

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 SUR-REPLY

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EXHIBIT LIST

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2002	Curriculum Vitae of Dr. Eric Cole
2003	Declaration of Stacey C. Lum
2004	Diligence Calendar
2005	U.S. Provisional App. No. 60/505,582
2006	U.S. Provisional App. No. 60/513,080
2007	Declaration of Hugh Smith, Ph.D.
2008	Curriculum Vitae of Hugh Smith, Ph.D.
2009	Conception of the '450 Patent
2010	Constructive Reduction to Practice of the '460 Patent
2011	LAN Based Policy Enforcement Engineering Specification
2012	Metadata for Exhibit 2011
2013	CyberGatekeeper Policy Manager
2014	Metadata for Exhibit 2013
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2022	Correspondence with Globe Tech
2023	Email attachment to Exhibit 2022
2024	Internal InfoExpress Correspondence
2025	Correspondence with Meetinghouse
2026	Draft Meetinghouse Agreement
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2028	Draft Meetinghouse Agreement
2029	Internal InfoExpress Correspondence
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2031	Draft Meetinghouse Agreement
2032	Internal InfoExpress Correspondence
2033	Draft Meetinghouse Agreement
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2035	Draft Meetinghouse Agreement

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2037	Draft Meetinghouse Agreement
2038	Draft Meetinghouse Agreement
2039	Internal InfoExpress Correspondence
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2041	Draft Meetinghouse Agreement
2042	Draft Meetinghouse Agreement
2043	Draft Meetinghouse Agreement
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2056	Draft Globe Tech Agreement
2057	Draft Globe Tech Agreement
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2059	Draft Globe Tech Agreement
2060	Draft Globe Tech Agreement
2061	Draft Globe Tech Agreement
2062	Draft Globe Tech Agreement
2063	Correspondence with Globe Tech
2064	Draft Globe Tech Agreement
2065	Correspondence with Globe Tech
2066	Network Device Configuration API Engineering Specification
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2069	Network Device Configuration API Engineering Specification
2070	Network Device Configuration API Engineering Specification
2071	Correspondence with Globe Tech
2072	Network Device Configuration API Engineering Specification

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2074	Correspondence with Globe Tech
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2078	Correspondence with Globe Tech
2079	Email attachment to Exhibit 2078
2080	Correspondence with Globe Tech
2081	Correspondence with Globe Tech
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2108	Internal InfoExpress Correspondence
2109	Correspondence with Globe Tech

