

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

UMBRA TECHNOLOGIES LTD.,
Patent Owner

IPR2024-00270
Patent 11,108,595 B2

Record of Oral Hearing
Held: June 04, 2025

BEFORE: ST. JOHN COURTENAY, III, MICHAEL R. ZECHER, and
GREGG I. ANDERSON, Administrative Patent Judges.

IPR2024-00270
Patent 11,108,595 B2

APPEARANCES:

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The above-entitled matter came on for hearing on
June 04, 2025, commencing at 1:00 p.m., via video teleconference.

P R O C E E D I N G S

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JUDGE ANDERSON: Good afternoon. This is the hearing for IPR2024-00270. Petitioner is Cisco Systems, Inc., Patent Owner is UMBRA Technologies, Ltd., who is the owner of US Patent Number 11,108,595. This hearing will be followed by the hearing in IPR2024-00497 between the same parties concerning US Patent Number 10,630,505. Now with that, would the Counsel for Petitioner please state their name and anyone that is available over the connection that is with you, please?

MR. MULDOON: Yes. I am Patrick Muldoon from Duane Morris for Petitioner, Cisco Systems. I have lead Counsel, Patrick McPherson, and backup Counsel, Joseph English, both from Duane Morris, online, as well.

JUDGE ANDERSON: Thank you, Mr. Muldoon. For Patent Owner, who is present?

MR. DEVLIN: Tim Devlin of Devlin Law Firm for Patent Owner, UMBRA. And with me is Jim Lang, also from Devlin Law Firm, but I don't see Jim's name on. I think he may be one of the unnamed users, but I believe he's on. Thank you.

JUDGE ANDERSON: Well, I will get into this a little bit maybe, but this is a public hearing, so anybody can -- is able to join, if they have the access to the link. Okay. Before we get too far along the long road here, we have one issue that I need to get you all to resolve. The demonstrative exhibits in this case were filed or to be filed on Monday, June 2nd, or served on opposing Counsel, I should say, Monday, June 2nd. And that's by a

1 stipulation between the parties that did not occur on the 2nd.

2 It didn't occur until yesterday, June 3rd. So technically, this is --
3 Patent Owner's demonstratives were not served in a timely matter is what
4 I'm trying to say here. And so the question I have, Mr. Muldoon, is do you
5 have any objection to the exhibits based on the timeliness?

6 MR. MULDOON: No, Your Honor.

7 JUDGE ANDERSON: Okay, very good. In the --

8 MR. DEVLIN: And Your Honor, to be --

9 JUDGE ANDERSON: -- (CROSSTALK) --

10 MR. DEVLIN: Sorry, Your Honor. Just to make --

11 JUDGE ANDERSON: Go ahead.

12 MR. DEVLIN: -- the record accurate, I -- this is Tim Devlin on
13 behalf of Patent Owner. I do believe that those demonstratives were served
14 in a timely fashion on Monday for the party's stipulation, but not yet filed
15 until Tuesday. I believe that's correct.

16 JUDGE ANDERSON: Okay. I'm just looking at the certificate of
17 service and when we got that, which was yesterday. That's fine. Mr.
18 Devlin, appreciate it. Mr. Muldoon, appreciate it.

19 MR. DEVLIN: Thank you.

20 JUDGE ANDERSON: Okay. So, I am Judge Anderson. I am
21 joined today by Judges Courtenay and Zecher. This is a tele-video
22 conference hearing, so some things need to be maintained in mind,
23 particularly with respect to the demonstrative exhibits. When referring to
24 the demonstratives, please describe your slide -- the slide number you are
25 discussing, so that we can follow along on the video.

26 Do not interrupt the presenting party to object any argument or for

1 the demonstratives or any objection either. You can deal with those in your
2 response time. Any objecting party will just wait until his presentation to
3 make any comment it may have regarding an argument or a demonstrative.
4 There is no protective order in this case and the parties need to be reminded
5 that the hearing is open to the public. So just keep that in mind.

6 Per our pre-hearing order, each party will have 45 minutes to
7 present its argument, for a total of 90 minutes for the hearing in this matter.
8 Petitioner has the burden of showing unpatentability of the original claims
9 and will proceed first, followed by Patent Owner. Petitioner may reserve
10 time to rebut Patent Owner's opposition and Patent Owner may reserve time
11 for a surrebuttal, obviously not to exceed the total 45 minutes.

12 We do not have a timer available, necessarily. I am going to keep
13 time, but you should be aware of the time as you are making your argument
14 and particularly as you get close to the expiration of your time, so that you
15 don't run out of time. Absent any questions regarding these procedures, we
16 are ready to commence. Mr. Muldoon, you may go ahead and make your
17 presentation.

18 MR. MULDOON: Yes, Your Honor. I would like to reserve 15
19 minutes for rebuttal.

20 JUDGE ANDERSON: Fifteen minutes for rebuttal. I have it.
21 Thank you.

22 MR. MULDOON: I appreciate it. Good afternoon, Your Honors.
23 We'll start off with Slide 2. We have an overview of the grounds in the
24 petition. The first ground, Claims 1 through 14, being obvious over
25 Kommula alone. And important to note, that concurrent with the POPR, the
26 PO disclaimed all the claims in this ground, so they're no longer part of this

1 proceeding. However, the application of Kommula to several of these
2 claims is relevant to many claims in Ground 2. Ground 2, Claims 15 to 20
3 being obvious over Hankins alone or in view Kommula, where Claim 15 is
4 the only independent claim.

5 On Slide 3 are the four disputes between the parties that we will
6 address in this hearing. First, with respect to Claim 15 is whether element
7 15.3 is disclosed in Hankins. We will identify the support for this element.
8 Second, whether element 15.5 is disclosed in Hankins. Again, we will
9 highlight the support in Hankins for this element, as well for the
10 combination of Hankins in view of Kommula.

11 The third dispute is with respect to dependent Claims 19 and 20,
12 whether those limitations are disclosed in the combination of Hankins and
13 Kommula. And lastly, whether the Petitioner provided appropriate cites.
14 Here, we will unequivocally show that Patent Owner's protest with respect to
15 a lack citations are simply contrived without any support.

16 I'll now proceed with the overview of the '595 patent. Turning to
17 Slide 5, Figure 35 of the '595 shows the communication between two
18 devices in the '595. We have a first endpoint device in green at the top. We
19 have a second endpoint device in blue to the left. We have three servers.
20 They're outlined in red, a controller in orange, a first tunnel in purple, and
21 second tunnel in salmon. A controller receives a request for a list of
22 available servers from the first endpoint device. It gathers -- the controller
23 gathers a list of available servers and obtains contextual information
24 associated with the first endpoint.

25 A controller dynamically orders the list based on the contextual
26 information and then transmits the order list to the first endpoint device.

1 The endpoint device in green is the list of servers provided to communicate
2 with the second endpoint device over the first tunnel. Now, this is
3 essentially what is claimed in Claim 1.

4 On Slide 6, we have Claim 1 of Ground 1. And although Claim 1
5 has been disclaimed, an understanding of Claim 1 serves to breathe light into
6 our arguments with respect to Ground 2. Claim 1 recites receiving by one or
7 more computer processors, a request for a list of available servers from a
8 network device, retrieving by the one or more computer processors the list of
9 available servers, retrieving by the one or more computer processors the
10 connection to the controller, the one or more records associated with the
11 network device with contextual information, and dynamically ordering by
12 the one or more computer processors the list of available servers, based on
13 the one or more records associated with the network device. And then
14 transmitting, by the one or more computer processors, the ordered list for
15 available servers to the network device.

16 Turning to Slide 7, there's an annotated figure of Kommula. Like
17 the '595 patent, Kommula selects the servers based on contextual
18 information. With respect to Claim 1, GLSV switch 12 and DSN 16, these
19 are the one or more processors shown in orange. And then in Ground 2,
20 these will be the controller. This receives a query for resources. The query's
21 request for list of IP addresses of the host servers, the available servers, in
22 Claim 1. And these would be the access point servers in Ground 2.

23 The request being from a client program on a client machine, either
24 the network device shown in blue, or the first endpoint in Ground 2. Now,
25 the GSLV switch -- and this is the controller, the one or more processors --
26 in combination with the DNS retrieves a list of IP addresses corresponding

1 to the available servers. And performance metrics -- this is the record in
2 Claim 1 and also in Claim 2 -- associated with the network device is
3 retrieved by the GLSV.

4 This is the contextual information. The GLSV switch returns one
5 or more ordered IP addresses. The IP addresses are ordered using the
6 contextual information that it previously retrieved, and the list of ordered IP
7 addresses is transmitted by the GLSV switch to the client, i.e. the network
8 device.

9 Now, in Ground 2, Claim 15 is similar and if we turn to Slide 8,
10 Claim 15 is shown. And if we compare Claim 1 to Claim 15, we see that we
11 have a genus species relationship where Claim 15 is the system performing
12 the method of Claim 1, with Claim 15 further specifying that the one or
13 more computer processors is a control server. The available servers are
14 actually access point servers and the network device is a first endpoint
15 device, and the connections are tunnels. And the same manner as Claim 15
16 is related to Claim 1, Hankins is related to Kommula.

17 Now if we turn to Slide 9, I have an overview of Hankins. As we
18 see in Hankins, we have in green are the endpoint devices, these are the
19 gateway devices. We have a controller in orange, we have two tunnel
20 servers in red -- 360 and 370 -- and we have another -- on the right side, the
21 gateway device 321 in the gray. In Figure 2, the tunnel servers are the
22 access point servers. The gateway devices are the endpoint devices, and the
23 controller, of course, is the control server in orange, and the connections or
24 tunnels are shown in purple.

