UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC.
Petitioner

v.

IMPLICIT, LLC
Patent Owner

Case: IPR2020-00587
Patent No. 9,591,104

PRELIMINARY RESPONSE TO PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,591,104

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

EXHIBIT LIST

Exhibit	Description
2001	Request for *Inter Partes* Reexamination of U.S. Patent No. 6,629,163
2002	Decision Instituting *Inter Partes* Reexamination of U.S. Patent No. 6,629,163
2003	Action Closing Prosecution in *Inter Partes* Reexamination of U.S. Patent No. 6,629,163
2004	Decision Vacating *Inter Partes* Reexamination of U.S. Patent No. 6,629,163
2005	Request for *Inter Partes* Reexamination of U.S. Patent No. 7,711,857
2006	Decision Instituting *Inter Partes* Reexamination of U.S. Patent No. 7,711,857
2007	Right of Appeal Notice in *Inter Partes* Reexamination of U.S. Patent No. 7,711,857
2008	Excerpts of File History of U.S. Patent No. 8,694,683
2009	September 1995 CheckPoint FireWall-1 White Paper
2010	July 1994 CheckPoint FireWall-1 Technical White Paper
2011	IBM Local Area Network Concepts and Products: Routers and Gateways
2012	Active Gateway: A Facility for Video Conferencing Traffic Control
2013	Excerpts of October 3, 2017 Deposition of Daniel Decasper

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Patent Owner Implicit, LLC ("Implicit") opposes institution of *Inter Partes* Review on all grounds. The Patent Office has already thoroughly examined the Implicit Patents. And petitioner Juniper Networks, Inc. ("Petitioner" or "Juniper") raises subject matter that the Patent Office extensively considered during examination of the Implicit Patents and their family.

For that reason, the Board's *Becton, Dickinson* factors weigh in favor of exercising discretion under Section 325(d) and denying this Petition. The purpose of *Inter Parties* Review proceedings is to review patents that may have lacked an adequate prior art record during prosecution or whose examination may not have provided a sufficient opportunity for a thorough review. The Implicit Patents are not those type of patents. For these reasons, and those below, Implicit respectfully requests that the Board decline to institute the proceedings.[1]

I.   THE IMPLICIT PATENTS

The Petitions involve six related patents that are referred to collectively as the Demultiplexing Patents (or "the Implicit Patents").[2] Each Patent shares a common specification and is part of a large Demultiplexing Patent family. The Patents provide an architecture for demultiplexing data into different messages (or flows) to

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[1] Should the Board institute proceedings, Implicit reserves its rights to challenge the Petition on any basis, including whether the cited references are prior art.

[2] The Implicit Patents here are U.S. Patent Nos. 8,694,683 ("the '683 Patent"); 9,270,790 ("the '790 Patent"); 9,591,104 ("the '104 Patent"); 10,027,780 ("the '780 Patent"); 10,033,839; ("the '839 Patent") and 10,225,378 ("the '378 Patent").

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