Exhibit Number	Description
2110	Correspondence with Globe Tech
2111	Correspondence with Globe Tech
2112	Correspondence with Globe Tech
2113	Internal InfoExpress Correspondence
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2115	Email attachment to Exhibit 2114
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2122	Correspondence with Globe Tech
2123	Correspondence with J. Ong
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2148	Correspondence with J. Ong
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2159	Correspondence with Globe Tech
2160	Correspondence with Globe Tech
2161	Correspondence with J. Ong
2162	Correspondence with Globe Tech
2163	Correspondence with C. Tsai
2164	Correspondence with Globe Tech
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2168	Correspondence with Globe Tech
2169	Correspondence with Globe Tech
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2176	Correspondence with Globe Tech
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2195	Correspondence with Globe Tech
2196	Correspondence with Globe Tech
2197	Correspondence with Globe Tech
2198	Correspondence with J. Ong
2199	Correspondence with C. Tsai
2200	Correspondence with J. Ong
2201	Cisco Switch Feature Support Matrix
2202	Correspondence with M. Banin
2203	Correspondence with A. Lee
2204	Correspondence with M. Banin
2205	Correspondence with M. Banin
2206	Correspondence with M. Banin
2207	Correspondence with M. Banin
2208	Correspondence with M. Banin
2209	Correspondence with M. Banin
2210	Correspondence with M. Banin
2211	Correspondence with patent counsel
2212	Correspondence with patent counsel
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2221	Correspondence with patent counsel
2222	Correspondence with patent counsel
2223	Correspondence with patent counsel
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2226	Correspondence with patent counsel
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2239	Correspondence with patent counsel
2240	Correspondence with patent counsel
2241	Correspondence with patent counsel
2242	Correspondence with patent counsel
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2247	Correspondence with patent counsel
2248	Correspondence with patent counsel
2249	Correspondence with patent counsel
2250	Correspondence with patent counsel
2251	Correspondence with patent counsel
2252	Correspondence with patent counsel
2253	Correspondence with patent counsel
2254	Correspondence with patent counsel
2255	Correspondence with patent counsel
2256	Correspondence with patent counsel
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2261	Correspondence between S. Lum and A. Lee
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2264	Correspondence with patent counsel
2265	Correspondence with patent counsel
2266	Correspondence with patent counsel
2267	Correspondence with patent counsel
2268	Correspondence with patent counsel
2269	Correspondence with patent counsel
2270	Correspondence with patent counsel
2271	Correspondence with patent counsel
2272	Windows 2000 Registry – 2nd Edition – Little Black Book
2273-2410	Intentionally Left Blank
2411	Tim Greene, InfoExpress Simplifies Security Devices, NetworkWorld (Dec. 6, 2004), available at https://www.networkworld.com/article/875004/lan-waninfoexpress-simplifies-security-devices.html
2412	InfoExpress's Objections and Responses to Cisco's First Set of Interrogatories (Nos. 1-12), served in InfoExpress Inc. v. Cisco Systems, Inc., Case No. 4:23-cv-2698-YGR (N.D. Cal.).
2413	Cisco Systems, Inc., Network Admission Control White Paper (2004).
2414	Correspondence with Cisco
2415	Email attachment to EX2414
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2426	Intentionally Left Blank
2427	Declaration of Aaron R. Striegel, PhD
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2428	Intentionally Left Blank
2429	Declaration of Yuhshioh Alice Lee
2430	LAN Based Policy Enforcement Engineering Specification
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2445	RADIUS Protocol Spoofing Vulnerability (Blast-RADIUS) July 2024
2446	Tim Greene, Deceiving Ciscos NAC (April 3, 2007)
2447	Hasham Ud-Din Qazi, Comparative Study of Network Access Control Technologies
2448	Thumann and Rocher, Hacking the Cisco NAC Framework Blackhat USA 2007 Whitepaper
2449	Deposition of Henry Houh, December 4, 2024
2450	Dkt 121 – Claim Construction Order dated September 25, 2024 [InfoExpress, Inc. v. Cisco Systems, Inc. [4:23-cv-02698-YGR]
2451	Mobile Agent Deployment Guide
2452	Reference Manual
2453	Server User’s Guide
2454	CGX 2.3 – Standalone Guide

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2457	Solutions Guide
2458	Intentionally Left Blank
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2484	Installation Guide v9.0
2461	About CGX
2462	CGX 1.0 Frequently Asked Questions
2463	CGX Access - Frequently Asked Questions
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2472	Cisco Announces Continued Momentum within Network Admission Control Industry Initiative
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2518	Intentionally Left Blank
2519	NAC2 Beta Deployment Guide
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2521	U.S. Patent No. 5,987,611
2522	Request for Comment: 2865
2523	Internal InfoExpress Correspondence
2524	Winning with CyberGatekeeper from InfoExpress

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2525	Tim Greene, Burning NAC questions – Part 2, Network World (Oct 17, 2007)
2526	Paul Roberts, Black Hat: NAC Solutions Vulnerable to Attack, ComputerWorld (Aug 3, 2006)
2527	Correspondence with Cisco
2528	Memorandum re: Product Announcement
2529	LAN Technology PowerPoint
2530	Posture Plugin Development
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2562	LAN Based Policy Enforcement Engineering Specifications
2563	LAN Based Policy Enforcement Components
2564	Supplemental Declaration of Stacey Lum
2565	Supplemental Declaration of Dr. Eric Cole
2566	Tanenbaum Excerpts
2567	IEEE 802.1X (2001)
2568	Diligence Calendar
2569	Border to Schwerin email chain
2570	Schwerin Declaration
2571	Intentionally Left Blank
2572	Intentionally Left Blank
2573	Deposition of Henry Houh Ph.D., January 8, 2025

I. INTRODUCTION

Petitioner's Reply rehashes rejected issues and fails to engage with the majority of evidence showing Krantz and Herrmann are not prior art, and even if they were, there would be no motivation to combine them.

