

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

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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PETITIONER'S EXHIBIT LIST

No.	Exhibit Description
1001	U.S. Patent No. 8,051,460
1002	U.S. Patent No. 8,051,460 File History
1003	Declaration of Henry Houh, Ph.D
1004	CV of Henry Houh, Ph.D
1005	U.S. Patent Pub. No. 2004/0111520 to Krantz et al
1006	U.S. Patent Pub. No. 2004/0107360 to Herrmann et al
1007	IEEE Std 802.1Q-1998 – IEEE Standard for Local and Metropolitan Area Networks: Virtual Bridged Local Area Networks
1008	U.S. Patent No. 6,430,621 to Srikanth et al.
1009	U.S. Patent No. 6,032,194 to Gai et al.
1010	Cisco IOS 12.0 Switching Services (1999)
1011	Microsoft Computer Dictionary 5 th Edition (2002)
1012	Webster's New World Computer Dictionary (2001)
1013	Dictionary of Computer and Internet Terms 8 th Edition (2003)
1014	U.S. Patent No. 5,987,611 to Freund
1015	U.S. Patent No. 7,260,726 to Doe et al
1016	RFC 2716 – PPP EAP TLS Authentication Protocol
1017	Wireless security with 802.1x and PEAP (2003)
1018	Current Participants-Network Admission Control - Cisco Systems
1019	Cisco Identity Services Engine 3.0 - Cisco

1020	Declaration of Joseph C. Masullo
1021	Declaration of Krishnan Padmanabhan
1022	Deposition Transcript of Dr. Eric Cole
1023	Deposition Transcript of Stacey Lum
1024	[Reserved]
1025	Deposition Transcript of Yuhshiow Alice Lee
1026	Deposition Transcript of Hugh Smith, Ph.D
1027	Tanenbaum, Computer Networks (Fourth Edition) (2003)
1028	Reply Declaration of Henry Houh, Ph.D

I. INTRODUCTION

Petitioners respectfully submit this reply brief in support of its Petition for *inter partes* review of the challenged claims of U.S. Patent No. 8,051,460 (“the 460 Patent” or the “Challenged Patent”) (Ex.1001).

II. THE CHALLENGED CLAIMS ARE UNPATENTABLE

A. Ground 1: Claims 1-2, 10-14, 16-17, 27, and 29-30 are Obvious Based on Krantz

1. “Reconfiguring the Communication Port”

The Board determined that “*reconfiguring the communication port*” “at least encompasses changing the association between the input port and output port of the access point,” ID, 10, which Krantz discloses under that construction, InfoExpress’s constructions, and any reasonable construction consistent with the specification as demonstrated below.

Mapping #2

InfoExpress contends that “[t]he claims plainly recite ‘reconfiguring the *communication port*’—not reconfiguring something else. Krantz does not disclose this.” POR, 15. InfoExpress is wrong for several reasons.

Initially, the Board found that Krantz’s “disclosure of access point 209 ‘as a VLAN aware device [that] can insert Tag Headers into data frames received from client 205 ... that are to be transferred to VLAN B and/or VLAN C’ is a disclosure of reconfiguring the communication port.” ID, 16.

InfoExpress does not dispute that “Krantz’s access point switches from inserting Tag Headers that enable access only to VLAN B to inserting Tag Headers that enable access to VLAN C, [or that] ... [P]ort 251 does the actual insertion of Tag Headers within access point 209.” POR, 16. Instead, InfoExpress contends that “[t]here is no evidence of any *change* to the access point.” *Id.*

InfoExpress is incorrect—the opposite is true. Dr. Houh submitted four contemporaneous documents that fully supported his opinion that **port 251 of access point 209 of Krantz**—when configured as a VLAN aware device—**is reconfigured** (or changed). Petition, 43-44; Ex.1003, ¶125. By contrast, InfoExpress relies solely on attorney argument and *ipse dixit* expert testimony to try to rebut that point—which are neither evidence, nor can they properly rebut admitted evidence. *Gemtron Corp. v. Saint-Gobain Corp.*, 572 F.3d 1371, 1380 (Fed. Cir. 2009); *Samsung Elec. v. Manufacturing Resources Int.*, IPR2023-00221, Paper 54, n.12 (P.T.A.B Jun. 18, 2024).