25 And as shown in Figure 2, there are several logical connections
26 available by which gateway 311 on the left can connect to gateway device

1 321 on the right in the other logical broadcast domain. The selected paths
2 are governed by the controller, utilizing the contextual information
3 associated with the network device, such as its location. This is the same
4 architecture as in the '595 patent.

5 Turning to Slide 10 to dispute number 1, element 15.3, whether
6 Hankins discloses wherein the control server is configured to receive a
7 request for a list of available servers from a first endpoint. I'll turn to Slide
8 11. These arguments -- these are the arguments the Patent Owner made in
9 the POR. Patent Owner asserts that the petition conflates services with
10 respect for available servers and that the petition improperly relies on both;
11 however, the petition does neither.

12 Slide 12 declares the disclosure in Hankins that shows the
13 controllers configured to receive a request for available servers from an
14 endpoint device. Hankins discloses that a network device may request
15 content from a server located in a different logical broadcast domain, as we
16 described earlier with respect to Claim 9 -- or Slide 9. Hankins further
17 discloses that a gateway 311 and one logical broadcast domain may request
18 services from gateway 321 in a different logical broadcast domain.

19 In order to enable this, the controller relies on contextual
20 information. Hankins discloses a controller may initiate provision of one or
21 more tunnel servers or network device and may initiate transmission of one
22 or more network addresses or one or more tunnel servers to a gateway
23 device. Hankins discloses that the controller may generate a list of one or
24 more available tunnel servers based on, at least in part, a host of
25 considerations. Now, these are the contextual -- this is the contextual
26 information, such as costs, capability, efficiency, compatibility, resources,

1 proximity, you know, how close you are, latency, bandwidth, throughput,
2 utilization, others in combination thereof. The controller --

3 JUDGE ANDERSON: So --

4 MR. MULDOON: Yes.

5 JUDGE ANDERSON: So Mr. Muldoon, Hankins does disclose
6 that -- to Patent Owner's argument that the -- that you all are conflating the
7 request for services with a request for a list of services, Hankins does
8 disclose and you cite in your petition, a request is made for services
9 available versus network devices. So maybe some of what you were saying
10 relates to this, but how is that request for services a request for available
11 servers?

12 MR. MULDOON: As described in the '595 patent, you know, it
13 acknowledges that a request for services is actually request for a number --
14 for IP -- for a number of requests for available servers. So the servers, of
15 course, perform the services. So when we get the request from the gateway,
16 then the controller takes that request. It's a request because the gateway
17 needs to communicate across the logical domain and it's doing that because
18 it wants the -- it's requesting the service, maybe it's a tunnel servers just for it
19 to connect to the other broadcast domain.

20 That's what Hankins discloses and that's why, when it gets to that
21 request, it obtains a list of network addresses or tunnel servers that can
22 provide that service or entry to that server and the other broadcast domain.
23 Does that answer your question?

24 JUDGE ANDERSON: It probably does, but maybe I have a
25 follow-up question or maybe a follow-up clarification. So in requesting
26 services, through the network and the associated network devices, why is it

1 that that is a request for a list of servers, available servers?

2 MR. MULDOON: So the servers -- the service was provided by
3 the available servers and the available servers in the case of Hankins are the
4 tunnel servers, which will enable the gateway device -- network device -- in
5 one logical domain to connect with another -- connect with a device in a
6 separate broadcast domain. So that's why it's a request for available servers,
7 because otherwise, it would not be able to receive that service. It needs to
8 go from one logical broadcast domain to another broadcast -- logical
9 broadcast domain, and it can only do that through -- you need the resources
10 to provide a tunnel through the tunnel servers in Hankins.

11 JUDGE ANDERSON: So is it fair to say, according to your
12 position, that a request for services inherently requires that servers be
13 identified that are available to provide those services?

14 MR. MULDOON: I would not say it inherently, but Hankins
15 discloses -- what Hankins discloses that it provides the tunnel servers to the
16 gateway so that it can, you know, acquire those services under any other
17 broadcast domain.

18 JUDGE ZECHER: Mr. Muldoon, this is Judge Zecher. Just to
19 kind of drill down on that point. Hankins in itself doesn't explicitly disclose
20 that controller 350 receives a request for a list of available servers, correct?

21 MR. MULDOON: Um-hum, that is correct.

22 JUDGE ZECHER: So in other words, what you're relying on, as I
23 understand it -- and I'm looking at your Slide 9, which is --

24 MR. MULDOON: Right.

25 JUDGE ZECHER: -- your Figure 2 of Hankins, that when this
26 gateway device 311, which is in logical broadcast domain A, which I believe

1 is 310, reaches out to gateway device 321 of logical broadcast domain B to
2 see what services are available, you're saying it has to go through one of
3 these tunnel servers, via tunnel server 1, which is 360, or tunnel server 2,
4 370. Is that what you're saying?

5 MR. MULDOON: That is what I'm saying.

6 JUDGE ZECHER: So when the services that are provided by
7 gateway device 321 back to 311 would need to include what tunnel servers
8 provide the connection, is that fair?

9 MR. MULDOON: Yes, that is fair.

10 JUDGE ZECHER: Okay. So I guess -- I understand your reading
11 of it all. I do struggle with the fact that it's not explicitly disclosed, and we
12 have to kind of read between the lines. Is there anything else apart from
13 what you cited on the slide on -- Slide 12, that would kind of hammer this
14 home?

15 MR. MULDOON: So other than what I stated on Slide 12, no, but
16 in the -- in order for, you know, Hankins to make these connections across
17 and it is, you know, in order to get into the other domains, as you've said, the
18 tunnel server has to provide that ability and to link those tunnels so it can get
19 those services, and that's a service in itself, as well. So it's a request for
20 services, it's a request for tunnel servers in order to communicate with the
21 other broadcast domain. Does that answer your question or simplify it or --

22 JUDGE ZECHER: Yeah, I mean, I think you understand where
23 the difficulty is here. I mean, as we just said, it's not explicitly disclosed, so
24 we're going to have to read between the lines based on these disclosures. I
25 do think what you have is a fair reading, but I was just wondering if there
26 was any additional support to bolster that.

1 MR. MULDOON: Okay. I'll -- it may come to me as -- come
2 along, and I'll bring that --

3 JUDGE ZECHER: Certainly, yeah.

4 MR. MULDOON: Yeah.

5 JUDGE ANDERSON: Let's not leave that quite yet.

6 MR. MULDOON: Okay.

7 JUDGE ANDERSON: Let me ask a broad question with respect
8 to Slide 12. Is there any -- are there any of these particular disclosures from
9 Hankins that -- as Judge Zecher said, sort of fill in the gap between services
10 being requested and a list of servers? Which would you point to as your
11 strongest position of the five that you have listed?

12 MR. MULDOON: I would point to the fact that the controller
13 actually sends the -- it's like in -- on 28 in Hankins, the block 22 of
14 controller may initiate transmission of one or more network addresses or the
15 one or more tunnel servers to the gateway, and it's on column 28, 59 to 61.

16 JUDGE ZECHER: So effectively, you're saying it's this
17 provisioning aspect that's performed by the controller to get these one or
18 more tunnel servers? That's --

19 MR. MULDOON: Yeah.

20 JUDGE ZECHER: -- what gives us the list?

21 MR. MULDOON: Yes.

22 JUDGE ZECHER: Okay.

23 JUDGE ANDERSON: Yeah, proceed. Thank you.

24 MR. MULDOON: Okay. And as I said, the Hankins disclosed
25 controller generates a list of one or more available tunnel servers as we just
26 discussed. Based at least on the host of consideration, the contextual

1 information, such as cause, capability, efficiency, proximity, latency, et
2 cetera. And the controller uses this information to reflect the resources
3 being used by the requesting gateway. And how Hankins, again, discloses
4 that the provisioning of the tunnel servers by the control or via execution of
5 one or more software applications, and this is the same way -- it does it in
6 the same manner as the server availability module, in the '595 patent. So
7 importantly, this disclosure in Hankins is parallel to the disclosure in the
8 '595 patent.

9 We'll turn to Slide 13, which shows the parallel disclosures in the
10 '595 patent. First, the '595 patent discloses that the host in the client server
11 relationship makes a request to access content from a remote server and
12 sends data to remote servers via universal research located, or other
13 reachable address. The service availability module, which was discussed
14 earlier, which was found in the control server, exams the current allocation
15 of IP addresses and port combinations while taking into account the actual
16 use, load, and other factors of live production environment. This, again, is
17 the contextual information.

18 Further analyzing the potential impacts of assigned and standby
19 allocations to predict the impact of those resources going live. Now, the
20 '505 discloses that when a device makes a request of the server availability
21 module, what it's asking for is a list of the available servers, specifically an
22 IP address and port which you can utilize in the present or in the future to
23 build a tunnel.

24 Now, I think we already had some questions on dispute number 1.
25 Are there any follow-up questions regarding dispute 1? Okay. I will move
26 on to the second dispute. Turning to Slide 14, we address disputes 2,

1 element 15.5 and this is dynamically ordered the list of available servers
2 from the first endpoint device.

3 If we turn on Slide 15, Hankins describes several examples of
4 dynamically ordered lists of available servers. For example, first, Hankins
5 discloses to provide alternative tunnel servers to the gateways in case one is
6 unavailable. Secondly, Hankins discloses the use of multiple tunnels in
7 order to improve fault tolerance, redundancy, and load balancing, and the
8 controller tells the gateway what tunnel server to use and when to use it.
9 And lastly, Hankins discloses the use of multiple tunnel servers based on
10 providing different services when the selection of tunnel services is based on
11 the requested service. And I'll address each of these in the following slides,
12 and any one of these is enough to meet the limitation of 15.5.