II. PETITIONER'S PRIOR-ART ARGUMENTS WERE REPEATEDLY REJECTED; ITS NEW ONES ARE PROCEDURALLY IMPROPER AND LACKING.

A. Petitioner's position on "reconfiguring the communication port" is incorrect. (All Challenged Claims).

On Reply, Petitioner presses only two mappings.¹

Mapping #2

On Reply, Petitioner belatedly changes its argument. The Petition argued "reconfiguring the communication port" was met by Krantz's tag headers, and it relied on these tag headers exclusively:

Krantz's 'access point' is 'reconfiguring the communication port [251] for communicating data between the access device and the less-restricted subset of the protected network' because Access Point 209 (via Port 251) will insert VLAN Tag Headers into incoming data frames from a client **that may now access VLAN C** . . . Put another way, Access Point 209 'reconfigure[s]' Port 251 to tag incoming data for transfer to VLAN C rather than VLAN B.")

¹ The Board rejected the first of Petitioner's three "mappings." Paper No. 13 at 15.

Pet. 43 (cleaned up, emphasis in original). But inserting tag headers into client data does not constitute “reconfiguring the communication port.” *See* POR, 16-19 (citing EX2565, ¶¶79-82).

Recognizing the tag-headers’ weakness of its tag headers argument, Petitioner tries—that “Server 215 is sending commands to ‘change the port’s instructions[.]” Reply, 3. In support of this new theory, it relies on Krantz’s disclosure that “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.” Reply, 3. Petitioner’s shift from tag headers insertions to enabling protocols for “reconfiguring” is procedurally improper. *Wasica Finance v. Continental Automotive*, 853 F.3d 1272, 1286-87 (Fed.Cir. 2017).

Even the new “protocols” theory also fails to establish the “reconfiguring” limitation. Krantz specifies these “protocols” are SMTP or DHCP protocols. EX1005, ¶23 (“The access point may also enable communication using other currently blocked protocols, such as, for example, Simple Mail Transfer Protocol (‘SMTP’) and Dynamic Host Control Protocol (‘DHCP’).”). These protocols merely “enable communication” They’ve nothing to do with “reconfiguring the communication port” to redirect data. EX2573 at 132:4–11 (“[A] user may open up a particular file and enter those things manually. Sometimes they can be done automatically through use of various protocols, *such as DHCP, which can provide*

both an address and a gateway address and other networking parameters so that the -- a computer can automatically be configured.”), 138:7–17. Nothing in swapping out DHCP or SMTP “protocols” constitutes 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.” Reply, 4.

