

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KEYSIGHT TECHNOLOGIES, INC.,
Petitioner,

v.

CENTRIPETAL NETWORKS, LLC,
Patent Owner.

Case IPR2023-00446
U.S. Patent No. 10,567,343

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

Patent Owner, Centripetal Networks, LLC (“Patent Owner” or “Centripetal”), objects under the Federal Rules of Evidence and 37 C.F.R. § 42.64(b)(1) to the admissibility of the following documents submitted by Keysight Technologies, Inc. (“Petitioner” or “Keysight”) in its Petition (Paper 2).

The Decision to Institute Trial was issued on August 7, 2023 for U.S. Patent No. 10,567,343 (“the ’343 Patent”). *See* Paper 9. 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.

A. Objections to the Declaration of Dr. Stuart Staniford (Ex. 1003, the “Staniford Declaration”)

Patent Owner objects to the admissibility of the Staniford Declaration for at least the following reasons.

Under Federal Rules of Evidence (“FRE”) 702 and 703, Dr. Staniford’s opinions in the Staniford Declaration are inadmissible because they are conclusory, do not disclose underlying facts or data in support of his opinions, and are unreliable. Moreover, the Staniford Declaration contains hearsay under FRE 801 because the Staniford Declaration contains out-of-court statements offered to prove the truth of the matter asserted which do not fall within any hearsay exception

under FRE 802 or 803. In addition, the opinions in the Staniford Declaration are irrelevant, confusing, and of minimal probative value under FRE 401-403.

For at least these reasons, the Staniford Declaration is inadmissible under FRE 401-403, 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
1005	IPR2018-01760 CS-1005: Declaration of John Leone
1006	Bard, G.V., "Cryptology ePrint Archive: Report 2006/136: A Challenging but Feasible Blockwise-Adaptive Chosen-Plaintext Attack on SSL," archived at Internet Archive Wayback Machine on May 3, 2006
1007	Barry M. Leiner et al., "A Brief History of the Internet," Internet Society, 1997.
1008	U.S. Pat. No. 7,032,031 ("Jungck")
1009	E.H. Spafford, "The Internet Worm Program: An Analysis," <i>Purdue Technical Report CSD-TR-823</i> , 1988.
1010	Eichin, M.W. and Rochlis, J.A., "With Microscope and Tweezers: The Worm from MIT's Perspective," <i>Communications of the ACM</i> , Volume 32 Number 6, June 1989
1011	T. Eisenberg <i>et al.</i> , "The Cornell Commission: On Morris and the Worm," <i>Communications of the ACM</i> , Volume 32 Number 6, June 1989
1012	J. C. Mogul, "Simple and Flexible Datagram Access Controls for Unix-based Gateways," Digital Western Research Laboratory Technical Report No. 89/4, 1989

Exhibit	Description
1016	IPR2018-01760 CS-1016: Heberlein, L. T.L., <i>et al.</i> , “A Network Security Monitor,” <i>Proceedings, 1990 IEEE Computer Society Symposium on Security and Privacy</i> , 1990
1017	IPR2018-01760 CS-1017: “NetRanger Network Security Management System User Guide”. v1.3.1 <i>Wheelgroup Corporation</i> , 1997
1018	Roesch, M., “Snort: Lightweight Intrusion Detection for Networks,” <i>Lisa</i> (Vol. 99, No. 1, pp. 229-238), 1999
1020	Emerging Threats, available at https://web.archive.org/web/20101202025325/http://rules.emergingthreats.net/open/snort-2.8.4/emerging-all.rules (Dec. 2, 2010).
1021	Authorized Classification and Control Markings Register, Vol. 1, Ed. 2 (Version 1.2), May 12, 2008, available at http://sgp.fas.org/othergov/intel/register.pdf
1022	“Transmission Control Protocol,” <i>IETF RFC 793</i> . J. Postel, ed., September 1981
1023	“Internet Protocol,” <i>IETF RFC 791</i> , J. Postel, ed., September 1981
1024	“File Transfer Protocol,” <i>IETF RFC 765</i> , J. Postel, ed., June 1980
1025	T. B. Lee, “The Original HTTP as defined in 1991,” World Wide Web Consortium, 1991
1026	I. Ristic, “SSL/TLS and PKI History,” April 2018, available at https://www.feistyduck.com/ssl-tls-and-pki-history/
1027	Service Name and Transport Protocol Port Number Registry, Internet Assigned Numbers Authority (IANA), available at https://www.iana.org/assignments/service-names-portnumbers/service-names-port-numbers.xhtml
1028	Understanding /etc/passwd File Format, available at https://www.cyberciti.biz/faq/understanding-etcpasswd-fileformat/
1029	ASCII Table, available at https://www.asciitable.com/
1030	Affidavit of Nathaniel E Frank-White, Internet Archive, Archive.org (Dec. 12, 2022)
1032	K. Ingham & S. Forrest, “A History and Survey of Network Firewalls,” <i>University of New Mexico Computer Science Department Technical Report 2002-37</i> , 200