13 Moving to Slide 16. With respect to providing alternative tunnel
14 servers in case one is unavailable. Hankins discloses that an additional
15 server, tunnel server 2, which is the lower tunnel server in Figure 2 on Slide
16 9, may be selected as a secondary route such that gateway device 311
17 transmit the signal packets via tunnel server 237, in the event tunnel server
18 1 -- the 360 -- that's the upper tunnel server in Figure 2 on Slide 9 -- is
19 unavailable for a variety of reasons, such as but not limited to a situation,
20 like a software issue, a configuration issue, a power issue, maintenance,
21 security issue, or other issues or combinations thereof.

22 In other words, Hankins identifies in addition to the primary tunnel
23 server, a secondary tunnel server to the network device in case something
24 goes wrong with the first tunnel server. And so this is an expressed
25 disclosure of dynamically ordering the list of available servers for the
26 gateway to use. Now, if we turn to Slide 17, Slide 17 shows another

1 example in Hankins for using multiple tunnel servers to improve fault
2 tolerance, redundancy, and/or load balancing. Hankins discloses that single
3 packets to be communicated between two broadcast domains, as we talked
4 about earlier, the signal packets may be communicating using more than one
5 tunnel server, so that immediately successive signal packets have a signal
6 communication path that includes different tunnel servers, that each impact
7 it goes through, the end tunnel server, to improve security, and received at
8 the other end.

9 What this means is in a first packet is sent over a first tunnel
10 server. A second subsequent packet is sent over a second tunnel server and
11 so on. The controller is telling the network device the tunnels from a
12 network device, the tunnel servers to use, and the order in which to use
13 them, as an ordered list. And as one tunnel server becomes unavailable, the
14 controller can update the list, which is then dynamically ordered. Thus, the
15 tunnel servers are dynamically ordered by the controller.

16 And finally, on Slide 18, with respect to limitation 15.5, Hankins
17 discloses using different tunnel servers for different services. One tunnel
18 server may be better suited for use in file serving and the other tunnel server
19 may be better suited for message service. As Dr. Reddy explains, a person
20 of skill understood that Hankins orders the availability of tunnel servers on
21 the needs of the gateways in the broadcast domain. For example, the needs
22 include file service more than messaging, the tunnel server handling file
23 service would be ranked above that of the tunnel service or messaging
24 service.

25 JUDGE ZECHER: Mr. Muldoon --

26 MR. MULDOON: Yeah.

1 JUDGE ZECHER: -- this is Judge Zecher. About these three
2 disclosures you just highlighted in Hankins, it's kind of similar to what
3 Judge Anderson asked you earlier. Which one do you think best discloses
4 this dynamic list?

5 MR. MULDOON: I would say -- yeah, I would say that, I guess,
6 in Slide 17, it says -- I'm sorry. Actually, I would say Slide 16.

7 JUDGE ZECHER: Okay.

8 MR. MULDOON: But like I said, any one of these words. You
9 know, with Slide 17, you have to order the -- you have to order the servers
10 because the first server is going to handle the first packet, the second server
11 is going to handle the second packet, and so on and so on. So, that's
12 required.

13 JUDGE ZECHER: So that would be 17, right? Not 16?

14 MR. MULDOON: Right, that'd be 17.

15 JUDGE ZECHER: Okay.

16 MR. MULDOON: But yeah, 16 I think would be better --

17 JUDGE ANDERSON: You have about 30 minutes --

18 MR. MULDOON: -- for our argument.

19 JUDGE ANDERSON: -- of your -- 30 minutes left. So if you
20 want to try to keep that in mind as far as your rebuttal time.

21 MR. MULDOON: Great, thank you.

22 JUDGE ANDERSON: That would be a good idea.

23 MR. MULDOON: Yeah. Thanks. So and finally, going to Slide
24 19. The petition alternatively demonstrates that Hankins in view of
25 Kommula discloses dynamically order of available services. But the petition
26 asserts that to the extent the Patent Owner asserts that Hankins does not

1 expressly state that the available tunnel servers are dynamically ordered,
2 Kommula discloses dynamically ordering a list of available servers to
3 provide a communication path between the network devices based on the
4 contextual information. This is how it was discussed earlier with respect to
5 Claim 1 in Kommula, Slides 5 and 6.

6 The person of skill would be motivated to modify the identification
7 of available tunnel servers as taught by Hankins to include dynamically
8 ordering, as taught by Kommula, in order to make more efficient use of
9 resources. The PO is only arguing with respect to this combination, is that
10 Kommula and Hankins are not analogous art. As described in Slide 20 --

11 JUDGE COURTENAY: Mr. Muldoon --

12 MR. MULDOON: Yeah.

13 JUDGE COURTENAY: -- may I interrupt you briefly? This is
14 Judge Courtenay. Your Slide 19, you cite to Exhibit 1003, paragraph 153,
15 so that's the Reddy --

16 MR. MULDOON: Uh-huh.

17 JUDGE COURTENAY: -- Dr. Reddy declaration, and I look at
18 that paragraph 153 and it's just -- there's no citation to Kommula. It's just --
19 it says, to the extent that Patent Owner asserts that Hankins does not
20 expressly state that the available tunnel servers are dynamically ordered.
21 Kommula discloses dynamically ordering a list of available servers to
22 provide a communication path between network devices based on contextual
23 information. There's no citation.

24 MR. MULDOON: Yeah, it's referring --

25 JUDGE COURTENAY: And then the declaration -- go ahead.

26 MR. MULDOON: I think it's referring back to Ground 1, where

1 we discuss -- because that's also where we call -- in Claim 1, that's also a
2 limitation, and so we discuss how Kommula addresses that.

3 JUDGE COURTENAY: Okay. In what paragraph of the
4 declaration would it refer to the dynamic limitation in Claim 1?

5 MR. MULDOON: It would be --

6 JUDGE COURTNEAY: So it looks like it's paragraph 82, I
7 believe.

8 MR. MULDOON: Yeah, I'm getting there. Yes, it would be.

9 JUDGE COURTENAY: And that only cites to the abstract.
10 Exhibit 1004, abstract of Kommula?

11 MR. MULDOON: Yes.

12 JUDGE COURTENAY: So that's the only citation to evidence.
13 And can you explain how the abstract of Kommula teaches this dynamic
14 ordering of a list, as you've claimed?

15 MR. MULDOON: Well --

16 JUDGE COURTENAY: I'm just trying to follow your --

17 MR. MULDOON: Yeah. Right, I understand.

18 JUDGE COURTENAY: -- expert's reasoning, and where's the
19 evidence to support the expert's testimony.

20 MR. MULDOON: Right.

21 JUDGE COURTENAY: And I just need the abstract, so if you
22 could explain how the abstract teaches dynamic ordering of the list. The
23 abstract of Kommula.

24 MR. MULDOON: All right. Just one second.

25 JUDGE COURTENAY: Now, there is a mention of a list in the
26 very last word of the abstract. The GSLV switch places --

1 MR. MULDOON: Yeah.

2 JUDGE COURTENAY: -- the address that is deemed best at the
3 top of the list.

4 MR. MULDOON: Yeah.

5 JUDGE COURTENAY: So I guess that's your cite there.

6 MR. MULDOON: Yeah. That's what --

7 JUDGE COURTENAY: That's the evidence -- that's the only
8 thing in Kommula that actually teaches arguably dynamically ordering a
9 list?

10 MR. MULDOON: Right.

11 JUDGE COURTENAY: Is that correct?

12 MR. MULDOON: Yeah.

13 JUDGE COURTENAY: Okay.

14 MR. MULDOON: Right, the abstract -- yeah, the abstract says
15 that the GSLV switch acting as a proxy returns one or more IP addresses for
16 the host name and the IP addresses are ordered using metrics that include the
17 information collected from the sites, which is based on other metric
18 information. So it's also -- it collects these based on the metrics and then it
19 places what is deemed best on the top of the list. So there's a list based on
20 metrics and whichever is the best based on those metrics. And so the IP
21 addresses are ordered using metrics, so that's another disclosure of their --

22 JUDGE COURTENAY: All right.

23 MR. MULDOON: -- ordering method.

24 JUDGE COURTENAY: Thank you for clarifying that.

25 MR. MULDOON: Okay. And then so the -- going back to -- on
26 Slide -- the PO's argument with respect to this combination is that Kommula

1 and Hankins are not analogous art, so they don't go into the substance of
2 Kommula. They just say it's not analogous art. As described in Claim 20,
3 both Hankins and Kommula are directed to identifying any available servers
4 to provide a communication path through a network. So as Hankins and
5 Kommula use contextual information to identify available servers, such as
6 proximity to the server, Claims 1 and 4 are directed to create a dynamic list
7 of available servers, as discussed with Kommula and as we just discussed
8 now. And Claims 15 through 20 are directed to creating a dynamic list of
9 available tunnel servers. Thus, these are analogous art.

