

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.
Petitioner,

v.

CENTRIPETAL NETWORKS, INC.
Patent Owner.

U.S. Patent No. 9,413,722
Issue Date: August 9, 2016
Title: Rule-Based Network-Threat Detection

Inter Partes Review No.: Unassigned

DECLARATION OF JOHN LEONE

I, John Leone, hereby declare:

1. My name is John Leone. I am currently an employee of Cisco Systems, Inc. (“Cisco”), a petitioner for *inter partes* review before the Patent Trial and Appeal Board and the Senior Manager for Technical Documentation for the Security Business Unit of Cisco. I have held numerous other positions at Cisco and at a company which was acquired by Cisco, Sourcefire, Inc. (“SF”). At SF, I was a Technical Writer (September 2002 to February 2005) and Documentation Manager and Director of Technical Publications and Certifications (February 2005 to August 2013).

2. I have been continuously employed by Cisco since the SF acquisition on or about August 2013. Prior to that, I was continuously employed by SF between September 2002 and August 2013. In my roles as a Technical Writer and Documentation Manager and Director of Technical Publications and Certifications, I have personal knowledge about SF’s prior products and offerings, in the United States, which pertain to network security systems, including SF’s 3D System (hereinafter the “SF 3D System”), the various versions of software for such products and offerings, and the supporting technical documentation that was created by SF for customers with each version of SF software for such products and offerings. In these roles, I have personal knowledge about the practices and procedures for writing and delivering such documentation to SF representatives in

SF's Support and Manufacturing Departments for distribution and otherwise making such documentation publicly accessible.

3. I am over the age of eighteen (18) and otherwise competent to make this declaration. The statements made in this declaration are to the best of my knowledge and recollection. I have personal knowledge of the facts set forth in this Declaration, and, for facts stated on information and belief, I have been provided with information by a person having personal knowledge of such facts. If called as a witness, I could and would testify competently under oath to the facts stated in this declaration. By making this declaration, it is not my intent, nor the intent of Sourcefire, Inc. or Cisco, to waive the attorney-client privilege, attorney work product doctrine, or any other applicable privilege.

4. In my roles as Technical Writer and Documentation Manager and Director of Technical Publications and Certifications, I participated in and supervised the process for writing SF's supporting technical documentation and coordinated with representatives in SF's Support, Engineering, and Manufacturing Departments to deliver such documentation to consumers of SF products with SF's release of a new software version for the SF 3D System.

5. For each new feature in a new software version release for the SF 3D System, the assigned Technical Writers reviewed design specifications, attended design review meetings, interviewed subject matter experts, and tested

such functionality using development builds of the version of the SF 3D System software running on SF's test hardware to confirm product behavior. The assigned Technical Writers updated the technical documentation (*e.g.*, user guide, release notes) for the prospective new software version release to include documentation of the new feature as appropriate. The assigned Technical Writers provided drafts of the technical documentation to the engineers who designed and coded the software for review, and made any changes requested by the reviewing engineers.

6. When the assigned Technical Writers were working on technical documentation updates for a prospective new software version release for the SF 3D System, the source files for each technical document (*e.g.*, SF 3D System user guide) were kept in a “*version-Current*” working directory in SF's files. When the content for each technical document (*e.g.*, SF 3D System user guide) was complete for a prospective new software version release for the SF 3D System and had been approved by engineering, one of the assigned Technical Writers saved the document, using Adobe Acrobat, as a PDF-formatted file that included security settings to prevent future modification of the document. This writer then copied this secured PDF document into a folder labeled “*final_docs_with_metadata*” for that new software version which was retained within an internal directory in SF's files. This writer also then archived the final source files that were used to create the PDF-formatted file of this technical

document to a “*version-number*” directory under the “Documentation_source_Files” directory in SF’s files based on the corresponding new software version number for the SF 3D System.

7. Once the secured PDF file for each technical document (*e.g.*, SF 3D System user guide) had been copied into the “final_docs_with_metadata” folder for that new software version, the assigned Technical Writers (1) zipped the secured PDF files from the final_docs_with_metadata folder and checked such files into a concurrent versioning system (“CVS”) repository for distribution by the SF Manufacturing Department, and (2) posted all of the secured PDF files from the final_docs_with_metadata folder to a staging directory on another SF file server for distribution by the SF Support Department.

8. The assigned Technical Writers provided the zipped PDF files from the final_docs_with_metadata folder to the SF Manufacturing Department as an ISO image. SF’s Manufacturing Department printed the documentation ISO to a CD-ROM or DVD disk and included this documentation disk in the packaging with each SF 3D System appliance (*e.g.*, 3D Sensor, Defense Center) purchased by a customer.

9. The assigned Technical Writers also created release notes for each new software version release for the SF 3D System. While other documentation (*e.g.*, the SF 3D System user guide) was typically completed,

approved, saved as a secured PDF file, and provided to the SF Manufacturing Department as an ISO image in advance of the new software version release to SF consumers, the release notes were typically completed, approved, and saved as a secured PDF file in the respective “final_docs_with_metadata” folder within a day or two of finalization of the final release build of the new software version. In this way, the Technical Writers could ensure that the release notes contained an accurate list of known issues in the new software version.

10. Each document contained in the “final_docs_with_metadata” folder for a software version release for the SF 3D System was distributed and otherwise made accessible to the public by SF.

11. For example, SF enclosed each of the technical document PDF files (*e.g.*, the SF 3D System user guide) on documentation disks (CD-ROM or DVD) included with each Sourcefire 3D System appliance (*e.g.*, 3D Sensor, Defense Center) sold to a customer. Also, for example, each of the technical document PDF files, as well the release notes PDF files, were publicly accessible for download by persons who had received a login and password from SF to SF’s customer-facing support website.