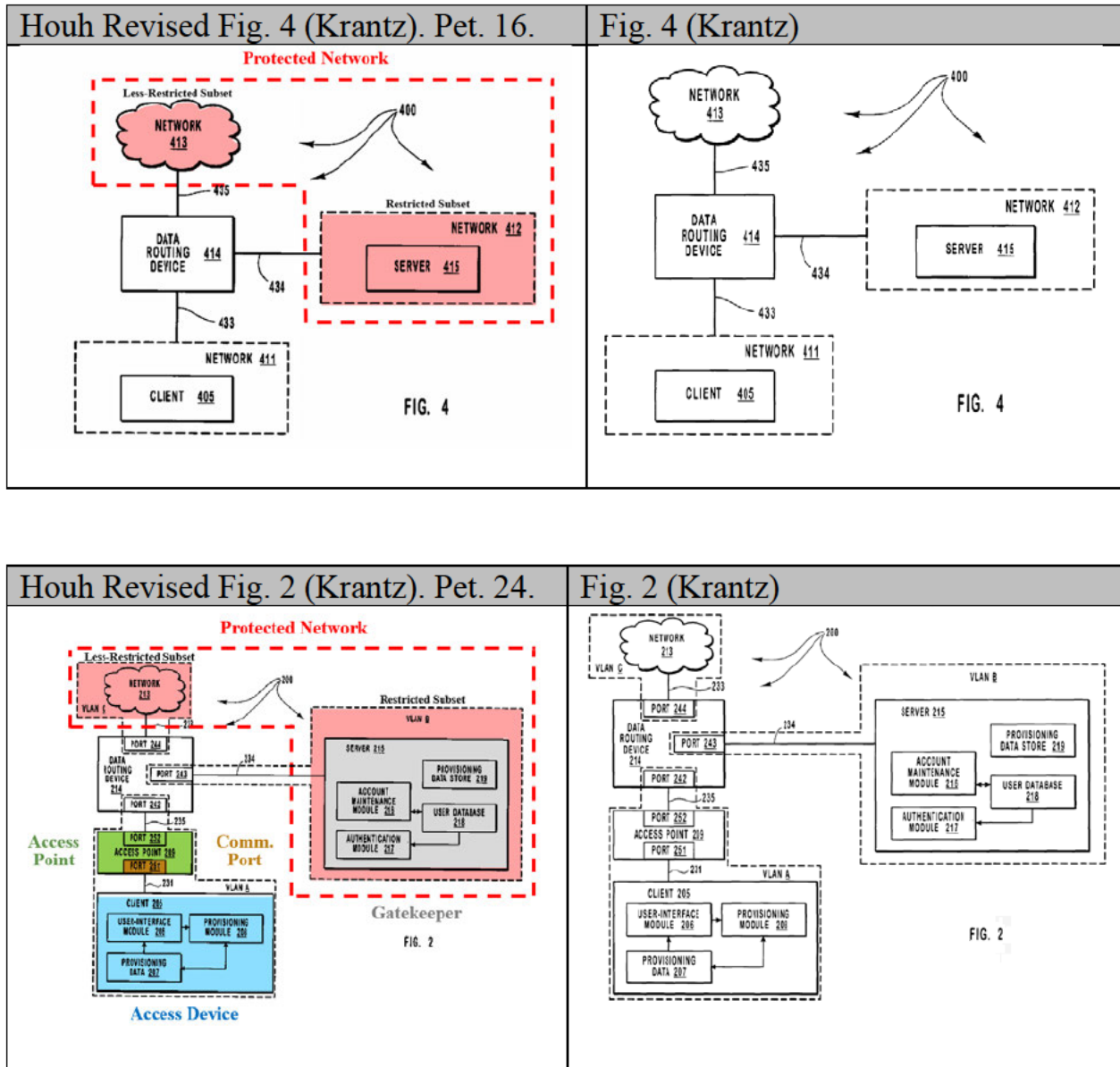
Mapping #3

Petitioner next argues one could combine the functionality of the Data Routing Device 214 and the Access Point 209 from Krantz in a single device. Reply, 5-7. As discussed with Mapping #2, regardless of whether Krantz’s Data Routing Device and Access Point are combined or separate, Petitioner relied on changing the Tag Header in the client data frame, which is not “reconfiguring.”

B. Krantz does not disclose a “a less-restricted subset of the protected network.” (All Challenged Claims)

Petitioner defends its freeform annotations of Krantz. Reply, 8. Regardless of Petitioner’s spin, Krantz lacks a "network" imagined by its expert, and certainly not as claimed in the 460 Patent.

InfoExpress provided in its POR the following tables juxtaposing Petitioner's renditions of Krantz's figures with Krantz's actual figures.



Rather than rely on what the Krantz figures depict in their original form, Houh groups disparate elements and adds a “protected network” label not found in Krantz. How Houh's edits are characterized is immaterial. The key fact is Krantz itself never describes either of "Network 213" (in combination with "Network 215") or

"Network 413" (in combination with "Network 412") as a single "protected network."

