

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC. and PALO ALTO NETWORKS, INC.,
Petitioner,

v.

PACKET INTELLIGENCE LLC,
Patent Owner.

IPR2020-00336
Patent 6,665,725 B1

Before STACEY G. WHITE, CHARLES J. BOUDREAU, and
JOHN D. HAMANN, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

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

I. INTRODUCTION

Juniper Networks, Inc. and Palo Alto Networks, Inc. (collectively “Petitioner”) filed a Petition requesting an *inter partes* review of claims 10, 12, 13, 16, and 17 (“the challenged claims”) of U.S. Patent No. 6,665,725 B1 (Ex. 1002, “the ’725 patent”). Paper 3 (“Pet.”). Packet Intelligence LLC and Packet Intelligence Holdings LLC (collectively “Patent Owner”) filed a Preliminary Response. Paper 7. With our authorization (Paper 8), Petitioner filed a Preliminary Reply (Paper 9) and Patent Owner filed a Preliminary Sur-Reply (Paper 10). Based on our review of these submissions and associated evidence, we instituted *inter partes* review of the challenged claims. Paper 21 (“Dec.”). After institution, Patent Owner filed a Patent Owner Response (Paper 26, “PO Resp.”), Petitioner filed a Reply (Paper 29, “Reply”), and Patent Owner filed a Sur-Reply (Paper 32, “Sur-Reply”).

A combined oral hearing with cases IPR2020-00336 and IPR2020-00337 was held on June 9, 2021, and a transcript of the hearing is included in the record (Paper 47, “Tr.”). The transcript of an oral hearing held the same day in cases IPR2020-00338, IPR2020-00339, and IPR2020-00486, also involving patents related to the ’725 patent, also is included in the record of this proceeding.¹ Paper 46 (“338 Tr.”).

Following oral hearing, we ordered the parties to provide additional briefing on the claim-construction arguments presented in the briefs and at oral hearing. Paper 41. Petitioner and Patent Owner each filed respective Opening Briefs on claim construction. *See* Paper 42 (“Petitioner’s Opening

¹ The parties had no objection to entering into this record the transcript from the oral hearing for IPR2020-00338, IPR2020-00339, and IPR2020-00486. Tr. 7:15–8:5; 338 Tr. 5:22–6:10.

Brief” or “Pet. Br.”); Paper 43 (“Patent Owner’s Opening Brief” or “PO Br.”). Petitioner filed a Responsive Brief to Patent Owner’s Opening Brief, Paper 44 (“Petitioner’s Responsive Brief” or “Pet. Resp. Br.”), and Patent Owner filed a Responsive Brief to Petitioner’s Opening Brief, Paper 45 (“Patent Owner’s Responsive Brief” or “PO Resp. Br.”).

We have jurisdiction under 35 U.S.C. § 6. This Decision is issued pursuant to 35 U.S.C. § 318(a). For the reasons that follow, we determine Petitioner has shown, by a preponderance of the evidence, that claims 10, 12, 13, 16, and 17 of the ’725 patent are unpatentable.

A. Related Matters

The parties identify two district court litigations as related matters that involve the ’725 patent: *Packet Intelligence LLC v. Juniper Networks, Inc.*, 3:19-cv-04741 (N.D. Cal.) and *Palo Alto Networks, Inc. v. Packet Intelligence LLC*, No. 3:19-cv-02471 (N.D. Cal). Pet. 1; Paper 6, 2. The parties also identify as related matters *Packet Intelligence LLC v. NetScout Systems, Inc.*, No. 2:16-cv-230-JRG (E.D. Tex.) and *Packet Intelligence LLC v. NetScout Systems, Inc.*, No. 19-2041 (Fed. Cir.).² Pet. 1; Paper 6, 2. In addition, the parties identify the following matters pending before the Board, challenging claims of patents related to the ’725 patent: IPR2020-00337, IPR2020-00338, IPR2020-00339, and IPR2020-00486. Pet. 1; Paper 6, 2–3. Lastly, the parties collectively identify the following matters,

² A copy of the Final Judgment in Case No. 2:16-cv-00230, dated September 7, 2018, has been filed by Patent Owner in the record of this proceeding as Exhibit 2059, and a copy of the Decision of the U.S. Court of Appeals for the Federal Circuit in Appeal No. 19-2041, dated July 14, 2020, has been filed by Patent Owner in the record of this proceeding as Exhibit 2060.

no longer pending before the Board, as being related: (i) IPR2017-00862, IPR2017-00863, and IPR2019-01291, which challenged certain claims of the '725 patent; and (ii) IPR2017-00450, IPR2017-00451, IPR2017-00629, IPR2017-00630, IPR2017-00769, IPR2019-01289, IPR2019-01290, IPR2019-01292, and IPR2019-01293, IPR2020-00335, IPR2020-00485, which challenged claims of patents related to the '725 patent. Pet. 2; Paper 6, 3–5.

B. The '725 Patent

The '725 patent is titled “Processing Protocol Specific Information in Packets Specified by a Protocol Description Language.” Ex. 1002, code (54). The '725 patent describes a “method of performing protocol specific operations on a packet passing through a connection point on a computer network.” *Id.* at 3:61–63. “The method includes receiving the packet and receiving a set of protocol descriptions for protocols that may be used in the packet.” *Id.* at 3:66–4:2. The method further “includes performing the protocol specific operations on the packet specified by the set of protocol descriptions based on the base protocol of the packet” and the children of the protocols used in the packet. *Id.* at 4:8–12. “The protocol specific operations include parsing and extraction operations to extract identifying information,” and “state processing operations defined for a particular state of a conversational flow of the packet.” *Id.* at 4:17–21.

Figure 1 of the '725 patent is reproduced below.

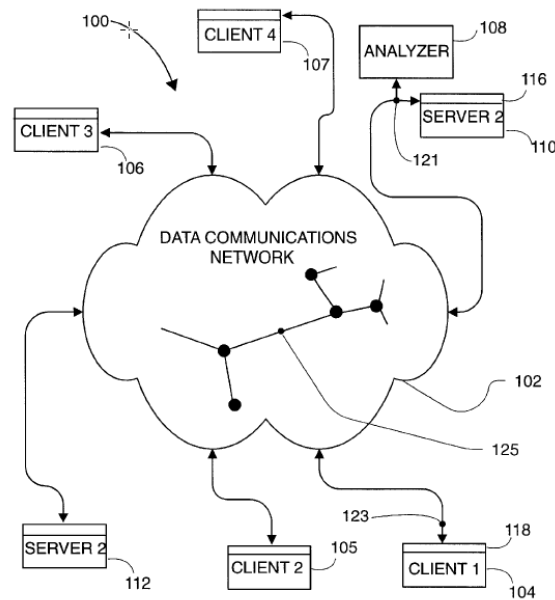


FIG. 1

Figure 1 illustrates a network in “which a monitor is connected to analyze packets passing at a connection point.” *Id.* at 4:30–32. System 100 illustrated in Figure 1 includes computer network 102 that communicates packets between clients 104–107 and servers 110 and 112. *Id.* at 5:63–66. Monitor 108 examines the packets passing in either direction past its connection point 121 and can elucidate what application programs are associated with each packet. *Id.* at 6:1–5. Network activity (for example, an application program run by client 104 communicating with another running on server 110) will produce an exchange of a sequence of packets over network 102 that is characteristic of the respective programs and of the network protocols. *Id.* at 6:18–23. The packets are subsequently parsed then analyzed in the context of various protocols, for example, the transport through the application session layer protocols for packets of a type conforming to an International Standardization Organization (“ISO”) layered network model. *Id.* at 6:27–31.

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