

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AVI NETWORKS, INC.,  
Petitioner,

v.

CITRIX SYSTEMS, INC.,  
Patent Owner.

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Case IPR2019-00845  
Patent 9,148,493 B2

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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 1–5, 7–13, and 15–20 of U.S. Patent No. 9,148,493 B2 (Ex. 1001; “the ’493 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 ’493 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 the ’493 patent is a continuation of U.S. Patent

No. 8,631,120 B2, which is the subject of the above lawsuit and IPR2019-00844. Pet. 2. Citrix identifies the same matters. Paper 9, 1 (“Patent Owner’s Mandatory Notices”).

*B. The ’493 Patent*

The ’493 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, 1:23–28. The ’493 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.* 2:59–64. To accomplish this efficient pooling of network client-server connections, the ’493 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.* 2:66–3:10. Illustratively, the above steps are shown in the ’493 patent in Figure 7, reproduced below.

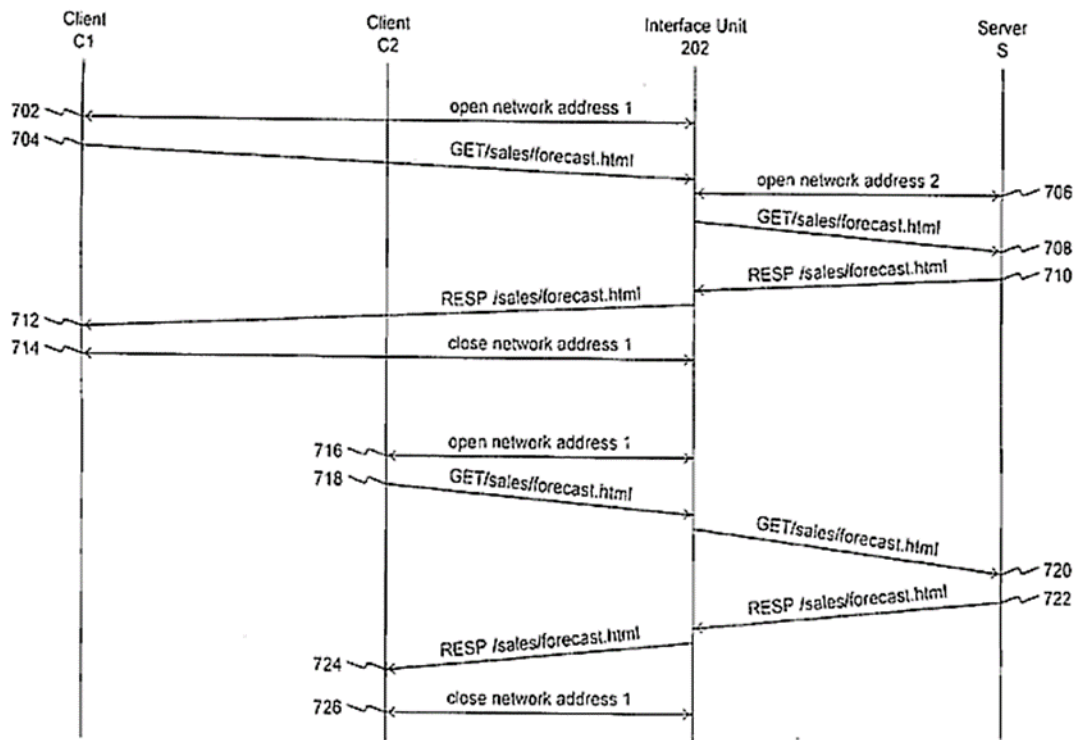


FIG. 7

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.* 3:34–36.

### C. Illustrative Claim

Two of the challenged claims are independent—claims 1 and 9.

Claim 1 is illustrative of the claimed subject matter and is reproduced below.

1. A method comprising:

(a) establishing, by a device, a pool of one or more transport layer connections between the device and a server;

(b) forwarding, by the device, a first request of a first client to the server received via a first connection between the first client and the device over a second transport layer

connection from the pool of one or more transport layer connections between the device and the server;

(c) determining, by the device while the device maintains open the transport layer connection of the pool of one or more transport layer connections between the device and the server, that the second transport layer connection is available for forwarding a second request of a second client via a third transport layer connection between the second client and the device to the server based on the server completing communicating a response to the first request of the first client via the second transport layer connection;

(d) forwarding, by the device responsive to the determination, the second request of the second client over the transport layer connection to the server prior to receiving a close command from the first client via the first transport layer connection between the first client and the device.

*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               |
| Request for Comments No. 2068, <i>Hypertext Transfer Protocol – HTTP/1.1</i> (Jan. 1997) (“RFC 2068”) | 1006               |

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