

**From:** [McPherson, Patrick D.](#)  
**To:** [Director PTABDecision Review](#)  
**Cc:** [Greg Gardella](#); [James Harris](#); [Michael Dorfman](#); [Muldoon, Patrick C.](#); [Powers, Joseph A.](#); [English, D. Joseph](#); [jmlyle@duanemorris.com](#)  
**Subject:** IPR2024-00498: Document(s) Filed - CISCO SYSTEMS, INC. v. UMBRA TECHNOLOGIES LTD.; Request for Director Review - Institution Decision  
**Date:** Friday, September 6, 2024 2:10:07 PM  
**Attachments:** [IPR2024-00498-P17-Petitioners Request for Director Review-Institution Decision 9.6.24-Public.PDF](#)

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Dear Director Vidal,

Petitioner in the above-captioned IPR respectfully requests Director Review of the Board's decision not to institute review.

In the Decision, the Board panel concluded that (1) the Petition included an insufficient rationale to combine the teachings of Shieh and Potti for the limitation that *deep packet inspection is performed on a cloned copy of traffic*, and (2) the Petition included inconsistent claim mapping.

Petitioner hereby provides the following priority-ranked list of the issues for which Petitioner seeks Director Review:

1. Whether the panel erred as a matter of fact when it overlooked the Petition's primary un rebutted argument that Shieh disclosed the limitation that *deep packet inspection is performed on a cloned copy of traffic*, and thus combination with Potti was not required, and further when it considered the Petition's alternate argument, when the panel misapprehended the un rebutted factual underpinnings in support of the Petition's motivation to combine Shieh with Potti.

2. Whether the panel abused its discretion in not recognizing an obvious typographical error that erroneously switched the claimed "first" access point server with the "second" access point server in a single instance, where the reminder of the claim and color coded figures clearly show the proper mapping.

Neither of the two issues above were addressed by the Patent Owner, and instead were raised for the first time by the panel. Further, the panel admitted that issue 2 is not dispositive, thus if the Director determines that the panel's finding with respect to issue 1 constitutes an erroneous finding of material fact, it would be appropriate to vacate the Decision, institute trial and remand to the panel.

For the reasons above, and further discussed in Petitioners' Request for Director Review, Petitioner respectfully requests that the Director review the Decision and correct the errors therein.

Respectfully,

Patrick D. McPherson

IPR2024-00498  
Ex. 3100

Lead Counsel for Petitioner Cisco Systems, Inc.

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**Sent:** Friday, September 6, 2024 1:56 PM

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**Subject:** IPR2024-00498: Document(s) Filed - CISCO SYSTEMS, INC. v. UMBRA TECHNOLOGIES LTD.



**UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT TRIAL AND APPEAL BOARD**

Document Filing Notice

**AIA Review No.:** IPR2024-00498

**Petitioner:** CISCO SYSTEMS, INC. of , DC

**Patent Owner:** UMBRA TECHNOLOGIES LTD. of Providence, RI

**Patent No.:** 10574482

**Submitted Date:** 09/06/2024

**Submitted By:** Patrick McPherson, [pdmcpherson@duanemorris.com](mailto:pdmcpherson@duanemorris.com)

The following document(s) has/have been filed.

**Document(s) List**

| No. | Document No. | Document Type | Document Name            | Filing Party | Availability |
|-----|--------------|---------------|--------------------------|--------------|--------------|
|     |              | Request for   | Petitioner's Request For |              | Available    |

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