10 The petition expressly identifies that it's Kommula's teaching, as
11 we just went over, of dynamic ordering the list based on contextual
12 information, such as proximity, that can be used to modify the teaching of
13 Hankins. And further, on Slide 21, with respect to element 15.5, the petition
14 lays out the case for obviousness, including motivation to combine, as well
15 as a likelihood of success. Now, we turn to the next slide, dependent Claims
16 19 and 20 --

17 JUDGE ANDERSON: Mr. Muldoon --

18 MR. MULDOON: Yeah.

19 JUDGE ANDERSON: -- you have a total of 10 minutes left in
20 total for your argument.

21 MR. MULDOON: Right. Let me --

22 JUDGE ANDERSON: You're five minutes into your rebuttal. Go
23 ahead.

24 MR. MULDOON: All right, thank you. So let me just turn -- so in
25 both, Claims 19 and 20, the petition points to Figure -- to Claims 7 and 4,
26 respectively, which then point to the application of Kommula to Claim 1.

1 Okay. And then the last dispute on Slide 25 is a procedural attack in which
2 the PO -- Patent Owner mischaracterizes and cherry picks quotes out of
3 context. The Patent Owner in its response, like many of the examples, each
4 of which have been pulled to present on the next several slides. In each of
5 the quoted texts, it was allegedly without citations, as underlined in red, and
6 the appropriate citations are highlighted in green.

7 Slide 26 shows this, Slide 27 shows a similar structure, Slides 28
8 and 30 show a topic sentence followed by and supported by two paragraphs,
9 each including citations for the record. So this pattern continues on the
10 remaining slides. So contrary to the PO's assertion, the petition is fully
11 supported by citation to the record. So I would like to reserve the rest -- the
12 remainder of my time for rebuttal.

13 JUDGE ANDERSON: Okay. Mr. Muldoon, you have nine
14 minutes left, according to my timekeeping. But let me ask you one question
15 before we let Mr. Devlin present his side of the case. I'm looking at your
16 Patent Owner -- or Petitioner reply at page 4. And I'm not doing this to
17 embarrass you, let me just say that, but there's a mistake there that says --
18 has a bracketed thing -- a bracketed comment, we will provide citations to
19 support this -- these statements.

20 Assume you will provide citations to support these statements. I'm
21 not trying to cause any consternation here, but I am interested in what does
22 support the statement because the statement made is -- it says in the prior
23 sentence, thus, Hankins discloses limitation 15.3, and then it -- then the next
24 sentence is the one that requires citation, according to whatever that insert
25 was. Moreover, this example in Hankins is identical to the example
26 disclosed in the '595 patent. So can you tell us now or maybe when you get

1 a chance to respond to Mr. Devlin's argument, at that time, what example in
2 Hankins is identical to what example in the '595 patent?

3 MR. MULDOON: Right. So we have -- if we go to Slide 12 and
4 Slide 13, we show the parallel disclosures in the '595 and Hankins. So like
5 Hankins disclosing a controller matrix. So Slide 12 includes what the
6 appropriate cites to that.

7 JUDGE ANDERSON: Okay. I don't have any further questions.
8 If neither of the other Judges does, we can let -- I'll leave it open to them if
9 either has any questions. Mr. -- Judge Zecher, Judge Courtenay, any
10 additional --

11 JUDGE ZECHER: Yeah, nothing from me.

12 JUDGE ANDERSON: -- questions?

13 JUDGE COURTENAY: Nothing further from me.

14 JUDGE ANDERSON: Okay.

15 JUDGE COURTENAY: Thank you, Mr. Muldoon.

16 JUDGE ANDERSON: Very good. With that, let's proceed. Mr.
17 Devlin, you are up.

18 MR. DEVLIN: Thank you, Your Honors. And if you could just
19 keep the Petitioner's slides up for a moment, and let's look at 12 and 13
20 together because this is the core of Petitioner's argument. And I just want to
21 say at the outset what I'm going to talk about, and then we'll turn to our
22 slides a little bit, but we'll start with Slide 12. Slide 12, just like the petition,
23 suddenly attempts to correlate two completely separate processes in
24 Hankins. Completely separate. One of those processes is this request for
25 services from one gateway to another gateway. Now, those gateways are the
26 endpoint devices in Hankins. In fact, if you scroll up briefly to Slide 9, still

1 on Petitioner's slides --

2 JUDGE ANDERSON: Wait just a minute, Mr. Devlin. I'm sorry.
3 I didn't ask you how much time you wanted to reserve.

4 MR. DEVLIN: Ten minutes, Your Honor. Thank you.

5 JUDGE ANDERSON: Very good. Sorry to interrupt. Go ahead.

6 MR. DEVLIN: No problem. And I'm going to -- just glancing at
7 slide -- Petitioner's Slide 9 still, this is the annotation of the overview of
8 Hankins. And as Petitioner's Counsel just described in their argument, the
9 green box gateway devices are the endpoint devices in the system, in the
10 Hankins system, the endpoint devices. So if you go to Slide -- back to Slide
11 12, there are two different things going on in Slide 12, just like there are two
12 different things going on in the petition, just like there are two different
13 things going on in Hankins, but the Petitioner attempts to squish them
14 together and they've done that on this page.

15 The first of those is the request from one endpoint device, gateway
16 311, to another endpoint device for what services that endpoint device can
17 deliver. And that process I'll talk about in a little bit more detail later. The
18 second -- and that's the first two bullets here on Slide 12.

19 The later bullets are a completely separate process of provisioning,
20 which is described with respect to Figure 4 of Hankins. It has nothing to do
21 with any requests or services. So that's one thing I'm going to talk about is
22 busting up what Petitioner has tried to squish together, and which Hankins
23 clearly identifies as two completely separate processes that are not
24 connected, in any way, shape or form, within Hankins.

25 And one of Your Honors noted that in order to connect the dots
26 here, you have to read between the lines. It's far worse than that. You

1 literally have to not only make all this up, you have to ignore the disclosure
2 of Hankins, and that's absolutely improper.

3 So what the Petitioner does on Slide 13 -- going to Slide 13 -- is
4 look to equate logically the disclosure of Hankins with the disclosure -- not
5 the claims -- the disclosure of the '595 patent. And this comparison also
6 makes zero sense. It's legally a wrong thing to do, but it also factually
7 makes no sense at all. And so that's what I'm going to talk about, these core
8 concepts primarily, in the time that I have with you.

9 And I'm going to go to Patent Owner's slides now and walk
10 through some of this with a little background and then get to where I just
11 was. So I'm turning now to Patent Owner's slides and our slides are all in
12 one deck. The '595 patent is first and I'm going to start at the Slide 4, which
13 is our sign posting of where we're going with our '595 argument here. And
14 I'm just going to briefly go to Slide 5 and without reading all this text on
15 Slide 5, what I think everyone agrees on here is that what the '595 patent is
16 about is about a process and a system for the creation and the connection of
17 tunnels between endpoint devices.

18 So the '595 patent starts conceptually at a position where there are
19 no such tunnels and then goes through a process to create and establish
20 tunnels between such endpoint devices. That's what the '595 patent is about
21 and improved ways of doing that. And without reading everything on Slide
22 5, that's what it's saying there.

23 Turning to Slide 6, a quick note just for clarity. In order to
24 streamline this process, Patent Owner disclaimed Claims 1 to 14, so they're
25 not part of this process anymore. Just for the record, we don't agree with
26 Petitioner's arguments, but we do think that the process is much more

1 streamlined by focusing on Claims 15 to 20, so we disclaimed 1 to 14, and
2 that's why we're focusing on 15 to 20 here.

3 Moving on to Slide 7, it just connects -- demonstrates what I was
4 just saying in terms of what the claim is about, about creating tunnels
5 between endpoint devices. And what we've done here is just underline a
6 couple different bits of texts in Slide 7 to demonstrate this -- that what this is
7 about is an access point server in 15.1 configured to connect one or more
8 endpoint devices via first tunnels. So that hasn't been done yet. It's
9 configured to do that.

10 And then the different language used when there's already a tunnel
11 established is that things are connected, not configured to connect or to be
12 connected, and that's showed at 15.2. There's a control server that within the
13 claim is already connected to the access point server via a second tunnel, so
14 that connection already exists at the start of the claim. That's just control
15 server to the access point server, but the tunnels between the end point
16 devices have not been established at the subject matter of the claim here
17 starting out.

18 I don't think there is any debate about that and Slide 8 -- if I turn to
19 Slide 8, I'm just going to slide by it, Slide 8 just basically says the same
20 thing, that what the patent's about is balancing demand for resources for
21 endpoint devices -- that's EPDs in that red highlighted or emphasized portion
22 of the text -- that are wanting to build tunnels. So we're looking to build
23 tunnels. We haven't built the tunnels yet, as of the time of the -- Claim 15.

24 All right. Let's talk about the claim language in Hankins. I'm
25 going to -- I'm on Slide 9 and I'm going to talk about the first item, which is
26 this request for list of available servers. And there's a couple of different

1 ways this is utilized in the claims. They all create differences between
2 Claim 15 and Hankins.

3 Slide 10 just shows the first of those instances where we're talking
4 about receiving this request for a list of available servers -- not services --
5 from a first endpoint device. Slide 11, if we go on, just goes to show how
6 important this list of available servers are to the claim. It's identified and
7 recited repeatedly throughout the claim. It's a core component of what this
8 claim is about and that's important when we look at Hankins and see none of
9 this. This is not random one-off meaningless recitation in the claim. This is
10 the core of what the claim is about, Claim 15, this receiving a request for a
11 list of available servers, retrieving it, processing that, ordering it, and then
12 transmitting it back. All of that list of available servers throughout.

13 Okay, I'm moving to Slide 12. And now I want to reference -- it
14 just so happens that Petitioner's Slide 12, which was the slide that squished
15 together these two completely separate processes in Hankins. One is a
16 process whereby which one endpoint makes a direct request to another
17 endpoint for available services. That's talked about here in this quoted piece
18 of text from the petition itself.