Instead, Krantz expressly describes them as separate networks. Krantz states "FIG. 4 illustrates generally an example of network architecture 400 that can provide access to a **first network** while restricting access to a **second network**." EX1005, ¶¶30&50. Similarly, for Figure 2 Krantz states "data routing device 214 is connected to network 213, server 215 and access point 209 by corresponding logical communication links 233, 234 , and 235 respectively." *Id.*, ¶60; see EX2565, ¶¶86-87. Krantz's network 213 is a separate and distinct network to which the client is granted access, with not a word about restricted and less-restricted subsets. EX2565, ¶92.

Recognizing the weakness in its analysis, Petitioner argues Network 213 can be a corporate network, which is just like the protected network disclosed in the Challenged Patents. Reply, 9. But just because network 213 is a corporate network it does not make it a protected network.

By attempting to argue network 213 can be a corporate network and therefore is a protected network, Petitioner twists itself in knots to then argue how separately recited "network" in Server 215 is somehow the restricted subset of its expert's fabricated "protected network." Reply, 10. At bottom, Petitioner uses the claimed invention as a roadmap to cobble together the various disparate parts of Krantz in a

manner to support its unpatentability grounds. This is nothing but improper hindsight reconstruction. *Adapt Pharma Operations Ltd. v. Teva Pharma. USA*, 25 F.4th 1354, 1381 (Fed.Cir. 2022).

C. Krantz does not disclose “applying a security policy to the access device.” (Ground 1).

Petitioner’s Ground 1 relies *solely* on Krantz for “applying a security policy to the access device in response to the request [for access to the less-restricted subset of the protected network].” Pet. 37-40; Reply 10-12. But Krantz *only* teaches authentication—a point that Petitioner concedes on Reply (at 11-12). This dooms Ground 1.

Petitioner tries to overcome this defect by advancing a late claim construction that “applying a security policy *to the access device*” is broad enough to embrace authentication only. Reply 10-11. Not only is such a construction late, but it’s without merit as the Board has already explained that “appl[ying a] security policy” is distinct from authentication. IPR2024-00540, Paper No. 13 at 12-13 (“[T]o the ’350 patent, user authentication and application of a security policy are separate processes.”). Further, the limitation also includes applying a security policy “to the access device.” This further reinforces the point that the security policy is applied

with respect to the access’s device audit data, and not other criteria like authentication.²

As to Krantz’s disclosure, the Board has agreed that it does *not* meet “applying a security policy.” IPR2025-00540, Paper No. 13 at 12-14 (“The ’350 patent distinguishes between **user authentication** using a username and password and **application of a security policy**.”); *see also* IPR2024-00678, Paper No. 14 at 13 (“[T]he ’645 patent distinguishes between authenticating a user with a username and password and ensuring that a device complies with a security policy.”). The Director agrees too. IPR2025-00540, Paper No. 15; IPR2024-00678, Paper No. 15 at 5-6; Paper No. 16. Between the Board and the Director, the Krantz “security policy” position has been rejected twice. The Reply has no answer for this. Instead it just re-raises—sometimes verbatim—these previously rejected arguments:

² Petitioner also argues that because certain embodiments disclose authentication as being part of a security policy, then the claimed “security policy” is broad enough to read on Krantz’s authentication. Reply, 11 (citing EX1001, 12:4-6; 11:35-38). But a claim need not capture each embodiment. *SIMO Hldgs. Inc. v. Hong Kong uCloudlink Network Tech. Ltd.*, 983 F.3d 1367, 1378-79 (Fed.Cir. 2021).