As Dr. Houh explains, this mapping satisfies the “*reconfiguring the communication port*” limitation under its plain and ordinary meaning because it demonstrates how there is a **change in the instructions provided to a communication port of an access point** so that data is transferred to VLAN C instead of VLAN B. In particular, Krantz discloses:

When client 205 is authorized to access resources located on VLAN C, **access point 209 may enable any protocols that are currently blocked for port 251** and may insert Tag Headers” indicating that data from client 205 is to be transferred to VLAN C [the “*less-restricted subset*”]. **Server 215 can send commands to access point 209 to cause access point 209 to enable protocols and cause access point 209 to insert appropriate Tag Headers.**

Ex.1003, ¶125; Ex.1005, [0107]. Krantz is therefore explaining that Server 215 is sending commands to “change the port’s instructions,” which InfoExpress concedes discloses “reconfiguration of the ports themselves.” POR, 18; EX2565, ¶81; Ex.1028, ¶¶13-14.

Krantz’s disclosure is consistent with that of the Challenged Patent:

Access Control 320 **sends appropriate commands** to Switch Logic 317. **These commands cause changes in Port 305A**, such that communication from Access Device 230 **is no longer blocked** by ACL 340C and can now be received by elements of Less-restricted Subset 310.

Ex.1001, 9:47-52; Ex.1028, ¶15.

Further, Plaintiff’s expert Dr. Cole admits that Krantz’s server 215 (“*gatekeeper*”) makes the determination about whether data is from an authorized user. EX2565, ¶80. He also admits that the “access point may insert a different Tag Header into the data frame to label it as corresponding to VLAN C [*“the less-*

restricted subset”].” EX2565, ¶80. What is omitted from his analysis is Krantz’s disclosure that server 215 sends commands to access point 209 when the client becomes authorized to access resources on VLAN C to “cause access point 209 to insert appropriate Tag Headers.” Ex.1005, [0107]. Krantz thus expressly teaches “changing how the access point operate[s],” EX2565, ¶81, contrary to Dr. Cole’s opinion. Further, Dr. Cole admits that reconfiguration of a port includes providing instructions to change the operation of a communication port. Ex.1022, 34:7-20, 35:12-16; *see also* POR, 18; EX2565, ¶81 (“[R]econfiguration of the communication ports themselves could be done by changing the instructions that correspond to a particular tag header.”) This is precisely what Krantz teaches. Petition, 42-46; Ex.1003, ¶¶123-125; Ex.1028, ¶16.

Accordingly, Krantz’s teaching, at a minimum, encompasses **changing the operation** of the input port 251 of access point 209, and is entirely consistent with the Challenged Patent’s claimed “*reconfigur[ation]*” of the ports. Ex.1028, ¶17. The Board was therefore correct that “Krantz teaches or suggests a change within the range of possible meanings of reconfiguration by shifting from inserting Tag Headers that enable access to VLAN B to inserting Tag Headers that enable access to VLAN C.” ID, 16-17; *see also* POR, 14 (“Patent Owner contends this limitation requires changing the ports of the access point without limiting precisely how they are changed.”)

Critically, InfoExpress has provided **no evidence** to support the Board departing from its initial findings.

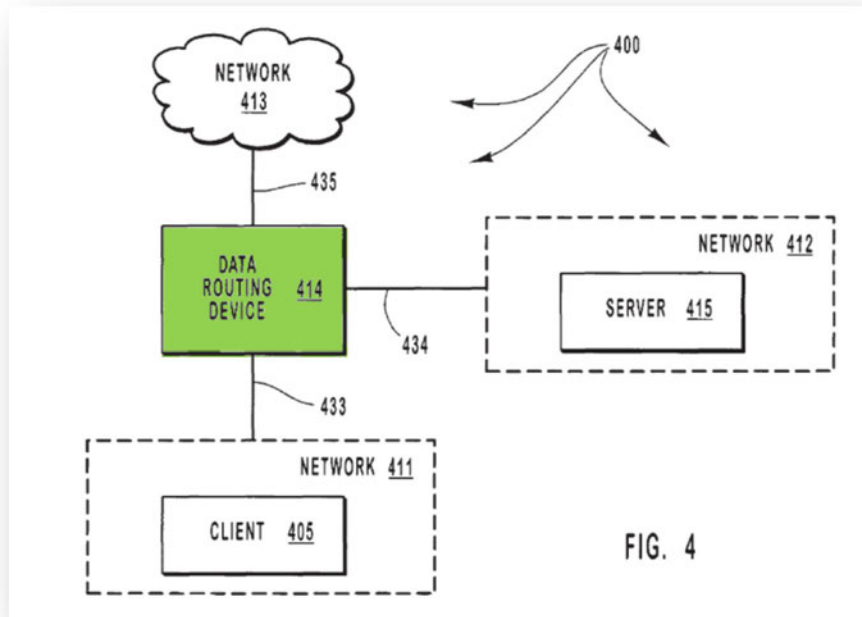
Mapping #3

Dr. Cole provided no rebuttal testimony on Mapping #3, so Dr. Houh's testimony is the only evidence of record. Additionally, InfoExpress's Response simply incorporates its response to Mapping #2—it has therefore waived any argument unrelated to that response.