19 The second part of this same text draws in a completely separate
20 process of provisioning the tunnels. And the way this is set up -- this is
21 really important to understand because this is the rhetorical handwaving that
22 the petition does over and over again. If we just break this text down, it
23 shows exactly what's going on.

24 First, there's a summary sentence here. It asserts that Hankins
25 discloses a list of available -- a request for a list of available servers,
26 including tunnel servers. That's the first sentence there. It's just a summary

1 sentence of what they assert Hankins discloses. The next couple sentences
2 are the supposed analysis of that. The first of those is the four example
3 sentence and that talks about the request for services.

4 And if you go to Slide 14, we keep that same text from the petition
5 on the left and we pull up the quote from Hankins that's right there after that
6 second sentence in the petition, Exhibit 1005, columns 12, lines 9 to 16.

7 And we can see in this quotation, it's talking about a request for services. It
8 says nothing about a request for servers, nothing about a request for a list of
9 available servers, nothing about tunnels or servers available to form tunnels.
10 Nothing at all. Then in the next sentence going back --

11 JUDGE ZECHER: Mr. Devlin?

12 MR. DEVLIN: Yeah.

13 JUDGE ANDERSON: In that sentence --

14 JUDGE ZECHER: This is Judge Zecher. Who do you think
15 provides the services? Is it a server?

16 MR. DEVLIN: It's the server on the other endpoint device. It's not
17 a server within the system. It's not the control server and it's not the tunnel
18 server or the access server. It's a server on the far end domain, from what
19 everyone agrees is the opposite endpoint.

20 JUDGE ZECHER: Okay. I'm sorry, Judge Anderson. I
21 interrupted you. Do you have a question?

22 JUDGE ANDERSON: That's fine. I think you were asking near
23 the identical question I was going to ask.

24 JUDGE ZECHER: Okay.

25 JUDGE ANDERSON: But let me ask it my way anyway.

26 JUDGE ZECHER: Sure.

1 JUDGE ANDERSON: So why would -- would it not be fair to say
2 that when you're requesting services, you're doing so through a server?

3 MR. DEVLIN: I think it's fair to say that yes, that transmission for
4 request for services will go through one or more servers. I don't think I need
5 to contest that, and I won't bother. I think it's fair, but the question is when
6 were those servers provisioned -- when was that pathway provisioned and
7 how, and why was that pathway set up by which one endpoint device in
8 Hankins can talk to another endpoint device in Hankins. What Petitioner is
9 trying to say that -- is that somehow, this request for services from one
10 endpoint to another automatically results in some request for a list of
11 available servers to form tunnels. That connection is never made in Hankins
12 and in fact, is contradicted by Hankins, which is what I'll be getting to.
13 Okay. So back to this quote on --

14 JUDGE ZECHER: Mr. Devlin --

15 MR. DEVLIN: Yeah.

16 JUDGE ZECHER: -- just to make it clear for the record, when
17 you're referring to Hankins and the endpoints, you're referring to Figure 2 of
18 Hankins and the gateway server -- rather the gateway device 311 and the
19 other endpoint on the right, gateway device 321? Is that correct?

20 MR. DEVLIN: Right. That's correct.

21 JUDGE ZECHER: Okay.

22 MR. DEVLIN: But I'll note, that's exactly --

23 JUDGE ZECHER: All right.

24 MR. DEVLIN: -- the words that Petitioner's Counsel used in this
25 argument when referring to those two green highlighted box for endpoint
26 devices.

1 JUDGE ZECHER: Thank you. Thank you very much.

2 MR. DEVLIN: Thank you.

3 JUDGE ZECHER: Proceed.

4 MR. DEVLIN: Thank you. So back to -- so we're on Patent
5 Owner's Slide 14 still. We've got the petition on the left, we've just looked
6 at the quote on the right that is the citation from the second sentence of this
7 boxed quotation from the petition, which is talking about this request for
8 services available. Nothing about servers, nothing about tunnels, nothing
9 about a list of available servers, nothing in that.

10 Then in the next sentence of the petition, the Petitioner pivots to
11 talking about a different process in Hankins entirely, which is the
12 provisioning process, and it talks about that in the next couple of sentences.
13 The controller identifies potential tunnel servers, and the tunnel servers can
14 be used to establish connections between those gateways. The juxtaposition
15 and the ordering of these sentences suggest to a reader naturally who hasn't
16 looked at Hankins yet that the first thing that happens is a request for
17 services is made and then the next thing that happens is this controller gets
18 working to set up the tunnels. That's not what happened in Hankins at all.
19 It's what happens in the petition right here, that they're juxtaposed and
20 ordered that way, but not in Hankins, and it's actually the same thing that the
21 Petitioner just did in their Slide 12.

22 Same thing. They order the sentences so that the first couple of
23 bullets are talking about this request for services and the next bullets are
24 talking about provisioning, which is an entirely different process in Hankins,
25 completely disconnected from the request for services.

26 Then lastly what happens on this particular quote from the

1 Petitioner is the thus quote, the next to last red underlining, thus, the
2 Petitioner then connects the dots as if Hankins connects them. When you
3 request services, you must be requesting this list of potential servers to form
4 tunnels. And, again, that's just a rhetorical assertion that attempts to connect
5 the sentences above, which are completely disconnected in Hankins.

6 So, so far what we've looked at only is the sourcing of Hankins
7 from that first part, the request for services. That's what they cite, column
8 12, lines 9 to 16, that's what's on Slide 14 on the right-hand side. Let's go
9 forward, though, and talk about this other rhetorical device that they use, and
10 this is a completely logical fallacious argument -- logically fallacious
11 argument -- about a comparison between the text of Hankins and the
12 disclosure of the '595 patent.

13 And without looking at this slide -- I'm on Slide 15, but let's just
14 take a step back for a second. And if you could just listen to me, here's the
15 logic that Petitioner is asserting. They're asserting, look, in Hankins, there's
16 a request made from one component within the system to another component
17 in the system, and I, Petitioner, would like to prove to you, Board, that that
18 request is a request for a list of servers available to form tunnels, and what's
19 going to come back is that list of available servers.

20 What they do is then they look to the '595 patent and they find a
21 request made by a component in the '595 patent system to another
22 component in the '595 patent system. That request is a request for a list of
23 available servers to form tunnels, and it certainly results in a list being sent
24 back. And so according to the Petitioner, that must be what's happening in
25 Hankins.

26 Now, this argument makes no sense. It ignores the nature of the

1 request that's being made in each instance, it ignores the recipient device of
2 the request, and it ignores, therefore, the information that's going to be
3 returned. In Hankins, the request that the Petitioner is talking about is from
4 one endpoint to another endpoint device, about which services that second
5 endpoint device can offer. And so naturally, what's going to come back as a
6 response is a list of services. I can do file transfer, or I can do messaging or
7 whatever. What's happening in the '595 patent is completely different.

8 I'll go to Slide 16 now, and this is what's happening in the '595
9 patent on the right-hand side. There's a request from an endpoint device to
10 something called a server availability module. Now, just like it sounds, that
11 server availability module has a list of available servers, and it returns a list
12 of available servers after going through the logic of the '595 patent that has
13 that dynamic ordering and so forth. That's what gets returned.

14 There's no server availability module in Hankins. There's no such
15 thing that an endpoint device makes a request to. There's never a request
16 from an endpoint device to a server availability module. There's zero
17 connection between what's going on in Hankins with a request for services
18 from one endpoint to another endpoint on the one hand, and on the other
19 hand, the request from an endpoint device to a server availability module for
20 a list of available servers. They're totally different processes.

21 Now, I'll go to Slide 17, and I'll note, this is also legally improper.
22 If a Petitioner had somehow successfully looked at the specification of the
23 '595 and used that as a roadmap to piece together what to do in the prior art
24 and that's kind of what they're doing here, that'd be bad enough, but it's even
25 worse here because they're not even piecing together comparable processes
26 and components and features of the prior art that meet what's actually recited

1 in Claim 15 of the '595 patent. They're completely different processes,
2 completely different components involved. And therefore what's happening
3 in Hankins, in no way, shape, or form satisfies this request for a list of
4 available servers recited in 15.3.

5 JUDGE COURTENAY: Mr. Devlin, this is --

6 MR. DEVLIN: Yeah.

7 JUDGE COURTENAY: -- Judge Courtenay, again. I'm going
8 back to Petitioner's Slide 12 and you group -- there are five bullet points
9 there. You group the first two together and you group the third, fourth, and
10 fifth bullet points as pertaining to provisioning. And I'm looking at the first
11 one, Exhibit 1005, which is Hankins at column 28, and it does refer to
12 Figure 4. It doesn't refer to Figure 3.

13 MR. DEVLIN: Figure 4, absolutely, and I'll get there. I'm sorry.
14 If I said Figure 3, I was mistaken. It absolutely -- the last couple of bullets
15 and particularly at column 28 in Hankins refers to Figure 4, which I was just
16 going to talk about in a minute.

17 JUDGE COURTENAY: That's correct, yes. And if you could
18 expand on that, I just, you know -- I just noticed that. It's a different figure
19 entirely.

20 MR. DEVLIN: Yep.

21 JUDGE COURTENAY: It's not Figure 3. It's Figure 4. At least
22 for the third bullet point in Petitioner's Slide 12.

23 MR. DEVLIN: Absolutely, absolutely. And that's what I'm going
24 to get to, so staying with Slide 12 on Petitioner's slides briefly, again, we can
25 look at the first two bullets. The first two bullets talk about requesting from
26 one endpoint to another endpoint services available. Either content or what

1 services one can give to the other. And in the next three bullets, you see the
2 word provisioning. Provisioning -- I think -- it doesn't happen to be in the
3 fourth bullet, but it's part of the provisioning process we'll look at in a
4 minute, and the fifth bullet on Slide 12 also talks about provisioning. So the
5 third -- the latter three bullets, bullets 3, 4, and 5 in Slide 12 are about
6 provisioning. Completely separate process, which we can talk about right
7 now.

