

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. and FORTINET, INC.,
Petitioner,

v.

INFOEXPRESS INC.,
Patent Owner.

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

**DECLARATION OF ANDREW SCHWERIN IN SUPPORT OF
PATENT OWNER'S UNOPPOSED MOTION TO EXCUSE LATE ACTION**

I, Andrew Schwerin, of Cherry Hill, New Jersey, declare that:

1. I am over the age of eighteen and otherwise competent to make this Declaration. I have personal knowledge of the facts set forth in this Declaration and am competent to testify to the same.

2. I am a practicing attorney and am a member in good standing of the bars of the State of New Jersey and the Commonwealth of Pennsylvania. I am also admitted to practice before the United States Patent and Trademark Office (Registration No. 72,999).

3. I have been retained as counsel by Patent Owner InfoExpress Inc. in connection with this and related inter partes reviews.¹

4. In January 2025, up to and including January 13, I was performing certain tasks in connection with our Patent Owner Response. One of these was assisting Dr. Aaron Striegel in preparing the Expert Declaration of Dr. Aaron Striegel (EX2427). I had also assisted him in preparing a claim chart to accompany his declaration. That claim chart shows how InfoExpress's product, the CG LAN, embodies certain claims of the '460 Patent.

¹ Related IPRs include *Cisco Systems, Inc. v. InfoExpress Inc.*, IPR2024-00540 (PTAB); *Cisco Systems, Inc. v. InfoExpress Inc.*, IPR2024-00675 (PTAB); *Cisco Systems, Inc. v. InfoExpress Inc.*, IPR2024-00676 (PTAB); *Cisco Systems, Inc. v. InfoExpress Inc.*, IPR2024-00677 (PTAB); *Cisco Systems, Inc. v. InfoExpress Inc.*, IPR2024-00678 (PTAB); *Cisco Systems, Inc. v. InfoExpress Inc.*, IPR2024-00679 (PTAB).

5. On January 13, I assembled a final version of Dr. Striegel's declaration. I then instructed Julie Dillner, a paralegal on the case, to file that Dr. Striegel's Declaration (EX2427).

6. On January 14, around noon, I realized that I inadvertently did not file the claim chart with Dr. Striegel's declaration. I immediately instructed Ms. Dillner to inquire with the PTAB as to the proper procedure in such a situation. In response, we received the Board's January 14 email.

7. On January 15, I sent an email to Petitioner's counsel. There, I notified Petitioner's counsel of the mistake, attached a copy of the inadvertently excluded claim chart, informed Petitioner's counsel that we would be filing the present Motion to Excuse Late Filing, and asked whether they would oppose such a motion.

8. On January 16, Petitioner's counsel responded to my email and informed me that they would not oppose our motion.

9. On January 21, in accordance with the Board's January 14 email, I sent to Petitioner's counsel a complete copy of the Striegel Declaration (including the claim chart previously sent to them on January 15). In that same email communication, I offered to Petitioner an extension of one day for the filing of its Reply Brief, moving that date from April 8 to April 9, 2025.

Date: January 21, 2025

s/Andrew Schwerin, Esq.

Andrew Schwerin, Esq.