

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
Petitioner,

v.

CENTRIPETAL NETWORKS, INC.,
Patent Owner.

Case IPR2022-00182
U.S. Patent No. 9,917,856

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
UNDER 37 C.F.R. § 42.64**

Patent Owner, Centripetal Networks, Inc. ("Patent Owner" or "Centripetal") objects under the Federal Rules of Evidence ("FRE") and 37 C.F.R. § 42.64(b)(1) to the admissibility of the following documents submitted by Palo Alto Networks, Inc. ("Petitioner" or "PAN") in its Petition (Paper 2).

The Decision to Institute Trial was issued on May 25, 2022 for claims 1 and 24-25 of U.S. Patent No. 9,917,856 ("the '856 Patent"). *See generally* Paper 11. Thus, Patent Owner's objections are timely under 37 C.F.R. § 42.64(b)(1). Patent Owner serves Petitioner with these objections to provide notice that Patent Owner will move to exclude these exhibits as improper evidence.

I. PETITIONER'S EVIDENCE

A. Objections to the Declaration of Dr. Jon Weissman (Ex. 1003, the "Weissman Declaration")

Patent Owner objects to the admissibility of the Weissman Declaration for at least the following reasons:

- Under **FRE 702** and **FRE 703**, Dr. Weissman's opinions in the Weissman Declaration are inadmissible because they are conclusory, do not disclose underlying facts or data in support of his opinions, and are unreliable. In addition, Dr. Weissman is unqualified as an expert to provide technical opinions of a person skilled in the art. *See, e.g.*, Ex. 1003 at Appendix A (Curriculum Vitae of Dr. Weissman).

- Moreover, the Weissman Declaration is hearsay under **FRE 801**, and does not fall within a hearsay exception under **FRE 802** and **803**. For example, in paragraph 32, Dr. Weissman indicates that his state of the art overview (paragraphs 31-76) “is based on the ‘State of the Art’ summary provided by Dr. Stuart Staniford in his declaration in support of the petition for the IPR of U.S. Pat. No. 9,413,722.” To the extent the declarant relies upon statements of others, such statements are inadmissible hearsay.
- In addition, the opinions in the Weissman Declaration are irrelevant, confusing, and of minimal probative value under **FRE 401-403**. For example, paragraphs 13-23, 31-58 and 79 are not substantively relied upon by Petitioner in any Ground of its Petition, and are thus irrelevant. Moreover, at least paragraphs 27, 31, 33, 37, 38, 39, 40, 41, 43, 47, 51, 52, 53, 56, 57, 58, 59, 61, 64, 65, 68, 70, 73, 92, 94, 96, 97, 98, 99, 100, 105, 109, 110, 113, 114, 115, 116, 118, 119, 120, 121, 122, 124, 125, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 141, 142, 143, 144, 147, 149, 150, 155, 156, 157, 158, 160, 161, 162, 163, and 164 contain testimony that is conclusory and lacking support, thus these paragraphs are of minimal probative value.

- Furthermore, Petitioner has not shown that the declarant has personal knowledge of the subject matter of the testimony as required under **FRE 602**.
- For at least these reasons, the Weissman Declaration is inadmissible under **FRE 401-403, 602, 702-703, and 801-803**.

B. Objections to Other Exhibits

Patent Owner objects to the admissibility of the following exhibits for at least the following reasons:

Exhibit	Description
1007	Barry M. Leiner et al., “A Brief History of the Internet,” Internet Society, 1997, available at: https://www.internetsociety.org/internet/history-internet/brief-historyinternet/ (“Leiner”)
1008	U.S. Pat. No. 7,032,031 (“Jungck ’06”)
1009	E. H. Spafford, “The Internet Worm Program: An Analysis,” Purdue Technical Report CSD-TR-823, 1988. (“Spafford”)
1010	Eichin, M.W. and Rochlis, J.A., “With Microscope and Tweezers: The Worm from MIT’s Perspective,” Communications of the ACM, Volume 32 Number 6, June 1989 (“Eichin”)
1011	T. Eisenberg et al., “The Cornell Commission: On Morris and the Worm,” Communications of the ACM, Volume 32 Number 6, June 1989 (“Eisenberg”)
1012	J. C. Mogul, “Simple and Flexible Datagram Access Controls for Unixbased Gateways,” Digital Western Research Laboratory Technical Report No. 89/4, 1989 (“Mogul”)