8 JUDGE ANDERSON: Why is it a separate process?

9 MR. DEVLIN: Sure, sure, but let me --

10 JUDGE ZECHER: Mr. Devlin, just so I'm clear -- and I get where
11 you're going with all this -- but I would like you, if you could on that -- on
12 those cites for -- on Slide 12, really the one on column 26, line 55 through
13 65 -- it's not clear to me that that's not referencing Figure 2. But -- so when
14 you get into this, just -- if you can hopefully drill down on all of this.

15 MR. DEVLIN: Sure. Let me note one other -- there's a -- I don't
16 want to slide over this too much, but I'll talk about Slide 18 and 19 and 20
17 briefly here. So there's another argument made that the services available
18 from one endpoint to another in Hankins can be determined by which ports
19 happen to be available at that far endpoint device, but this again, is endpoint
20 devices talking to one another directly, through whatever network they're
21 talking. They're talking to one another directly to determine available
22 services, and it's an embodiment that recognizes that sometimes in a given
23 network environment, there can be some control or protocols about which
24 ports on devices are associated with which services. Port 1 is file transfer,
25 port 2 is messaging, whatever.

26 And so rather than endpoint 1 or gateway 1 asking gateway 2 what

1 services do you have, it can infer it simply by looking at what ports are
2 available, but it's the same thing. So that was in the papers. I don't think the
3 Petitioner talked about it here, but it's in no way, shape or form, again,
4 anything that's happening in the '595 patent claims. It's endpoint devices
5 talking about services available to each other.

6 Okay. I'm going to Slide 21 now. Here, I'm going to start talking
7 about provisioning. Let me just move actually to Slide 22. Here's Figure 4
8 of Hankins and Figure 4 talks about this provisioning process. And
9 provisioning process is the closest thing and maybe the thing where the
10 tunnel services are set up in Hankins. And what I've asserted to you is that's
11 a very different process than this request for services, and it does not involve
12 any of the endpoint devices making any such requests. And we can see that
13 that's correct, what I said is correct, looking at Figure 4.

14 Let's take it from the top. What happens in Figure 4 is that each of
15 the endpoint devices, the gateways, looks at itself, discovers and generates a
16 broadcast domain configuration. And Your Honors, I would posit it in box
17 402, it says gateway device B, but I think that's a typo. It actually doesn't
18 matter if it's a typo for this argument. I'm pretty sure it is a typo.

19 What's happening in 401 and 410 is gateway device A and gateway
20 device B. Each generate their broadcast domain configurations. And then in
21 402 and 411, they each transmit those of their own volition to the controller.
22 It's not in a response from any request, from any endpoint device at all. It's
23 just part of the process of how Hankins works to provision tunneling
24 services. Ex ante is everyone look at your system and setup and let me
25 know. And they do that automatically to the controller. That's the green top
26 box.

1 Once that happens, the controller does some work to initiate
2 provisioning. That's the yellow box and the various steps there. And then
3 the next green and red boxes, this information is communicated out to the
4 tunnel servers and the tunnel servers establish tunnels and begin providing
5 transmissibility between the endpoint devices. All of this happens in
6 Hankins, absolutely independently from any request for services or servers,
7 or a list of servers from any endpoint device.

8 And so to try to read between the lines in Hankins, a process of
9 provisioning the tunnels into this request for services is not only, I would
10 say, more accurately making things up, but it's contradictory to the
11 disclosure in Hankins of how tunnels are created.

12 JUDGE COURTENAY: Mr. Devlin, looking at the larger picture
13 here, I've heard you argue using your specification and claims as a guide
14 hindsight, and you just seemed to make a teaching away argument just now.
15 And this provisioning in Hankins is really a different embodiment, arguably,
16 than the other embodiment in the first two bullet points, at least. But there is
17 case law, and the case is Boston Scientific v. Cordis Corporation, 554 F.3d
18 991, the Federal Circuit 2009, that combining two different embodiments
19 disclosed adjacent to each other in a prior art patent does not require a leap
20 of inventiveness. So how would you respond to that?

21 MR. DEVLIN: Sure. It's make believe to assert that the request
22 for services is an embodiment of setting up tunnels. That's not an
23 embodiment of setting up tunnels. That's an embodiment of exactly what it
24 says. You'd have to close your eyes, squint, hold your nose, and imagine
25 something that doesn't exist in order to assert that the request for services is
26 the provisioning of tunnels or the creation of tunnels. And you don't have to

1 believe me on that. You can look at the Petitioner's Slide 12 because it's the
2 Petitioners that keep pointing to the provisioning as the basis for the setting
3 up the tunnels. It's the Petitioners that are doing that. The feature --

4 JUDGE ANDERSON: Well, wait a minute, Mr. Devlin. I
5 understood you to say that the provisioning was quote -- and I think I got
6 this quote right -- you correct me if I'm wrong -- "tunnel services are set up",
7 end quote, is what provisioning is. Am I right in my recollection of your
8 quote?

9 MR. DEVLIN: Correct. I think that's --

10 JUDGE ANDERSON: What you said --

11 MR. DEVLIN: I think that's fair. I can't remember if I used those
12 exact words, but sure. And I was referring to Figure 4, but go ahead, Your
13 Honor.

14 JUDGE ANDERSON: So if the services are set up, wouldn't they
15 be done in some particular order to be set up?

16 MR. DEVLIN: Ah, look what Your Honor just did. You just
17 conflated services with servers. Figure 4 is not about setting up services.
18 Figure 4 is about setting up the tunnels, the connections, and the services
19 that are being talked about are not a separate embodiment of setting anything
20 up. It's one device simply asking another, hey, what -- an endpoint device,
21 what services do you have available? Can you do file transfer? Can you do
22 messaging? Whatever.

23 And to look at Figure 4 and suggest it's talking about services is
24 incorrect. It's about setting up tunnels, provisioning the tunnels. The in
25 between connectivity between the endpoint devices, and it does so in an
26 entirely different way than Claim 15 sets up the tunnels. That's what Claim

1 15 is about of the '595 patent. How are we going to set up tunnels? And the
2 comparative disclosure in Hankins is Figure 4 and its description, and Figure
3 4 and its description is completely different from the process of the '595 in
4 setting up the tunnels. That's the core of what's going on here.

5 And the fact that the word "request" and the word "fragment
6 SERV" somewhere else in Hankins appears close to one another doesn't
7 mean anything. It's a totally -- it's not another embodiment of setting up the
8 tunneling connectivity between end points. That's simply a request for what
9 each endpoint is doing to another endpoint directly. Totally different things.
10 They're not two embodiments of the same thing and that's why that Boston
11 Scientific case has nothing to do with what's going on here. These aren't two
12 related -- or two embodiments that are getting at the same fundamental
13 process, setting up tunnels. That's not what's happening at all. So Boston
14 Scientific --

15 JUDGE ZECHER: Mr. Devlin?

16 MR. DEVLIN: -- is not relevant.

17 JUDGE ZECHER: Yeah, this is Judge Zecher. But you don't
18 dispute, for example, in Petitioner's Slide 9, that their main core reasoning
19 relies on Figure 2, correct, of Hankins? Is that disputed --

20 MR. DEVLIN: I don't think that's fair, Your Honor. I think they
21 need -- very much need, because they keep pointing to it -- the
22 provisioning --

23 JUDGE ZECHER: Okay, and I agree with you and that's where
24 I'm going with this --

25 MR. DEVLIN: Okay.

26 JUDGE ZECHER: -- because I think what we see from, at least

1 Slide 9, is kind of setting up the structural features. Here's our gateway
2 devices, here's our controller, here's our tunnel servers, right? And trying to
3 make all of these connections.

4 So going back through Hankins, I mean, I've read through the
5 description of Figure 2 and in more than one instances, it talks about the
6 controller provisioning the tunnel servers. I'll just start -- for the cites that
7 I've read. If we go to column 24, let's see, line 51, controller 350 may
8 provision tunnel server 1, shown as 360. So it starts there. If you go down
9 to column 26, which I believe is one of the cites that the Petitioner provided,
10 line 55, it says, provisioning additional tunnel servers may, as one possible
11 consideration, potentially enhance communication by providing alternative
12 paths between gateway devices.

13 So it does seem to, at least in the disclosure of Hankins, apply this
14 notion of provisioning to Figure 2. So I guess I'm just trying to wrap my
15 head around your argument. Are you saying they're only relying on Figure
16 4? That it's a completely separate embodiment? They can't mix and match
17 it with what their reliance is on Figure 2 or are you saying that there is no
18 provisioning whatsoever being done in Figure 2?

19 MR. DEVLIN: Neither. Neither of those. Figure 2 and Figure 4
20 are not alternatives. Figure 2 is a global architectural diagram. There are a
21 lot of things going on in the system. There are a lot of functions that can
22 occur within this global architecture. What I'm saying is one of the
23 functions that Petitioners point to is this request for services. That function
24 is completely separate from the other function, which is described in Figure
25 4, which is the provisioning of tunnel services. So of course, both of those
26 things happen in this overall system.