Dr. Houh's testimony showed that the "*reconfiguring*" element would have been obvious based on the combination of the Data Routing Device and Access Point. Petition, 46 (citing §VIII.A.1.iv; Ex.1003, ¶131). Specifically, Krantz explains that the combined Data Routing Device and Access Point "can be configured to allow access to one network (e.g., network 412) while at the same time restricting access to another network (e.g., network 413)." Ex.1005, [0051]. This describes the same "*reconfiguring*" functionality as the Challenged Patent. Ex.1001, 3:24-26.

Dr. Houh explained that a POSITA would have found it obvious that the technique discussed with respect to the "data routing device 214" could simply be implemented **at the access point itself** as the data routing device is merely a "logical representation" of, e.g., a router and/or switch. Dr. Houh also states that the access point 209 would implement port configuration and data transfer

techniques described with respect to “data routing device 214.” Petition, 33 (citing Ex.1005, [0059]; Ex.1003, ¶104). Figure 4 contemplates the combined device:



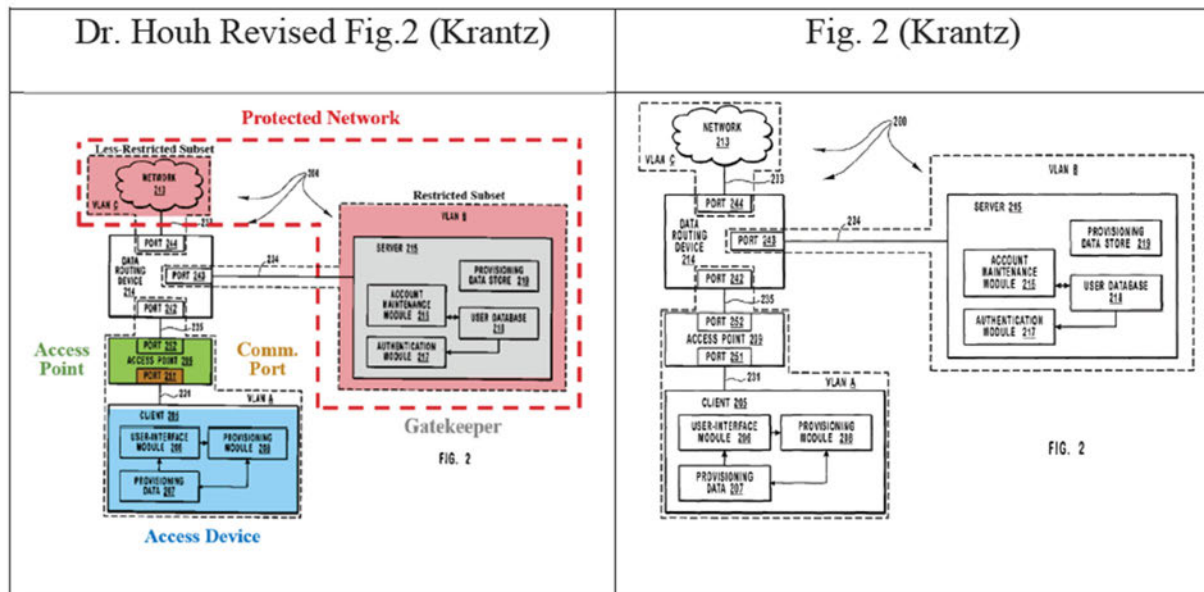
Krantz further explains that data routing device 414 can make a “determination” and “can be configured” to authorize access to the second network. Petition, 33-34 (citing Ex.1003, ¶¶105-106; Ex.1005, [0051]). Moreover, such a “*determin[ation]*” would be “**based on configuration rules,**” and “[i]t may also be that a data frame is **transferred in and out of data routing device 214 at the same port.**” Ex.1005, [0059]. Krantz’s description at [0051] demonstrates how the data routing device can change its configuration based on whether a client device is permitted access to one network over another. Ex.1028, ¶18.

Accordingly, Dr. Houh explains that Mapping #3 satisfies “*reconfiguring the communication port*” limitation under the plain and ordinary meaning because, **based on configuration rules**, port 251 is reconfigured to transfer to VLAN C instead of VLAN B. Ex.1003, ¶132 (citing Ex.1005, [0059], [0060], [0064]). Ex.1028, ¶¶19-20; Ex.1022, 12:22-13:2.

