes* Review  
35 U.S.C. § 314

## I. INTRODUCTION

Avi Networks, Inc. (“Avi”) filed a Petition (Paper 6; “Pet.”) to institute an *inter partes* review of claims 1, 2, 4–10, and 12–17 of U.S. Patent No. 8,631,120 B2 (Ex. 1001; “the ’120 patent”). Citrix Systems, Inc. (“Citrix”) filed a Preliminary Response (Paper 12; “Prelim. Resp.”). We have statutory authority over this dispute pursuant to 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

If an *inter partes* review is instituted, a final written decision under 35 U.S.C. § 318(a) must decide the patentability of all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018). Upon consideration of the Petition, the Preliminary Response, and the evidence cited by the parties, we determine that there is a reasonable likelihood that Avi will prevail with respect to at least 1 of the claims challenged in the Petition. Accordingly, we institute an *inter partes* review of all claims and grounds challenged in the Petition. This is not a final patentability determination of any claim under 35 U.S.C. § 318(a), but only an initial determination about whether to institute review.

## II. BACKGROUND

### A. *Related Proceedings*

Avi indicates that the ’120 patent is the subject of a lawsuit between the parties in the U.S. District Court for the District of Delaware (Pet. 1; Ex. 1003, *Citrix Systems, Inc. v. Avi Networks, Inc.*, No. 1:17-cv-1843). Additionally, Avi indicates U.S. Patent No. 9,148,493 B2, which is a

continuation of the '120 patent, is the subject of the above lawsuit and IPR2019-00845. Pet. 2. Citrix identifies the same matters. Paper 9, 1 (“Patent Owner’s Mandatory Notices”).

*B. The '120 Patent*

The '120 patent “relates generally to Internet client-server applications, and more specifically to determining when a client is finished, either temporarily (e.g., in ‘think time’) or permanently, with a connection in order to more efficiently utilize the pooling of connections between clients and servers over the Internet.” Ex. 1001, 1:17–22. The '120 patent represents that the disclosed apparatus, method, and computer program are “for efficiently pooling network client-server connections” and may be “implemented within an interface unit connecting a plurality of servers to the Internet, which is in turn connected to a plurality of clients.” *Id.* 2:53–58. To accomplish this efficient pooling of network client-server connections, the '120 patent describes the following steps:

opening a connection between a first client and the interface unit; determining whether a connection between the interface unit and a server is finished being utilized by the first client; opening a connection between a second client and the interface unit; if no free connection is open between the interface unit and the server, then allowing the second client to access information on the server via the same connection utilized by the first client without waiting for the first client to initiate closing the connection; and delinking the connections between the first and second clients and the interface unit while keeping open the connection between the interface unit and the server.

*Id.* 2:60–3:4. Illustratively, the above steps are shown in the '120 patent in Figure 7, reproduced below.

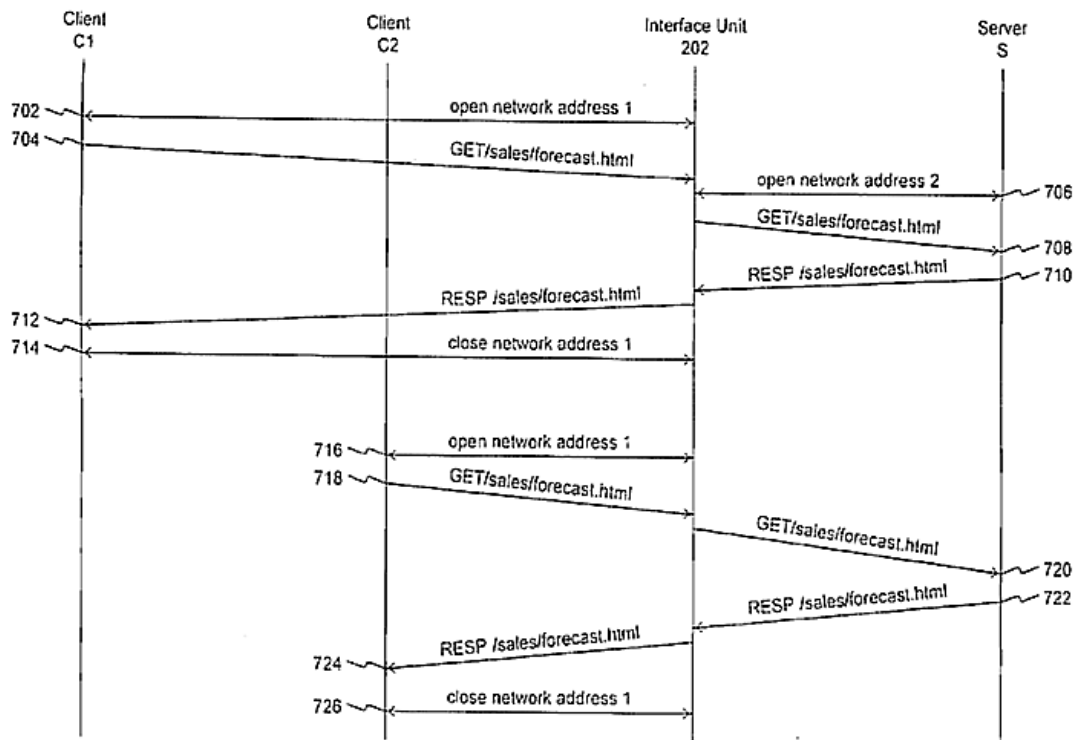


FIG. 7

Figure 7 above depicts a message flow diagram illustrating the steps that an Internet client-server application causes a device to follow to enable connection pooling. *Id.* 3:28–30.

### C. Illustrative Claim

Four of the challenged claims are independent—claims 1, 9, 16, and 17. Claim 1 is illustrative of the claimed subject matter and is reproduced below.

1. A method of pooling a transport layer connection to a server, the method comprising:

(a) receiving, by a device intermediary to a plurality of clients and a server, a first request from a first client over a first transport layer connection between the first client and the device and transmitting the first request over a second

transport layer connection between the device and the server;

(b) receiving, by the device, a second request from a second client over a third transport layer connection between the second client and the device;

(c) determining, by the device from monitoring responses to requests from the server, via a content length parameter identified in application data of a first response that a last byte of the application data has been transmitted from the server and the server has completed communicating the first response to the first request over the second transport layer connection;

(d) identifying, by the device based on the determination and prior to receiving a command to close the first client's connection to the server, that the second transport layer connection is available for use by another client of the plurality of clients; and

(e) transmitting, by the device, the second request over the second transport layer connection to the server.

*D. References and Materials Relied Upon*

In addition to Declarations by Kevin Jeffay, Ph.D. (Ex. 1007), Duane Wessels (Ex. 1008), and Alex Rousskov, Ph.D. (Ex. 1009), Avi relies on the following references and materials in support of the asserted grounds of unpatentability:

<b>References and Materials</b>	<b>Exhibit No.</b>
Source Code for Squid Cache version 2.0 ("Squid") (Oct. 2, 1998)	1004
WO 00/28433 (pub. May 18, 2000) ("Susai")	1005

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.