1 Figure 2 is not -- I'm trying to think of how, you know -- the right
2 verbiage here, but I'm just going to set that aside and go back to what I said
3 before. Figure 2 is an architectural diagram. It's not a flow diagram. It's not
4 a process. It's the global architecture of the system.

5 Figure 4 describes one of those processes that happens in the
6 system and one of those processes is provisioning, and so, of course,
7 sometimes in discussing Figure 2, Hankins also discusses provisioning
8 because provisioning happens within the context of this global architecture
9 of Figure 2, for sure, but it's described by the process of Figure 4. What is
10 totally separate from the process of provisioning of Figure 4, with which
11 also occurs without the global architecture of Figure 2, a totally separate
12 process, is gateway device 311 pinging gateway device 321 and saying, hey,
13 what can you do for me. What services do you have?

14 JUDGE ZECHER: So you're --

15 MR. DEVLIN: (CROSSTALK) --

16 JUDGE ZECHER: I just want to make sure I understand your
17 argument correctly. I think what I understand you to argue, and you can
18 correct me if I'm wrong, is this whole notion of gateway device 311
19 requesting services from gateway device 321 does not trigger any
20 provisioning. There is no correlation or relationship between the
21 provisioning that's occurring later on; is that --

22 MR. DEVLIN: Exactly.

23 JUDGE ZECHER: Is that what you're -- okay.

24 MR. DEVLIN: But actually --

25 JUDGE ZECHER: All right.

26 MR. DEVLIN: And I don't think it's later on. I don't think it's

1 later on. I'll get to that. There's a second argument I'm going to make --

2 JUDGE ZECHER: Well, I -- and I understand what you're arguing
3 there, but I guess I just want to take it a step further. If you have these
4 gateway devices 311 and you're requesting a service from 321, how does
5 321 deliver that service?

6 MR. DEVLIN: Well --

7 JUDGE ZECHER: Doesn't it need to go through the system that
8 we just talked about in Figure 2, figure out which -- I want to make sure I
9 have the verbiage correct -- which tunnel server, one, to interact and provide
10 that server?

11 JUDGE COURTENAY: Could I just add to that? I mean, don't
12 you have to --

13 JUDGE ZECHER: Sure, yeah, yeah, yeah.

14 JUDGE COURTENAY: -- provision the tunnels first before you
15 can -- you have to have a provisioning of the tunnels first in Hankins,
16 correct?

17 MR. DEVLIN: Exactly.

18 JUDGE COURTENAY: I just don't know looking -- your
19 argument -- I thought you argued hindsight and I sort of understood your
20 larger argument as that Petitioner's mapping was worse than hindsight.

21 MR. DEVLIN: It's worse than hindsight. Yeah. Petitioner's
22 mapping is just wrong.

23 JUDGE ANDERSON: Okay. Let me interrupt right there, Mr.
24 Devlin.

25 MR. DEVLIN: I'm still --

26 JUDGE ANDERSON: Just so you know --

1 MR. DEVLIN: I'm not --

2 JUDGE ANDERSON: -- we're going to --

3 MR. DEVLIN: Oh, sorry. Go ahead.

4 JUDGE ANDERSON: We're going to close in 10 minutes. Mr.
5 Devlin, you've got --

6 MR. DEVLIN: Thank you.

7 JUDGE ANDERSON: -- a total of 10 minutes left. You're five
8 minutes --

9 MR. DEVLIN: Thank you.

10 JUDGE ANDERSON: -- into your rebuttal. Go ahead.

11 MR. DEVLIN: Ten minutes left total. Thank you. Okay, great.
12 So yeah, the answer -- I think a couple questions back, I think two comments
13 back, to answer -- three comments back -- the only connectivity shown in
14 Hankins between gateway device 311 and gateway device 321 is through the
15 tunnel servers. Those tunnels already have to be established, and those
16 tunnels are already established via the process of Figure 4, which is not
17 based on a request from an endpoint device for a list of servers. It's based on
18 the gateways themselves saying to the controller, here's how I could operate,
19 and then the controller telling the tunnel servers, set up your tunnels this
20 way. And once that's already set up, then afterwards, these gateway devices
21 can start talking and one can say to the other, what services do you have for
22 me.

23 And this is the -- probably the strongest fallacy of what I was
24 saying before in terms of how the Petitioner has set up the bullets on Slide
25 12, and also, that text from the petition that I talked through first. They set
26 these up as if the request happens first. The request for services. And then

1 somehow, the controller gets work in to set up tunnels. That's not how
2 Hankins works. The controller and the tunnel servers -- the gateways just
3 independently set up the tunnels without anyone having to request that from
4 list of servers. Then the devices can start talking to one another, including
5 making this request for services through the tunnels that have been set up
6 pursuant to the completely separate process of Figure 4. Okay. Given my
7 time, let me try to -- I'm going to skip -- I'll just note --

8 JUDGE ZECHER: That's very helpful. Thank you very much,
9 Mr. Devlin.

10 MR. DEVLIN: Thank you. Thank you, Your Honor. I'm just
11 going to note for the record that Slides -- Patent Owner's Slides 30 through
12 33 get a little bit to this timing that what the patent claim is talking about is
13 before tunnels were set up versus what the Petitioner is arguing about this
14 request for services is after the tunnels are set up, per the completely
15 different process of Figure 4. I won't go through it now.

16 I'm also going to rest on Slides 34 through 49, which have to do
17 with the receiving the dynamically ordered list. I'll just note as one example,
18 that that round robin option, which was, I think Petitioner's Slide 27, if I
19 remember that right. Maybe it was -- I have those wrong, sorry. I think I
20 have those wrong, but it talked about the end packet going to the end server.
21 That's not a dynamic list based on the endpoint requirements, for example.
22 That's just a global, systematic round robin that's not dynamically created for
23 any of the servers. That's just one example, but the rest of those slides, I'll
24 let speak for themselves.

25 I'm going to -- for time's sake, also -- skip Kommula, other than the
26 note that it's a load balancing DNS server. It's just a -- has nothing to do

1 with -- never mentions tunnels, it has nothing to do with setting up tunnels,
2 has nothing to do with setting up the connectivity between different endpoint
3 devices. It's simply a load balancing effort on a DNS side to get internet
4 services to browsers.

5 And lastly, I will mention this. Claims 19 and 20, Slides 56 and
6 57. If we look at Slide 56, I see a big problem here. There is an absolute
7 utter lack of evidentiary proof. Lack of analysis entirely for Claims 19 and
8 20. Claim 19 -- the analysis of Claim 19, which we see right here on Slide
9 56, it refers to the discussion of Claim 7 -- Hankins as modified by
10 Kommula. But Claim 7 doesn't involve Hankins. Claim 7 doesn't involve
11 tunnels at all. That's why Petitioner only cited Kommula for it.

12 The addition of tunnels, the addition of Hankins, the completely
13 different treatment of these two different sets of claims -- 1 through 14
14 versus 15 through 20 -- results in an absolute utter failure of proof. You
15 cannot simply point to the analysis of Claim 7 to satisfy Claim 19. And
16 particularly, you can't point to the analysis of Hankins as modified by
17 Kommula in Claim 7 to satisfy Claim 19 because that does not exist at all.
18 And the same thing is true on Slide 57 for Claim 20. There's a complete
19 failure of proof.

20 Someone looked at Claim 20 and they looked at Claim 4 and they
21 said, that text is the same, we can just rely on it, not realizing that the
22 underlying claim to which it depends is very different and it requires a very
23 different analysis to address Claim 20, same with Claim 19, relative to
24 Claims 7 and 4. So there's just a complete utter lack of proof invalidating
25 these two claims based on this record is absolutely there. I'll stop there.

26 JUDGE ANDERSON: You have four minutes remaining for your

1 surrebuttal --

2 MR. DEVLIN: Thank you.

3 JUDGE ANDERSON: -- Mr. Devlin.

4 MR. DEVLIN: Thank you, Your Honor.

5 JUDGE ANDERSON: With that, Mr. Muldoon, you are up and
6 you have nine minutes for your rebuttal.

7 MR. MULDOON: Great. Thank you, Your Honors. I would like
8 to say that there was a big deal made by my colleague. To configure to
9 connect is not, you know -- is not that it means that these things have to be
10 created. It doesn't mean they couldn't be created previously, and there's
11 some temporal notion that he seems to be adding. But anyway, if we look at
12 the control -- if we look at, for example, as we described in column 24, the
13 gateway devices for a respective domain configurations to controller 350.
14 This is what we're talking about in provisioning. And then in response to
15 that, the control provisions tunnel servers to provisions tunnel servers show
16 that the network device can request services from a server located in a
17 different logical broadcast domain.

18 When I went over Slide 12, I said, Hankins discloses that network
19 device may request content from a server, located in a different logical
20 domain, and that Hankins discloses that the gateway in one logical domain
21 may request services from a gateway -- in a different logical domain. And it
22 says in order to do this, the controller must provision the tunnel servers for
23 that particular gateway so they can access the other broadcast domain.

24 That's what -- and the lower -- the last three notes on Slide 12
25 indicate that the controller initiates provisioning for one or more of these
26 tunnel servers and initiates transmission of one or more network addresses

1 for the tunnel services. It provides these tunnel services. So whether it's the
2 request for another server in another domain or whether it's the provisioning
3 from the gateway that shows hey, here's my configuration -- this is what my
4 colleague said -- here's my configuration, and then the controller says, okay,
5 let me take this configuration and within that configuration, there's all kinds
6 of information about the network devices, the types, the -- everything having
7 to do with what's going on in that broadcast domain.