1013	“FireWall-1 User Interface from 3.0,” PhoneBoy’s Security Theater, archived at the Internet Archive Wayback Machine on January 2, 2014 at https://web.archive.org/web/20140102143305/http://phoneboy.net/ (“FireWall-1”)
1014	“SonicWALL Global Management System: Centralized Network Monitoring and Management Solution”, 2008, archived at the Internet Archive Wayback Machine on December 7, 2008 at https://web.archive.org/web/20081207003303/http://www.sonicwall.com/downloads/EC_GMS_DS_US.pdf (“SonicWALL GMS”)
1015	“SonicWALL ViewPoint 6.0 Administrator’s Guide”, 2010, archived at the Internet Archive Wayback Machine on August 21, 2010 at https://web.archive.org/web/20100821022839/http://www.sonicwall.com:80/downloads/SonicWALL_ViewPoint_6_0_Admin_Guide.pdf (“SonicWALL ViewPoint”)
1016	Heberlein, L. T.L, et al., “A Network Security Monitor,” Proceedings, 1990 IEEE Computer Society Symposium on Security and Privacy, 1990 (“Heberlein”)
1017	“NetRanger Network Security Management System User Guide”. v1.3.1 Wheelgroup Corporation, 1997 (“NetRanger”)
1018	Roesch, M., “Snort: Lightweight Intrusion Detection for Networks,” Lisa (Vol. 99, No. 1, pp. 229-238), 1999 (“Roesch”)
1019	U.S. Pat. No. 8,370,936 (“Zuk”)
1020	W32.hllw.Doomjuice Technical Description, Symantec Security Center, updated February 13, 2007, available at: https://www.symantec.com/security-center/writeup/2004-020909-2916-99 (“Doomjuice”)
1021	“(Vendor Issues Fix) Re: Helix Universal Server and RealServer URL Parsing Flaw in View Source Plug-in Lets Remote Users Execute Arbitrary Code with Root Privileges” Security Tracker, September 13, 2003, available at: https://securitytracker.com/id/1007692 (“Helix”)

1022	“Transmission Control Protocol,” IETF RFC 793. J. Postel, ed., September 1981, archived at Internet Archive Wayback Machine on February 2, 2007 at https://web.archive.org/web/20070202201546/https://tools.ietf.org/html/rfc793 (“RFC 793”)
1023	“Internet Protocol,” IETF RFC 791, J. Postel, ed., September 1981, archived at Internet Archive Wayback Machine on February 4, 2007 at https://web.archive.org/web/20070204151303/https://tools.ietf.org/html/rfc791
1024	“File Transfer Protocol,” IETF RFC 765, J. Postel, ed., June 1980, archived at Internet Archive Wayback Machine on February 6, 2007 at https://web.archive.org/web/20070206005843/https://tools.ietf.org/html/rfc765 (“RFC 765”)
1025	T. B. Lee, “The Original HTTP as defined in 1991,” World Wide Web Consortium, 1991, archived at Internet Archive Wayback Machine on June 5, 1997 at https://web.archive.org/web/19970605071155/https://www.w3.org/Protocols/HTTP/AsImplemented.html (“T.B. Lee”)
1030	<i>Centripetal Networks, Inc. v. Keysight Techs., Inc.</i> , Case No. 2:17-cv-383 (E.D. Va.), Dkt No. 484 (“Keysight Markman”)
1031	S. Turner & C. Polk, “Prohibiting Secure Sockets Layer (SSL) Version 2.0,” IETF RFC 6176, March 2011, archived at Internet Archive Wayback Machine on March 18, 2011 at https://web.archive.org/web/20110318184421/https://tools.ietf.org/html/rfc6176 (“Turner”)
1032	I. Ristic, “SSL/TLS and PKI History,” April 2018, available from https://www.feistyduck.com/ssl-tls-and-pki-history/ (“Ristic”)
1033	U.S. Pat. Appl. Pub. No. 2007/0271605 (“Le Pennec”)
1034	U.S. Patent No. 8,504,822 (“Wang”)
1035	U.S. Patent No. 7,793,342 (“Ebrahimi”)