Exhibit	Description
1033	IPR2018-01760 CS-1033: Sourcefire Support Website Webpage
1034	Crow, J., Bennet, B.; Structure of Social Security Numbers, available at https://www.eff.org/pages/structure-socialsecurity-numbers
1036	Webster's New World Computer Dictionary, Tenth Edition (2003)
1037	Microsoft Computer Dictionary, Fifth Edition (2002)
1038	T. Dierks & E. Rescorla, "The Transport Layer Security (TLS) Protocol Version 1.1," IETF RFC 4346, April 2006, archived at Internet Archive Wayback Machine on June 26, 2006 at https://web.archive.org/web/20060626134135if_/http://www.ietf.org:80/rfc/rfc4346.txt
1040	Minoli, Daniel, et al., Minoli-Cordovana's Authoritative Computer & Network Security Dictionary (2006)
1041	Dictionary Of Computing & Communications, McGraw-Hill (2003)
1042	IPR2018-01436 CS-1003: Declaration of Dr. Stuart Staniford in Support of Petition for Inter Partes Review of US Patent No. 9,124,552
1044	IPR2018-01437 CS-1003: Declaration of Dr. Stuart Staniford in Support of Petition for Inter Partes Review of US Patent No.9,160,713
1045	IPR2018-01760 CS-1038, Declaration of Christopher Butler
1046	IPR2018-01760 CS-1042, Declaration of Jacob H. Baugher III
1049	Declaration of John M. Hendricks
1050	M. Edwards, "Bleeding Edge of Snort," Oct. 10, 2004
1051	Bleedingsnort.com, Wayback Machine, Internet Archive
1053	Emerging Threats Rule Documentation Wiki
1054	Proofpoint Emerging Threats Rules
1062	IPR2018-01559 CS-1003: Declaration of Dr. Stuart Staniford in Support of Petition for Inter Partes Review of US Patent No. 9,686,193
1073	"Hypertext Transfer Protocol -- HTTP/1.1" IETF RFC 2616. R. Fielding, et al., June 1999, archived at Internet Archive Wayback Machine on January 9, 2005 at https://web.archive.org/web/20050119021312/https://www.ietf.org/rfc/rfc2616.txt .

Exhibit	Description
1074	HTTP-Requests, available at https://www.tutorialspoint.com/http/http_requests.htm
1075	HTTP – Responses, available at https://www.tutorialspoint.com/http/http_responses.htm
1076	IPR2021-01155 CS-1003: Declaration of Dr. Robert Akl in Support of Petition for Inter Partes Review of US Patent No. 10,567,343
1078	Emerging Threats FAQ, available at https://doc.emergingthreats.net/bin/view/Main/EmergingFAQ
1080	Snort rules 2.4 ftp.rules, available via https://web.archive.org/web/20060112054053/http://www.snort.org/pub-bin/downloads.cgi/Download/vrt_pr/snortrules-pr-2.4.tar.gz
1082	Centripetal Networks Press Release, “Centripetal Networks Inc. Adds Emerging Threats IQRisk® Rep List and IQRisk Query for Their RuleGate® Appliance”. Downloaded from https://www.centripetal.ai/press-releases/centripetal-emergingthreats-rulegate/
1088	Gartner, August 2011. Magic Quadrant for Content-Aware Data Loss Prevention.
1094	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 .
1095	M. Chatel, “Classical vs. Transparent IP Proxies,” <i>IETF RFC 1919</i> , March 1996, available at https://web.archive.org/web/20070630145311/https://tools.ietf.org/html/rfc1919
1096	E. Rescorla, “HTTP over TLS”, <i>IETF RFC 2818</i> , May 2000
1097	J. Moser, “The First Few Milliseconds of an HTTPS Connection”, <i>Moserware</i> , June 10, 2009,
1098	Apple Quicktime RTSP URL buffer overflow. IBM advisory for CVE-2007-0015, 2007, available at https://exchange.xforce.ibmcloud.com/vulnerabilities/31203
1099	Real Time Streaming Protocol (RTSP). RFC 2326, April 1998. Available at https://www.rfc-editor.org/rfc/rfc2326.html