8 And the controller takes that, looks at the content information, and
9 then says, here, if you want to contact the other domain, here are the tunnel
10 servers that you can use to do that. It's basically how you set them up and
11 how you use -- and then later in the future, they can be -- they don't have to
12 be generated in response to a request. There's no response to. They're
13 generated and now the gateway -- the network device -- can request content
14 from the server because of what the controller did. The controller set up the
15 connections, the tunnels, between these two endpoint devices. So I think
16 that's important.

17 So whether it's the request for services from the other gateway,
18 which creates the provisioning and the addresses are sent down to the
19 gateway, or whether it's actually the provision itself, like, hey, I've got a
20 change in my configuration in this domain, and the gateway sends it to the
21 controller and then the controller looks at it, looks at the contextual
22 information and says, okay, here are the tunnel servers that I want you to
23 use, in a way that matches the claim description. And here's the tunnel
24 servers I want you to use and here is the order in which you should address
25 these -- the dynamic order. So whether it's the provisioning is the request or
26 whether the request to use another gateway on another logical domain is the

1 request, all those limitations are met by Hankins, and that was respect to
2 whether Figure 4 on Patent Owner's Slide 22 corresponds to Figure 2.

3 Clearly it does and also Figure 3. Because we talk about
4 provisioning with respect to Figure 2 and Figure 3. In fact, you know, we've
5 got, you know, the gateway devices 301, 321, and 311 and 341. Those are
6 shown in, as Your Honors noted, those are shown in Figure 2 and Figure 3,
7 so that is happening. And so whether it's the provisioning, if it's the
8 provisioning that's sent to the controller, or whether it's a request by the
9 gateway to use another gateway, the provisioning process takes place. So
10 that is the --

11 JUDGE ZECHER: Mr. Muldoon, this is Judge Zecher. I think I
12 understand what you're saying, but I went back and looked at the petition
13 and you very clearly say that the controller receives a request from gateway
14 311 for list of available servers, including tunnel servers, and you reference
15 the gateways communicating about these services as the request. So now are
16 you saying the gateway is communicating with the controller to figure out
17 the provisioning as to request, because that doesn't seem to be what your
18 petition outlines.

19 MR. MULDOON: No. I'm saying that the request for services in
20 the other broadcast domains requires the provisioning and so once the
21 provisioning starts -- and also -- yeah, go ahead.

22 JUDGE ZECHER: Are you saying that the requests require some
23 provisioning and it doesn't matter if that provisioning occurred before the
24 request came in or after; is that what you're saying?

25 MR. MULDOON: That's what I am saying, yes.

26 JUDGE ZECHER: Okay.

1 MR. MULDOON: And then the other thing that I wanted to draw
2 the attention to is the -- yeah, there was several, I guess -- talking about, you
3 know, what our expert relied on, what our expert didn't rely on, but I will
4 note there was no expert testimony in the '595 from Patent Owner. So all
5 these arguments were merely attorney arguments. So everything, you
6 know -- anything that relies upon, you know -- someone of skill in the art, it
7 doesn't exist. It's all attorney argument.

8 That is one thing -- and then with respect to Claims 19 and 20, we
9 refer back to Claims 7 and 4. There's nothing on the -- and these are based
10 on Hankins in view of Kommula. Kommula describes, as we showed, Claim
11 1 and Claim 15 are very similar. Claim 1 is broader and Claim 15 is a
12 species, and we're just using the teaching of Kommula. Not the actual --
13 we're not trying to actually create a machine and connect Kommula with
14 Hankins.

15 We're talking the teaching with respect to Claim 19, and we're --
16 we have this on Slide 23. We're saying it is -- the petition -- we reference
17 the reasons with respect to Claim 7, which refers back to Claim 1 and
18 Kommula's teaching, which identifies that in order to determine which
19 network device is closest in proximity, it is necessary to know the identity of
20 each of the network devices. And thus, Kommula teaches a person of skill a
21 unique device identifier would be used. This makes common sense.

22 Basically, in order to term proximity, you need to know what the
23 location of a specific endpoint is and that is done by uniquely identifying
24 that endpoint and associating metrics, contextual data with that endpoint.
25 And with respect to Claim 20, as shown in Slide 24, which we explained
26 when discussing 15, that the gateway collects broadcast domain

1 configuration, including the status of these network devices, all of them, to
2 include tunnels, its own servers, based on utilization, and throughput, and
3 selecting variable servers based on load balancing.

4 So we have that and then we look at Kommula's teaching that
5 explains dynamic ordering, which is based on performance metrics, like
6 loads. So we've got both of these, Kommula and Hankins, talking about
7 utilizing resources and assigning resources based on the same type of
8 metrics and ordering them as such.

9 JUDGE ANDERSON: Mr. Muldoon, you are out --

10 MR. MULDOON: Yeah.

11 JUDGE ANDERSON: -- of time. If you have one last point to
12 make, you may make it.

13 MR. MULDOON: Your Honor, I would just refer to Claim -- to
14 Slide 12 and it explains in Hankins what it's doing and on how it actually --
15 it sends requests or it sends configuration requests, and the controller
16 basically assigns, provides back IP addresses of those tunnel servers that it
17 wants it to use. That's all. Thank you.

18 JUDGE ANDERSON: Thank you. Mr. Devlin, you have, I
19 believe, two minutes left.

20 JUDGE ZECHER: I think it's four --

21 JUDGE ANDERSON: I --

22 JUDGE ZECHER: -- Judge Anderson.

23 MR. DEVLIN: I think it was four, yeah.

24 JUDGE ANDERSON: Was it four? All right. I'm not trying to
25 shortchange you.

26 MR. DEVLIN: That's all right. Let me take it to points of

1 reversal. So with respect to Claims 19 and 20, there's just a failure of
2 analysis, there's a failure of proof. You have a very specific analysis you
3 have to conduct in order to look at obviousness and combine two references
4 to demonstrate the obviousness of any particular claimed invention.

5 The integration of Claim 19 into 15 or the integration of Claim 20
6 into 15 are totally different than the integration of Claims 4 and 7 into Claim
7 1 or whatever other independent claims they depend from, and that's
8 demonstrated by the petition itself where in the once instance, the Petitioner
9 only relies on Kommula and in the other instance, Petitioner has to rely on
10 Hankins as not only a reference, but the base primary reference, and then use
11 Kommula as a secondary reference. That's completely different from the
12 analysis that was done in Claims 1 to 14. And to just point to that and say,
13 we're good, absolutely legally improper. Those claims simply -- the petition
14 should fail for an utter failure of proof on those claims.

15 Again, going back in time through the arguments, we just heard
16 something about all we're relying on is attorney argument. That's not true,
17 when we're relying on the references themselves and what they say.
18 Petitioner is doing something different. Petitioner is trying to create things
19 that don't exist in the reference, which gets me back to the main point.
20 There are two separate processes, both of which take place in the overall
21 architecture of Hankins that are described in Hankins. They're totally
22 divorced from one another. The provisioning of the tunnels happens
23 pursuant to Figure 4 and in that process, there is never ever, in any way,
24 shape, or form, any description of a request from an endpoint device for a
25 list of available servers. Period. That never happens in that provisioning
26 process within Hankins. And --

1 JUDGE COURTENAY: Mr. Devlin?

2 MR. DEVLIN: Yes.

3 JUDGE COURTENAY: Just a brief interruption. Figure 4, it
4 clearly shows in element -- block 421 that the controller initiates
5 provisioning of the tunnel server, and then you go down to block 423, and at
6 that point, the gateway devices initiate communication with the tunnel server
7 and they initiate this forwarding of this broadcast domain. So they really are
8 incapable of communicating until that point 423, that block 423, in Figure 4,
9 after they have been provisioned -- after the controller has initiated the
10 provisioning of the tunnel server in block 421 in Figure 4. Is that your --

11 MR. DEVLIN: Correct.

12 JUDGE COURTENAY: -- understanding?

13 MR. DEVLIN: Yes.

14 JUDGE COURTENAY: Okay.

15 MR. DEVLIN: Correct. And that's why --

16 JUDGE COURTENAY: So before that, they can't communicate at
17 all? The --

18 MR. DEVLIN: The only -- correct. The only disclosure in
19 Hankins of the endpoint device communicating is through the tunnel servers.
20 They have to be provisioned first. Then we have the separate process of the
21 request for services from one endpoint to the other. Totally different
22 process, but also in that process, there is never a request from an endpoint
23 device for a list of available servers, okay? That's a claim element, 15.3.
24 That never happens in Hankins. It doesn't happen in the provisioning. It
25 does not happen in provisioning, and it does not happen in that request for
26 services between endpoint devices.

1 It simply never happens at all, and Kommula is not even asserted
2 to disclose it. Kommula is only cited for secondary features, such as this
3 dynamic ordering. Not this request for a list of available servers. It simply
4 never happens in Hankins, no matter how you try to squeeze these different
5 processes together in ways that are never described in Hankins, even then
6 that claim element is never disclosed, period. Thank you. Unless you have
7 other questions.

8 JUDGE COURTENAY: Thank you very much. I appreciate your
9 explanation.

10 JUDGE ANDERSON: Yeah, you're under your time limit, so
11 you're good and unless there are any other questions from my co-panelists.
12 Any questions, Judges Zecher or Courtenay?

13 JUDGE COURTENAY: No further questions. Thanks to both of
14 you. A very interesting case before us. Thank you.

15 MR. DEVLIN: Thank you.

16 MR. MULDOON: Thank you.

17 JUDGE ANDERSON: With that, this hearing is closed, and it's
18 submitted for our final decision.

19 (Whereupon, the above-entitled matter went off the record at 2:44
20 p.m.)

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