1036	J. Wack et al., <i>Guidelines on Firewalls and Firewall Policy</i> , National Institute of Standards and Technology (“NIST”)
1037	U.S. Patent No. 8,813,228 (“Magee”)
1040	U.S. Patent Appl. Pub. No. 2014/0283004 (“Moore”)
1041	U.S. Patent Appl. Pub. No. 2015/0207809 (“Macaulay”)
1042	U.S. Patent Appl. Pub. No. 2014/0089661 (“Mahadik”)
1043	U.S. Patent No. 7,849,502 (“Bloch”)
1044	U.S. Patent No. 7,584,352 (“Boivie”)
1045	Young-Ho Kim, et al., <i>Design of Firewall in Router using Network Processor</i> , IEEE (Jul. 11, 2005) (“Kim”)
1046	Declaration of Jonathan Bradford

- Exhibits 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1040, 1041, 1042, 1043, 1044, 1045, and 1046 are not relevant under **FRE 401** and inadmissible under **FRE 402** because Petitioner did not rely on these exhibits in its Petition. Moreover, Exhibits 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1040, 1041, 1042, 1043, 1044, 1045, and 1046 are of minimal probative value, outweighed by prejudice, and/or a waste of time under **FRE 403**. Exhibits 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018,

1019, 1020, 1021, 1022, 1023, 1024, 1025, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1040, 1041, 1042, 1043, 1044, 1045, and 1046 are, therefore, also inadmissible under **FRE 403**.

- Petitioner has failed to authenticate Exhibits 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1031, 1032, 1036, and 1045 to show that each exhibit is what Petitioner claims it is under **FRE 901**. For example, Petitioner provides no testimony by someone possessing personal knowledge that this is exhibit is authentic. Petitioner also provides no evidence that these exhibits falls within any of the self-authentication exceptions of **FRE 902**. Exhibits 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1031, 1032, 1036, and 1045 are, therefore, inadmissible under **FRE 901** and **902**.
- To the extent that Petitioner attempts to rely on the dates in Exhibits 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1031, 1032, and 1036 to establish public accessibility of these Exhibits as printed publications, the dates are hearsay under **FRE 801** and do not fall within a hearsay exception under **FRE 802** and **803**.

- Jonathan Bradford's declaration (Exhibit 1046) is inadmissible under **FRE 602** for lack of personal knowledge. Petitioner has not shown that the declarant has personal knowledge of the subject matter of the testimony as required. For example, Mr. Bradford states in paragraphs 7, 9-18, 20-32, 36, that Ex. 1007, Exs. 1009-1018, Exs. 1020-1032, Ex. 1036, and Ex. 1045 were "obtained at my direction," but does not specify who obtained these exhibits or where these exhibits were obtained from.

II. CONCLUSION

Therefore, Patent Owner reserves its right to file motions to exclude these evidence and exhibits under 37 C.F.R. § 42.64(c).

Patent Owner's Objections to Evidence
IPR2022-00182 (U.S. Patent No. 9,917,856)

Respectfully submitted,

Dated: June 9, 2022

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Attorneys for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. 42.6(e), and pursuant to agreement by the parties that filing with the Board through the PTAB End 2 End system constitutes electronic service, service was made on Petitioner as detailed below.

<i>Date of service</i>	June 9, 2022
<i>Manner of service</i>	Electronic Filing with the Board
<i>Documents served</i>	PATENT OWNER'S OBJECTIONS TO EVIDENCE
<i>Persons served</i>	ROPES & GRAY LLP Scott A. McKeown James Batchelder Mark D. Rowland Andrew Radsch Keyna Chow

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