- Petitioner has failed to authenticate Exhibits 1006-1007, 1009-1012, 1016-1018, 1020-1029, 1032-1034, 1036-1038, 1040-1041, 1050-1051, 1053-1062, 1073-1076, 1078, 1080, 1082, 1088, and 1094-1099. Petitioner has failed to establish that the Exhibits 1006-1007, 1009-1012, 1016-1018, 1020-1029, 1032-1034, 1036-1038, 1040-1041, 1050-1051, 1053-1062, 1073-1076, 1078, 1080, 1082, 1088, and 1094-1099 are what Petitioner claims they are and thus they are inadmissible under FRE 901.
- Exhibits 1007-1012, 1024-1025, 1032, and 1073 are not relevant under FRE 401 and inadmissible under FRE 402 because Petitioner did not rely on these exhibits in its Petition. Exhibit 1049 is not relevant under FRE 401 because it is not probative towards IPR2023-00446. Exhibits 1007-1012, 1024-1025, 1030, 1032, 1049, and 1073 are of minimal probative value, outweighed by prejudice, and/or a waste of time under FRE 403. These Exhibits are, therefore, inadmissible under 403.
- Exhibits 1005, 1042, 1044, 1045, 1046, 1062, and 1076 are hearsay under FRE 801 and inadmissible under FRE 802 and 803. Exhibits 1005, 1042, 1044, 1045, 1046, 1062, and 1076 are therefore inadmissible under FRE 802.

Respectfully submitted,

Dated: August 21, 2023

/James Hannah/
James Hannah (Reg. No. 56,369)
Jenna Fuller (Reg. No. 74,212)
KRAMER LEVIN NAFTALIS & FRANKEL LLP
Twin Dolphin Drive, Suite 700
Redwood Shores, CA 94065
Tel: 650.752.1700 Fax: 650.752.1800
jhannah@kramerlevin.com
jfuller@kramerlevin.com

Jeffrey H. Price (Reg. No. 69,141)
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, NY 10036
Tel: 212.715.7502 Fax: 212.715.8302
jprice@kramerlevin.com

Scott M. Kelly (Reg. No. 65,121)
Bradley C. Wright (Reg. No. 38,061)
John. R. Hutchins (Reg. No 43,686)
BANNER & WITCOFF, LTD.
1100 13th Street, NW, Suite 1200
Washington, DC 20005
Tel: (202) 824-3000 Fax: (202) 824-3001
skelly@bannerwitcoff.com
bwright@bannerwitcoff.com
jhutchins@bannerwitcoff.com

(Case No. IPR2023-00446)

Attorneys for Patent Owner
Centripetal Networks, LLC

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 Patent Trial and Appeal Case Tracking System (P-TACTS) constitutes electronic service, that service was made on Petitioner as detailed below.

<i>Date of service</i>	August 21, 2023
<i>Manner of service</i>	Electronic Filing with the Board
<i>Documents served</i>	PATENT OWNER'S OBJECTIONS TO EVIDENCE
<i>Persons Served</i>	REED SMITH LLP Gerard M. Donovan Peter J. Chassman Walter M. Egbert Jonathan I. Detrixhe Sidharth Kapoor gdonovan@reedsmith.com pchassman@reedsmith.com wegbert@reedsmith.com jdetrixhe@reedsmith.com skapoor@reedsmith.com

By: /James Hannah/
James Hannah (Reg. No. 56,369)
Lead Counsel for Patent Owner