Petitioner Reply Argument	Board / Director Rejection
“Third, Krantz discloses machine or client authentication using EAP messages.” Reply, 12.	[Board rejection] “But Krantz teaches that EAP relates to the authentication of a user through ‘a User-Identifier’ to determine whether ‘a user of client 205 has an account with server 215.’ As noted above, however, according to the ’350 patent, user authentication and application of a security policy are separate processes.” IPR2024-00540, Paper No. 13 at 13 (quoting EX1105, ¶71).
“[A]ccess to the network can be controlled by “configuration settings” including supported types of encryption and authentication techniques. ‘Configuration requirements’ are disclosed in the Challenged Patent as part of a security audit.” Reply, 11. “Third, Krantz discloses machine or client authentication using EAP messages.” Reply, 12.	“Petitioner first argues that Krantz teaches applying a security policy because Krantz discloses ‘that access to the network may be controlled by ‘configuration settings,’ which can include ‘supported types of encryption’ or ‘supported types of authentication,’ which can include an indication for EAP, . . . But Krantz teaches that EAP relates to the authentication of a user through ‘a User-Identifier’ to determine whether ‘a user of client 205 has an account with server 215.’” IPR2024-00540, Paper No. 13 at 13. IPR2024-00678, Paper No. 15 at 3, 9-11 (same; rejected in Paper No 16).

No matter how Petitioner tries, Krantz does not disclose “applying a security policy”. The Board should find that Ground 1 fails for these reasons.

D. Petitioner has not refuted InfoExpress's evidence showing no motivation to combine Krantz and Herrmann. (Ground 2).

Petitioner responds to InfoExpress's arguments that a POSITA would not have combined Krantz and Herrmann to arrive at the claimed invention with little more than boilerplate recitations of the law is and the unfounded claim InfoExpress is attacking the suitability of Krantz and Herrmann individually. Reply, 12-14.

InfoExpress explained in the POR why a POSITA would not have been motivated to combine Krantz and Herrmann. POR, 27-35. Petitioner largely does not dispute any of InfoExpress's arguments, and instead merely disagrees with InfoExpress's conclusion.

Regarding the disparate goals of Krantz and Herrmann, Petitioner doubles-down on the Krantz “security policy” argument. Reply, 13. As addressed above, this was already rejected. *See* Section II.C. Petitioner recasts InfoExpress's argument as premised on "user" versus "client" (device) authorization—but this is a strawman. InfoExpress has consistently argued that Herrmann would not be combined with Krantz because Krantz said nothing about auditing and was limited to "authentication" (regardless of whether that was for the “user” or “device”). POR, 28-29. Next, Petitioner asserts without any evidentiary support "authorization" somehow equates to device **auditing**. Reply, 13. The Board and Director found otherwise in related proceedings. *E.g.*, IPR2024-00540, Paper No. 14 at 8, 9 (request); Paper No. 15 (rejection).

Regarding the technical incompatibility of the conceptual approaches of Krantz and Herrmann and Herrmann's (related) teaching away of combining a client-side system with Krantz's server-side system, Petitioner offers nothing but general disagreement. Petitioner offers no evidence to counter InfoExpress's (including Cole's testimony), regarding how a POSITA would not have been motivated to combine server-side and client-side approaches due to their differing capabilities and aims. POR, 33-35 (citing EX2565, ¶156-57). Petitioner's failure to refute Cole's explanation of technical barriers to combining Krantz and Herrmann is particularly glaring in view of its expert's claim it would have been a simple matter to combine Krantz and Herrmann—a claim Houh doesn't support with evidence. EX1003, ¶52. Houh's *ipse dixit* declaration is insufficient. *TQ Delta, LLC v. Cisco Systems, Inc.*, 942 F.3d 1352, 1362-63 (Fed.Cir. 2019).

Petitioner's reliance on *Allied Erecting & Dismantling Co. v. Genesis Attachments, LLC*, 825 F.3d 1373, 1381 (Fed.Cir. 2016) is inapposite. In *Allied*, design and structural changes necessary to combine the features of the cited references did not render the challenged claims nonobvious. The Board noted, however, a POSITA would have been motivated to maintain a simplified mounting and disassembly with side walls so jaws can be "disassemble[d] in a simple manner." *Id.* *Allied* provides no guidance here, where it is unrebutted that the necessary modifications of Krantz vis-à-vis Herrmann are far from a simple. POR, 32;

EX2565, ¶¶140-44. Cole's testimony regarding the differing capabilities and aims of server-side and client-side approaches that would cause a POSITA to not pursue the approach of the Challenged Claims renders them non-obvious, and Houh fails to provide any contrary evidence.