Thus, Krantz discloses “*reconfiguring*” for Mapping #3 for this reason alone. Mapping #3 further discloses “*reconfiguring*” for the reasons demonstrated for Mapping #2. Petition, 47.

2. “A Restricted Subset of the Protected Network Including a Gatekeeper”

InfoExpress contends that “[t]o try and get to ‘subsets,’ Petitioner cobbles together Krantz’s teaching of multiple *separate and distinct* networks to fit the Challenged Claims.” POR, 20. InfoExpress asserts that “Petitioners [] misrepresent Krantz’s actual disclosure by using the 460 Patent as a blueprint for redrawing Fig. 2 to portray a ‘protected network’ despite Krantz not reciting any ‘protected network.’” POR, 21.



POR, 21.

Dr. Houh has not “revised” the figure—instead, Dr. Houh annotated it to depict the logical components and associations that were the focus of his analysis. Regardless, InfoExpress’s argument is inconsistent with the Challenged Patent and known networking techniques at the time—a POSITA would have understood that the devices in Krantz could be organized in various logical associations regardless of their physical structures or other arbitrary distinctions, Ex.1003, ¶¶69-71, as confirmed by InfoExpress’s own documents. EX2447, 52; EX2558, 5; Ex.1028, ¶23.

Logical segmentation of physical pre-existing networks was well-known at the time of the 460 Patent. Ex.1001, 5:55-61. Dr. Cole confirmed the claimed “*protected network*” could be physically or logical divided. Ex.1022, 11:4-10.

Hence “cobbling together” physical network components is the very essence of a logical network. Because the logical grouping in Krantz discloses the protected network, InfoExpress's arguments that there is no “*restricted subset/less-restricted subset*” of the network fails for the same reason. Ex.1028, ¶¶24-25.

Additionally, InfoExpress argues that “nothing in Krantz suggests this cobbled-together network is “protected” because “Network 213” is generally just referred to as the “Internet.” However, the claim language was not mapped to the internet disclosures of Krantz (which also discloses VLANs, corporate and enterprise networks). Ex.1005, [0060]; EX2449, 56:13-57:14, 65:19-66:19; 1022, 14:4-9. Corporate networks are described as protected networks in the Challenged Patent. Ex.1001, 6:5-8. In addition, Dr. Houh explained that Krantz and its disclosure of restricting access “can be implemented using any number of techniques, such as, for example, **Virtual Local Area Networks (“VLANs”), Internet Protocol (“IP”) filtering, Virtual Private Networks (“VPNs), or use of IPSecurity (“IPSec) protocols.**” Petition, 13-18; Ex.1003, ¶67 (citing Ex.1005, [0017]). Each of these techniques would be used for the purpose of network security and restricting access to network such as in Krantz—i.e., protecting a network consistent with InfoExpress's proposed construction. Ex.1028, ¶26.

In Krantz, the “second network”—VLAN C—is a “*less-restricted subset of a protected network*” because it provides “full access to [its] resources” to

authorized users (Ex.1005, [0019]), like the “*less-restricted subset of a protected network*” of the 460 Patent. The 460 Patent explains that “[t]he less-restricted subset being **less restricted** relative to the restricted subset **in terms of what elements may be included in each subset.**” Ex.1001, 5:43-45. The “*restricted subset*” of Krantz is VLAN B because it includes Krantz's gatekeeper (server 215) and the client must first send credentials to VLAN B in order “to become authorized to access resources located on [VLAN C].” Petition, 36-40. Like the “*restricted subset*” of the 460 Patent, “[r]equests from an access device for access to the less-restricted subset [VLAN C] are first passed to the restricted subset [VLAN B].” Ex.1001, 2:54-56; Ex.1005, [0076]-[0077]; Ex.1028, ¶27.

3. “Applying a Security Policy” and Related Elements

Petitioner demonstrated that Krantz discloses “*applying a security policy to an access device*” and related elements. Petition, 36-40. InfoExpress responds that “Krantz only discloses user authentication, and fails to disclose anything about ‘applying a security policy to an *access device*’” and that there is a “clear distinction between user authentication and security compliance of a device.” POR, 25-26. InfoExpress is wrong for several reasons.