12. SF Technical Writers typically updated the release notes for a software version after its release to add new known issues identified in the field. If an update was needed for a published release notes PDF, the Technical Writers

would rename the original PDF file to append the date that the PDF was replaced to the name of the PDF file and kept in the same final_docs_with_metadata folder for the applicable software version, and the new version of the release notes PDF was added to this folder. SF Technical Writers, and representatives from SF's Support Departments used the same practices and procedures that I describe above to distribute and otherwise make these updated release notes accessible to the public.

13. I personally reviewed and can confirm that the dates for the technical documents and release notes from SF's final_docs_with_metadata folder for SF 3D System software release 4.10 (which is still maintained on a server under \\rtp5-netapp-ns.cisco.com\workgroup\sf-techpubs\Private\Old_Dev_Lifecycle_Docs\Old_Versions\4.10\final_docs_with_metadata\), include as follows:

- Sourcefire_3D_System_User_Guide_v4.10.pdf – filestamp 4/2/2011
- Sourcefire_3D_System_User_Guide_v4.10.pdf.gz – filestamp 4/2/2011
- 4-20-Sourcefire_3D_System_4.10_Release_Notes.pdf – filestamp 4/20/2011
- 5-11-Sourcefire_3D_System_4.10_Release_Notes.pdf – filestamp 5/11/2011
- (Dec 13 2011) Sourcefire_3D_System_4.10_Release_Notes.pdf – filestamp 12/13/2011

- (January 20, 2012)
Sourcefire_3D_System_4.10_Release_Notes.pdf – filestamp
1/20/2012
- Sourcefire_3D_System_4.10_Release_Notes.pdf – filestamp
3/26/2012

14. I have reviewed the document attached as Exhibit CS-1004 to various petitions for *inter partes* review filed by Cisco and entitled “Sourcefire 3D System: Sourcefire 3D System User Guide Version 4.10.” I confirm that this document is a true and accurate copy of the document saved as a secured PDF in the “final_docs_with_metadata” folder for SF 3D System software release 4.10 as “Sourcefire_3D_System_User_Guide_v4.10.pdf”, and having a file stamp of April 2, 2011. I note that CS-1004 identifies that this user guide was available on a “Documentation CD” and “on the Sourcefire Support web site (<https://support.sourcefire.com/>)” which is consistent with my personal knowledge. CS-1004, p. 55. I also note that CS-1004 identifies that “Sourcefire periodically issues software updates to the Sourcefire 3D System,” and that a user of the SF 3D System should “[m]ake sure your appliances (including software sensors) are running the correct version of the Sourcefire 3D System” by reading the release notes “[a]vailable on the Sourcefire Support Site” which is consistent with my personal knowledge. CS-1004, pp. 1833-1834. I note that the words “Sourcefire Support Site” throughout CS-1004 include a hyperlink to “https://support.sourcefire.com.” See, e.g., CS-1004, pp. 1833-1844. CS-1004

describes procedures for manually and automatically installing new software versions to various SF 3D System appliances (*e.g.* 3D Sensors). CS-1004, pp. 1833-1844, 1704-1710.

15. From my roles as a SF Technical Writer, and the SF Documentation Manager in April 2011, and based upon my review of SF records, on or about April 2, 2011, I directed an SF Technical Writer to (1) zip the Sourcefire_3D_System_User_Guide_v4.10.pdf (Exhibit CS-1004) into Sourcefire_3D_System_User_Guide_v4.10.pdf.gz (2) check this file into a CVS repository for distribution by the SF Manufacturing Department, (3) provide this file to the SF Manufacturing Department as an ISO image, and (4) post this file to a staging directory on another SF file server for distribution by the SF Support Department. From my roles, and based upon my review of SF records, on or about April 20, 2011, I directed an SF Technical Writer to post the Sourcefire_3D_System_4.10_Release_Notes.pdf file to the staging directory for distribution by the SF Support Department.

16. I have reviewed the document attached as Exhibit CS-1034, to various petitions for *inter partes* review filed by Cisco dated April 18, 2011, and entitled “Sourcefire Expands IPS Solutions Portfolio, Adding FirePOWER to the Industry’s Leading Protection.” This document is consistent with my personal knowledge that SF 3D System software version 4.10 was released on or around

April 2011.

17. The document attached as CS-1033 is a printout of a web page that I accessed through the Internet Archive's Wayback Machine website (<https://archive.org/>) (hereinafter the "Wayback Machine") and with an archived date of April 30, 2011 located at the URL:

<https://web.archive.org/web/20110430194135/https://support.sourcefire.com/>. This document is consistent with my personal knowledge that SF 3D System software version 4.10 was released on or around April 2011.

18. From my roles as a SF Technical Writer, and the Documentation Manager in April 2011, SF's standard procedures would require that, on or about April 2011, representatives from SF's Manufacturing Department enclosed the Sourcefire_3D_System_User_Guide_v4.10.pdf (Exhibit CS-1004) on documentation disks (CD-ROM or DVD) included with each Sourcefire 3D System appliance subsequently sold (*e.g.*, 3D Sensor, Defense Center). Likewise, SF's standard procedures would require, on or around April 2011, representatives from SF's Support Department posted the Sourcefire_3D_System_User_Guide_v4.10.pdf (Exhibit CS-1004) and the Sourcefire_3D_System_4.10_Release_Notes.pdf to SF's customer-facing support website.

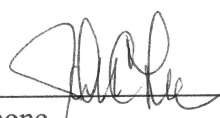
19. I have been informed and understand that approximately 586

customers purchased the Sourcefire 3D System from April 2011 through March 2013 and had access to the Sourcefire 3D System User Guide.

20. I declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

[SIGNATURE APPEARS ON FOLLOWING PAGE]

Executed on July 20, 2018



John Leone