E. Krantz's "provisioning files" do not relate to a "security policy." (Claim 27).

As to claim 27's recitation of "the program is further executable to update the access device when requirements of the security policy are not satisfied," Petitioner cites Krantz's disclosure of "provisioning files." Reply, 16 (citing EX1005, ¶¶ 32, 56, 110). But Petitioner's expert Houh explained Krantz's "provisioning" is directed to compatibility or "setting up" a system; they are not responsive to or related to any security policy. EX2573 at 130-31 (Houh: "Provisioning often refers to kind of **setting up a system** in a way for a particular device"); *Id.* at 136-37 ([Houh] "... then there may be some specific configuration required on a device as I -- an example that I described earlier about connecting say a Windows or UNIX device to an IP network where configuring it you have to -- **may include editing certain files, manually entering some data, or using the appropriate protocol that automatically gets certain parameters.**")."

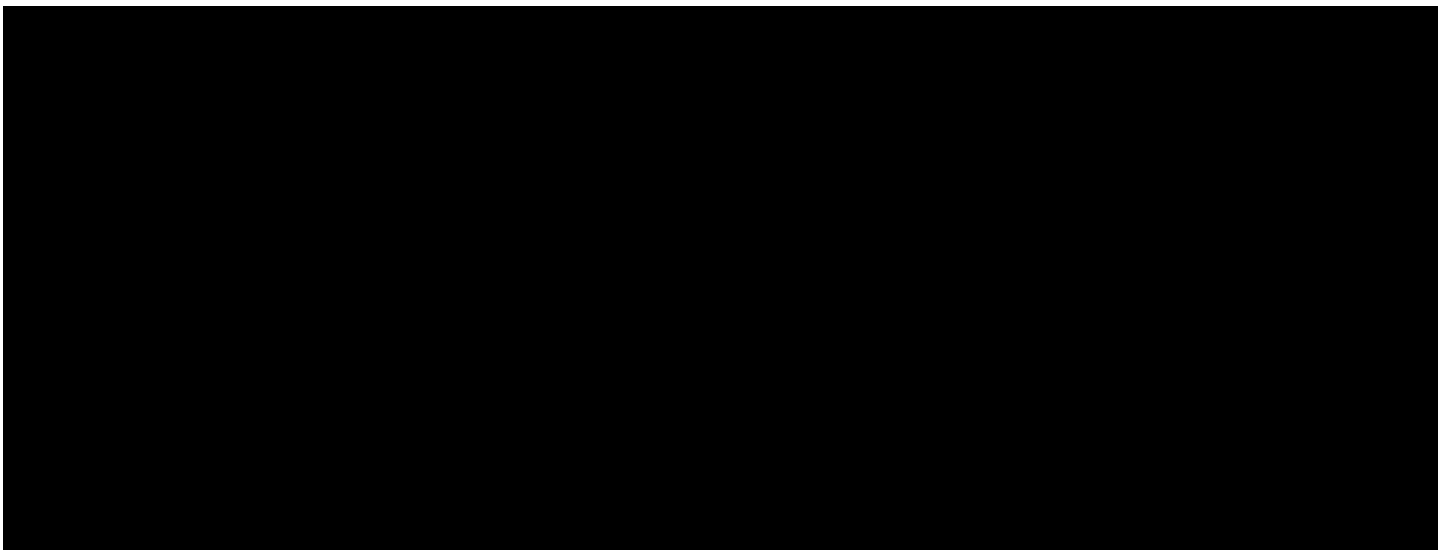
This does not relate to a security policy. The Board has already explained that Krantz does not "teach[] the step of auditing the device in accordance with a security policy." IPR2024-00540, Paper No. 13 at 14; *see also id.* at 13 ("Petitioner does not

