UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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JUNIPER NETWORKS, INC.,
Petitioner,

v.

IMPLICIT, LLC,
Patent Owner.

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IPR2020-00592
Patent 10,225,378 B2

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Before THOMAS L. GIANNETTI, BARBARA A. PARVIS, and
SHEILA F. McSHANE, *Administrative Patent Judges.*

McSHANE, *Administrative Patent Judge*.

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

## I.  INTRODUCTION

### A.  *Background and Summary*

Juniper, Inc. ("Juniper" or "Petitioner") filed a Petition requesting *inter partes* review of claims 1–6, 11, 14, and 16–20 of U.S. Patent No. 10,225,378 B2 (Ex. 1009, "the '378 patent") pursuant to 35 U.S.C. §§ 311– 319, along with the supporting Declaration of Seth Nielson, Ph.D.  Paper 1 ("Pet."); Ex. 1011.  Implicit, LLC ("Implicit" or "Patent Owner") filed a Preliminary Response to the Petition.  Paper 5 ("Prelim. Resp.").  Pursuant to our authorization (Paper 6), Petitioner filed a Reply to Patent Owner's Preliminary Response.  Paper 11 ("Pet. Reply").  Patent Owner filed a Sur-reply In Support of Preliminary Response.  Paper 13 ("PO Sur-reply").

We have authority under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted "unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition."

For the reasons that follow, we determine that Petitioner has demonstrated that there is a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims.  For the reasons set forth below, and pursuant to 35 U.S.C. § 314, we institute *inter partes* review of claims 1–6, 11, 14, and 16–20 of the '378 patent.

### B.  *Related Matters*

The parties identify several related litigations, including *Implicit, LLC v. Juniper Networks, Inc.*, Case No. 2:19-cv-00037-JRG-RSP (E.D. Tex.).  Pet. 70–71; Paper 4, 2.

Several other petitions challenge claims of patents that are related to the '378 patent, namely, IPR2020-00585, IPR2020-00586, IPR2020-00587, IPR2020-00590, and IPR2020-00591.

C.     *The '378 Patent*

The '378 patent is titled "Method And System For Data Demultiplexing" and issued on March 5, 2019, from an application filed on July 23, 2018.  Ex. 1009, codes (22), (45), (54).  The application for the '378 patent is a continuation of several applications.  *See id.*, code (63).  A terminal disclaimer was filed during the prosecution of the application that led to the issuance of this patent, and the term of '378 patent appears to have expired.  *See* Ex. 1010, 110–112 (terminal disclaimer over the statutory term of U.S. Patent No. 6,629,163).

The '378 patent is directed to a method and system for demultiplexing packets of a message.  Ex. 1009, code (57), 1:26–27, 3:28–38.  The '378 patent addresses sequences of conversion routines used to convert the message from a source format to the target format using various intermediate formats.  *Id.* at 2:60–62.

The '378 patent indicates that it is desirable to "dynamically identifying a series of conversion routines for processing data," where "the output format of one conversion routine can be identified as being compatible with the input format of another conversion routine" and "the series of conversion routines . . . can be quickly identified when data is received."  Ex. 1009, 2:12–20.

The '378 patent describes a conversion system that routes all packets for a message through the same session of each conversion routine so that the same state or instance information can be used by all packets of the

message. Ex. 1009, 3:15–18. A sequence of sessions of conversion routines is referred to as a "path." *Id.* at 3:18–19.

Figure 4 of the '683 patent, which is a block diagram illustrating example path data structures of an embodiment, is reproduced below. Ex. 1009, 2:19–30.
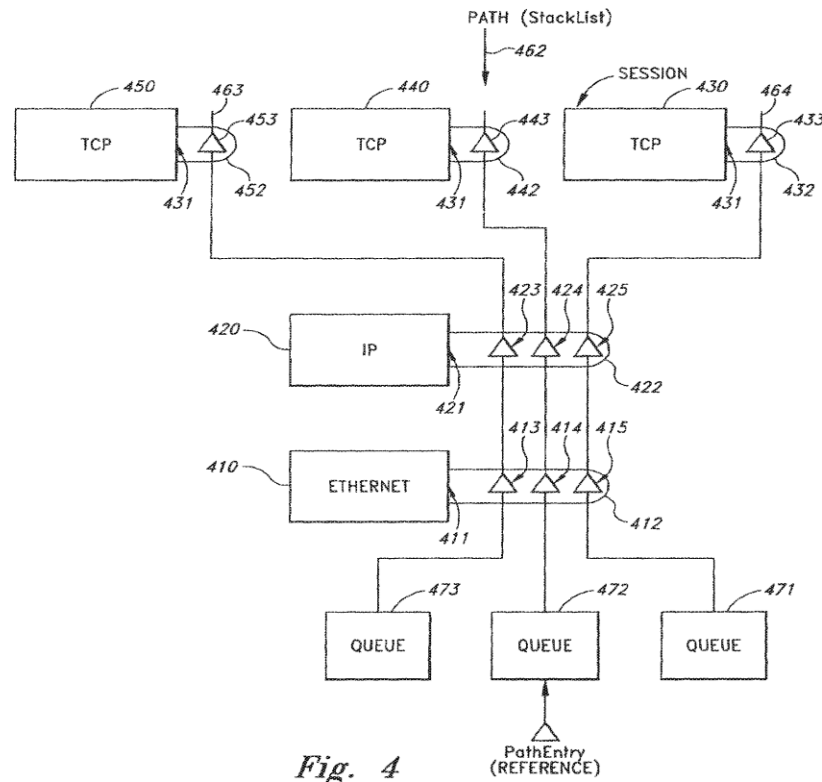


*Fig. 4*

Figure 4, above, is a block diagram illustrating example path data structures, which shows three paths 461[1], 462, and 463. Ex. 1009, 5:63. A path is represented by a series of path entries, which are represented by triangles. *Id.* at 4:17–19. Paths 461, 462, and 463 correspond to the same Ethernet session 410 and IP session 420, but have unique Transmission Control Protocol (TCP) sessions 430, 440, and 450. *Id.* at 5:59–62, 5:64–66. Figure

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[1] Path 461 appears to be mislabeled as Path "464" in Figure 4.

4 illustrates that paths 461, 462, and 463 have "edges" 411, 421, and 431, which correspond to conversion routines for converting data from one protocol to another. *Id*. at 5:46–50, 5:63. Queues 471, 472, and 473 store messages that are to be processed. *Id*. at 6:6–9.

When a "driver" of the conversion system, such as an Ethernet driver, receives a message packet, it forwards the packet to a forwarding component. Ex. 1009, 3:22–25. The forwarding component identifies the session of the conversion routine that should next process the packet. *Id*. at 3:25–28. "[T]he forwarding component may use a demultiplexing ('demux') component to identify the session of the first conversion routine of the path that is to process the packet and then queues the packet for processing by the path." *Id*. at 3:29–32. The first conversion routine "processes the packet and forwards the processed packet to the forwarding component, which then invokes the second conversion routine in the path." *Id*. at 3:39–41.

Challenged claims 1 and 16 are independent. Claim 1 of the '378 patent is reproduced below, with bracketed letters added to the limitations for reference purposes.

1. A method, comprising:

[a] receiving, at a computing device, a packet of a message;

[b] determining, by the computing device, a key value for the packet, wherein the key value is determined based on one or more headers in the packet;

[c] using, by the computing device, the key value to determine whether the computing device is currently storing a previously created path for the key value;

[d] in response to determining that no path is currently stored for the key value, the computing device:

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