First, contrary to InfoExpress's assertion, the 460 Patent repeatedly describes that user authentication can be part of a security policy audit. For example, the 460 Patent expressly states that “[t]he **security polices** [sic] may

include requirements for **user identification** such as user names and passwords, configuration requirements relating to the configuration of Access Device 230, application requirements relating to applications running on Access Device 230, or the like.” Ex.1001, 6:40-45. As another example, the 460 Patent states that “[i]n some embodiments, Authenticate User Step 440 is considered part of the security policy audit.” Ex.1001, 12:4-6; *see also* Ex.1001, 11:35-38. Moreover, Dr. Cole confirms that the 460 Patent discloses that “user authentication” may be part of “*applying a security policy*.” Ex.1022, 8:4-16, 9:12-10:9; Ex.1001, 6:38-53, 11:35-43, 12:4-6. Thus, there is no factual support for InfoExpress’s assertion that the 460 Patent makes a “clear distinction between user authentication and security compliance of a device.” Ex.1028, ¶29.

Second, Krantz further discloses that it audits the device in accordance with a security policy based on operating system credentials, machine information, authentication protocols, and encryption protocols. For example, access to the network can be controlled by “configuration settings” including supported types of encryption and authentication techniques. Petition, 38 (citing Ex.1005, [0066]-[0067]; Ex.1003, ¶114). “Configuration requirements” are disclosed in the Challenged Patent as part of a security audit, Ex.1001, 6:38-53, and Dr. Cole agrees. Ex.1022, 8:20-9:11; Ex.1028, ¶30.

Third, Krantz discloses machine or client authentication using EAP messages. Petitioner explained that Krantz discloses that “computer systems can attempt to authenticate with one another,” Petition, 38-39. Based on Dr. Houh—who cited to two sources of evidence (Ex.1016 and Ex.1017)—Petitioner showed that EAP-TLS and EAP-MSChapV2 were two types of machine/client authentication protocols. Petition, 38-40 (citing Ex.1003, ¶¶114-117). Dr. Cole agreed that the “client” in Krantz is a computer. Ex.1022, 13:23-14.3; Ex.1005, [0068]. Dr. Houh also testified that Krantz's disclosure of these protocols includes machine certificates that can be submitted as credentials independent of user authentication. EX2449, 185:17-187:15; Ex.1028, ¶¶31-32.

Thus, there is no factual support for InfoExpress's assertions that Krantz only discloses user authentication and not device authentication as part of applying a security policy.

B. Ground 2: Claims 1-6, 10-14, 16-22, 27, and 29-30 are Unpatentable as Obvious Based on Krantz and Herrmann

InfoExpress asserts that Petitioners have “failed to demonstrate the combination,” but InfoExpress's arguments are rooted in a misunderstanding of the references and a misapplication of law.

InfoExpress suggests that Krantz and Herrmann are non-analogous art. POR, 28. But Krantz and Herrmann are both directed toward the same field of

endeavor of the 460 Patent—Network Security—Petition, 61-62 (citing Ex.1005, Abstract; Ex.1006, Abstract. Ex.1003, ¶56), and reasonably pertinent to a problem described by the 460 Patent—the reliance “on mere **user** authentication” and the need to “assure that **an access device** used by the authenticated user meets network security policies” such as current anti-virus software. Ex.1001, 1:45-60. Both references teach additional aspects to a security policy. Petition, 62 (citing Ex.1003, ¶57). And contrary to InfoExpress's assertion that it is limited to **user** authentication, Krantz discloses that “access point 209 may block [] protocols ... from being transferred **until client 205** is authenticated (**and authorized**),” Ex.1005, [0072], and that as part of its security policies, client devices are authenticated, (Ex.1005, [0067]-[0074], [0099]) and users of client devices are authenticated, Ex.1005, [0074], [0076]. Petition, 58-59 (citing Ex.1003, ¶51).

In addition, InfoExpress's argument against modifying Krantz to include Herrmann's teachings misapplies the law. InfoExpress narrowly focuses on one embodiment of Krantz (involving a RADIUS server) and the hardware architecture of Herrmann to arrive at the conclusion that policy data “would be rejected by Krantz's RADIUS server 215.” POR, 30-32. Specifically, InfoExpress contends that Krantz and Herrmann “would not work together.” POR, 33. InfoExpress's argument is based on attempting to bodily incorporate the two references—a notion that has been held to be improper countless times. *Allied Erecting &*

Dismantling Co. v. Genesis Attachments, LLC, 825 F.3d 1373, 1381 (Fed. Cir.

2016); *see also In re Etter*, 756 F.2d 852, 859 (Fed. Cir. 1985) (en banc)

(explaining that whether one reference can be incorporated in another is “basically irrelevant” since the test for obviousness is “not whether the references could be physically combined but whether the claimed inventions are rendered obvious by the teachings of the prior art as a whole”). Here, InfoExpress (and its expert) ignore this rule. POR, 27-35; Ex.1022, 26:15-27:18.

