

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. and FORTINET, INC.,
Petitioners,

v.

INFOEXPRESS INC.,
Patent Owner.

IPR2024-00539
U.S. Patent No. 8,051,460

PATENT OWNER'S OBJECTIONS TO PETITIONERS' EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner InfoExpress Inc. submits the following objections to the admissibility of evidence filed and served by Petitioners Cisco Systems, Inc. and Fortinet, Inc., which accompanied their Petition for Inter Partes Review (Paper No. 1).

Exhibit	Objections
Ex. 1001 —U.S. Patent No. 8,051,460	
Ex. 1002 —U.S. Patent No. 8,051,460 File History	
Ex. 1003 —Declaration of Henry Houh, Ph.D.	FRE 702 and 703: The testimony offered in paragraphs 30–214 is not based on sufficient facts or data, the product of reliable principles and methods, and/or a reliable application of the principles and methods to the facts. Right to Cross-Examine: Patent Owner reserves the right to cross-examine the declarant or else seek to exclude the exhibit as hearsay.
Ex. 1004 —CV of Henry Houh, Ph.D.	
Ex. 1005 —U.S. Patent Pub. No. 2004/0111520 to Krantz et al.	FRE 401 and 402: Petitioners have not shown that the exhibit is prior art, and therefore it is not relevant to any question of patentability.
Ex. 1006 —U.S. Patent Pub. No. 2004/0107360 to Herrmann et al.	FRE 401 and 402: Petitioners have not shown that the exhibit is prior art, and therefore it is not relevant to any question of patentability.

Exhibit	Objections
Ex. 1007 —IEEE Std 802.1Q-1998 – IEEE Standard for Local and Metropolitan Area Networks: Virtual Bridged Local Area Networks	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, the exhibit constitutes inadmissible hearsay. FRE 901: Petitioners have not established that the exhibit is what it purports to be—that is, a true and authentic copy of IEEE Standard 802.1Q-1998.
Ex. 1008 —U.S. Patent No. 6,430,621 to Srikanth et al.	FRE 401 and 402: Petitioners have not shown that how using this exhibit to explain the Krantz prior art is relevant.
Ex. 1009 —U.S. Patent No. 6,032,194 to Gai et al.	FRE 401 and 402: Petitioners have not shown that how using this exhibit to explain the Krantz prior art is relevant.
Ex. 1010 — Cisco IOS 12.0 Switching Services (1999)	FRE 106: The exhibit is incomplete and ought to be considered, in fairness, at the same time as the remainder of Cisco IOS 12.0 Switching Services. FRE 401 and 402: Petitioners have not shown that how using this exhibit to explain the Krantz prior art is relevant. FRE 901: Petitioners have not established that the exhibit is what it purports to be—that is, a true and authentic copy of Cisco IOS 12.0 Switching Services (1999).

Exhibit	Objections
Ex. 1011 —Microsoft Computer Dictionary 5th Edition (2002)	FRE 901: Petitioners have not established that the exhibit is what it purports to be—that is, a true and authentic copy of the Microsoft Computer Dictionary 5th Edition (2002).
Ex. 1012 —Webster’s New World Computer Dictionary (2001)	FRE 901: Petitioners have not established that the exhibit is what it purports to be—that is, a true and authentic copy of Webster’s New World Computer Dictionary (2001).
Ex. 1013 —Dictionary of Computer and Internet Terms 8th Edition (2003)	FRE 401 and 402: Petitioners have not shown that the exhibit is prior art, and therefore it is not relevant to any question of patentability. FRE 901: Petitioners have not established that the exhibit is what it purports to be—that is, a true and authentic copy of Dictionary of Computer and Internet Terms 8th Edition (2003).
Ex. 1014 —U.S. Patent No. 5,987,611 to Freund	
Ex. 1015 —U.S. Patent No. 7,260,726 to Doe et al.	

Exhibit	Objections
Ex. 1016 —RFC 2716 (titled “PPP EAP TLS Authentication Protocol”)	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, the exhibit constitutes inadmissible hearsay. FRE 901: Petitioners have not established that the exhibit is what it purports to be—that is, a true and authentic copy of RFC 2716.
Ex. 1017 —Wireless Security with 802.1x and PEAP (2003)	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, the exhibit constitutes inadmissible hearsay. FRE 901: Petitioners have not established that the exhibit is what it purports to be—that is, a true and authentic copy of Wireless Security with 802.1x and PEAP (2003).

Respectfully submitted,

Dated: October 8, 2024 Mailing address for all correspondence: Saul Ewing LLP Centre Square West 1500 Market Street, 38th Floor Philadelphia, PA 19102-2186	<u>/s/ Joseph M. Kuo, Esq.</u> Joseph M. Kuo (Reg. No. 38,943) Saul Ewing LLP 161 North Clark Street, Suite 4200 Chicago, IL 60601 Tel: (312) 876-7151 Brian R. Michalek (Reg. No. 65,816) Saul Ewing LLP 161 North Clark Street, Suite 4200 Chicago, IL 60601 Tel: (312) 876-7151 Brian Landry (Reg. No. 62,074) Saul Ewing LLP 131 Dartmouth Street, Suite 501 Boston, MA 02116 Tel: (617) 912-0969 <i>Counsel for Patent Owner</i>
---	---

Certification of Service Under 37 C.F.R. § 42.6(e)(4)

The undersigned hereby certifies that the foregoing was served in its entirety by filing through the Patent Trial and Appeal Board P-TACTS, as well as providing a courtesy copy via e-mail to the attorneys of record.

Date: October 8, 2024

/s/Brian Landry, Esq.
Reg. No. 62,074