InfoExpress's argument that Herrmann teaches away¹ from a server-side solution is also incorrect. Herrmann is directed to enforcement at a policy server. Ex.1006, [0067]. Herrmann teaches that its “**policy server 460 evaluates** whether or not the client device 310 has a correct, up-to-date version of the applicable security policy.” Ex.1006, [0067]-[0068]. Contrary to InfoExpress's assertion, Herrmann teachings are specifically directed to server-side security policy enforcement.

Claim 22: InfoExpress asserts that neither Krantz nor Herrmann disclose claim 22's requirement of “*monitor[ing] the security status of the access device,*” but its arguments fail to appreciate that the combination of the art discloses the

¹ InfoExpress's “teaching away” argument is grounded not in Herrmann, but a commonly-owned patent it incorporates by reference.

Claim 27: InfoExpress’s arguments directed to claim 27 either misapprehend the disclosure of Krantz—which plainly describes requiring “provisioning files for gaining full access [to] resources located on the second network” based on the outcome of Krantz’s “*security policy*,” Petition, 56-57 (citing Ex.1005, [0032], [0056], [0110]; Ex.1003, ¶206), or when attacking the combination, improperly attack the references individually.

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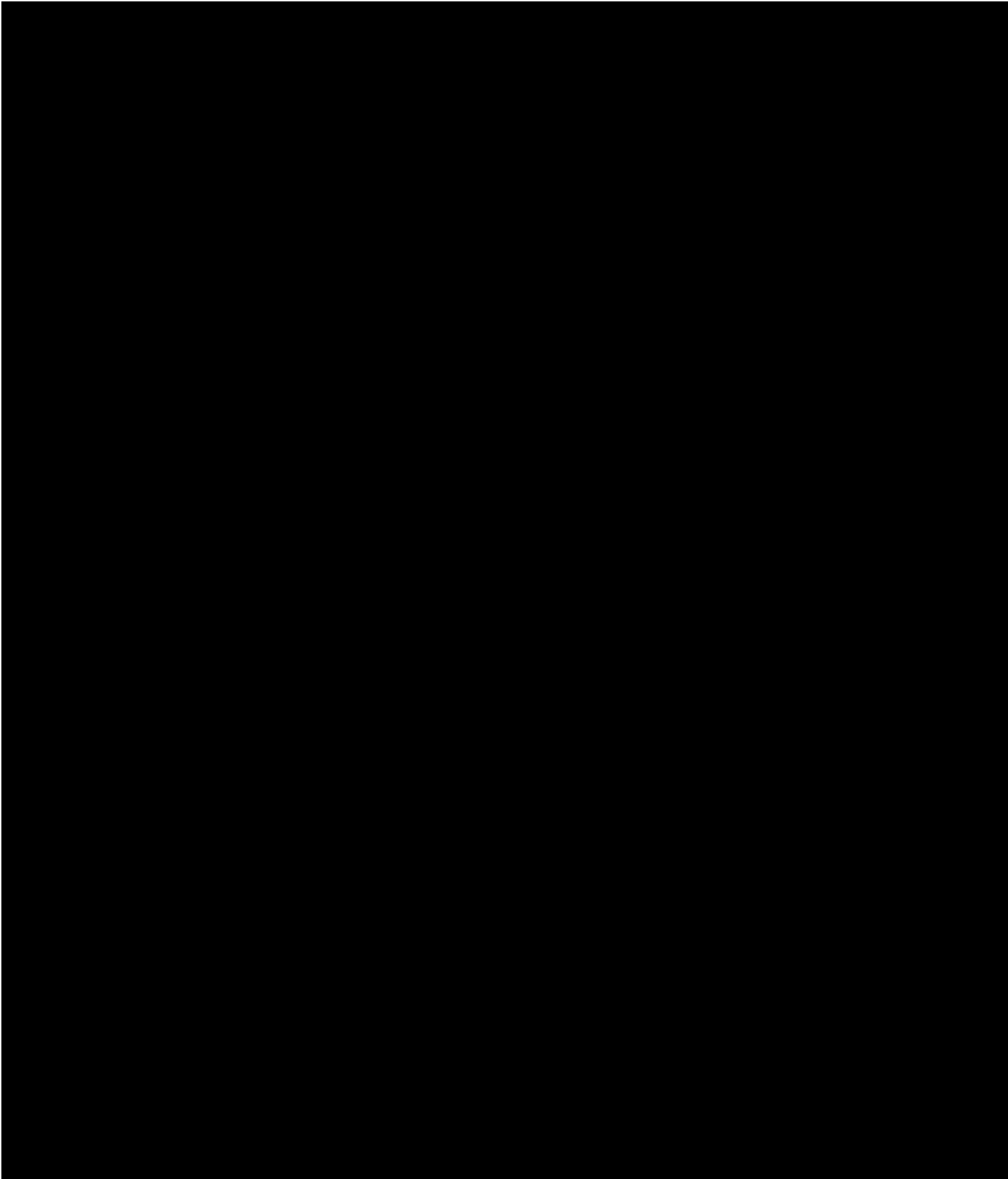
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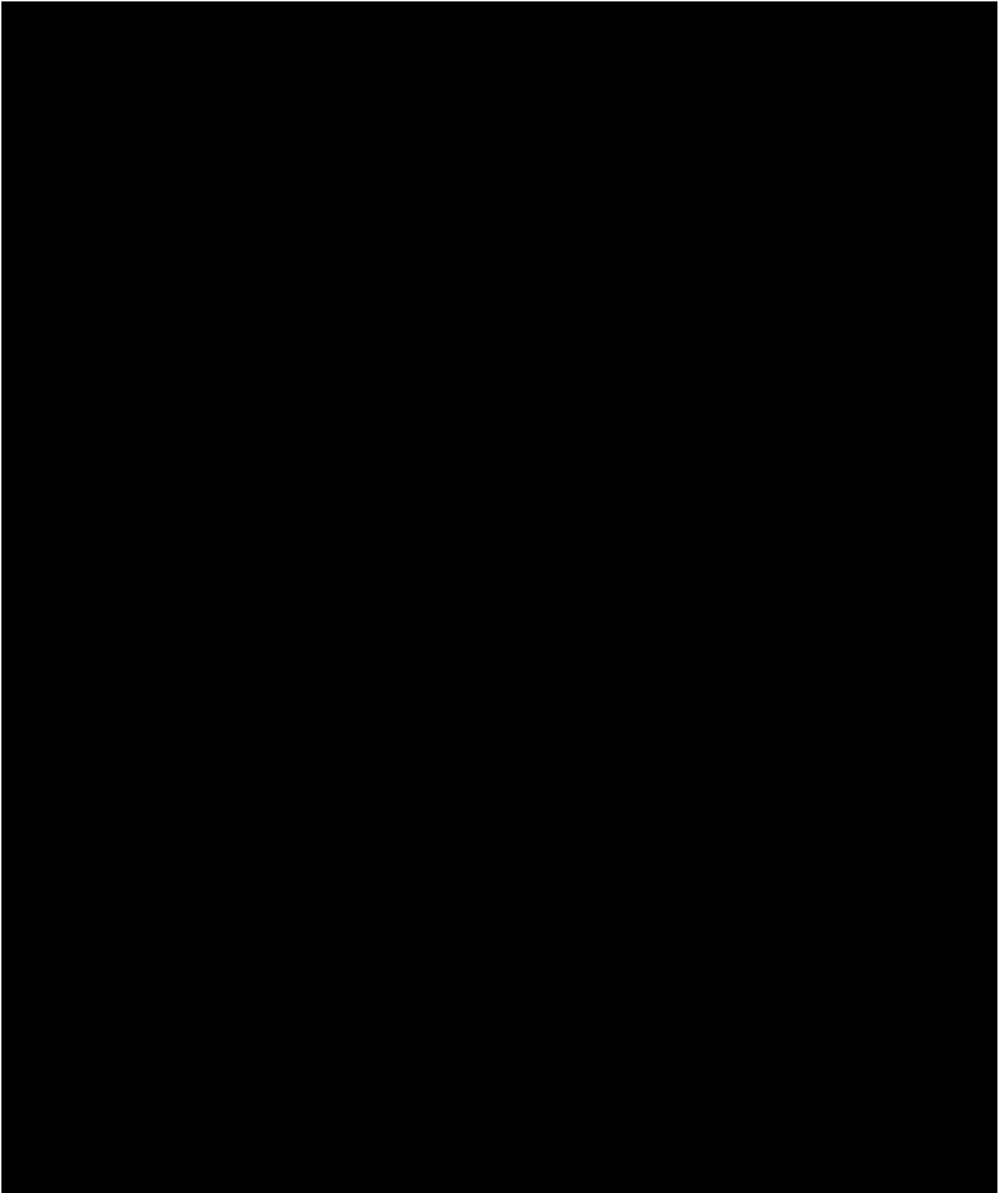
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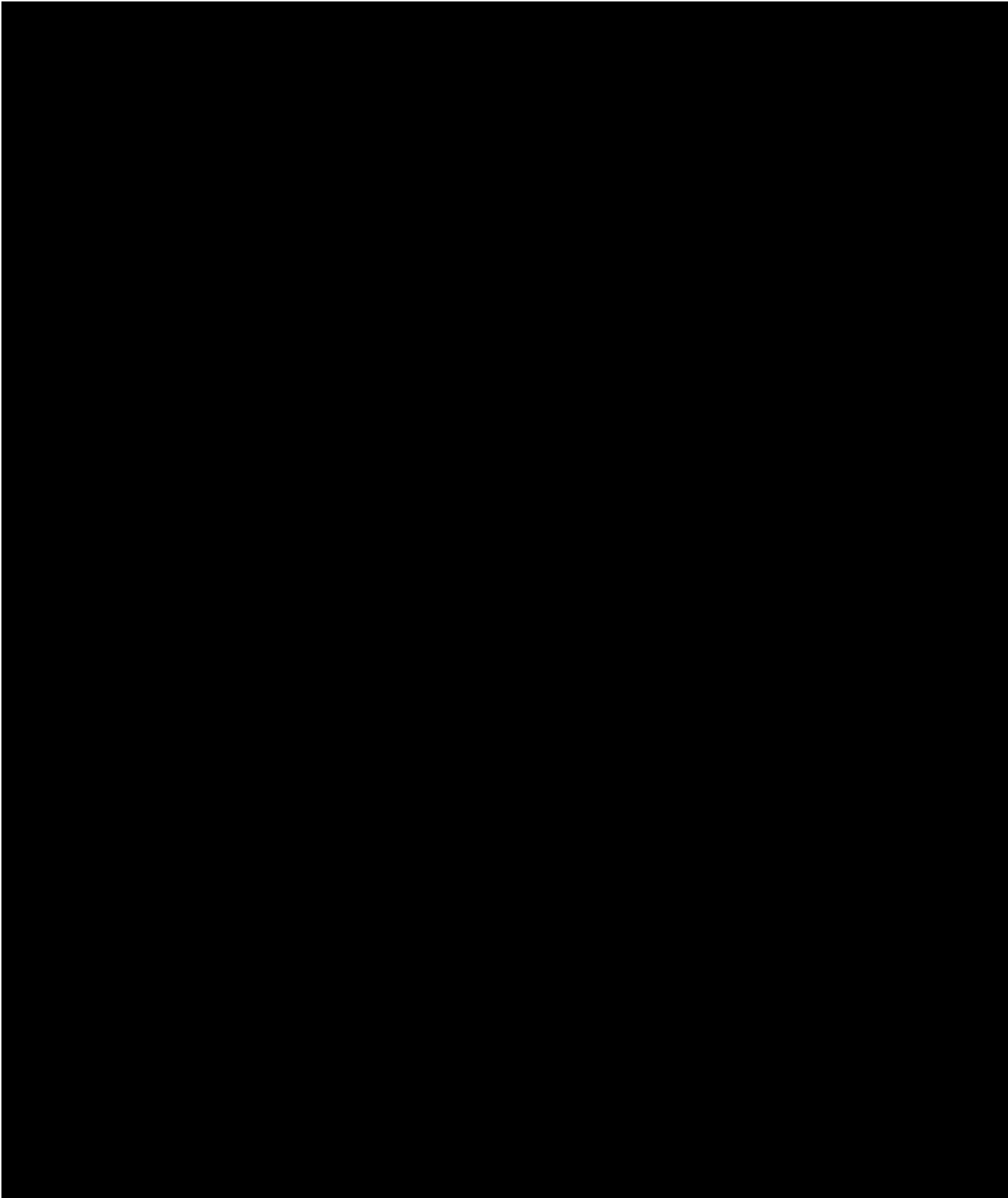
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[REDACTED]

[REDACTED]

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InfoExpress has thus failed to establish diligence.

Dated: May 8, 2025

Respectfully Submitted,

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Certificate of Compliance

I hereby certify that this brief complies with the type-volume limitations of 37 C.F.R. § 42.24 and the Board's March 6, 2025 approval of the parties' proposed reply word limit of 5,836 for this reply, because it contains 5,832 words (as determined by the Microsoft Word word-processing system used to prepare the brief and including annotations to the figures), excluding the parts of the brief exempted by 37 C.F.R. § 42.24.

Dated: May 8, 2025

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Certificate of Service

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 8th day of May, 2025, I caused to be served a true and correct copy of the via electronic service on the following:

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