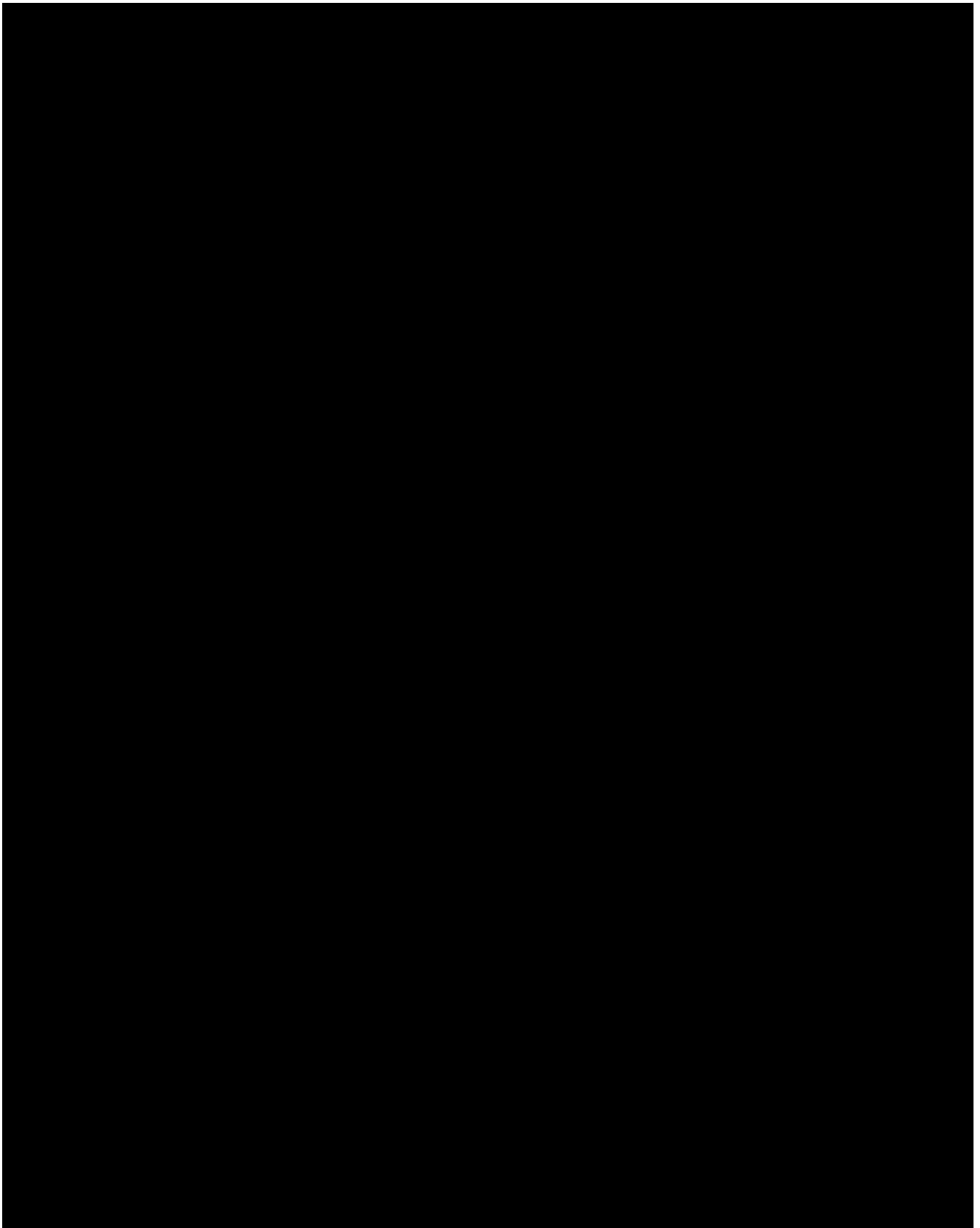
explain ... *why the mere act of authorizing or denying access to a network constitutes auditing the device in accordance with a security policy.*”).

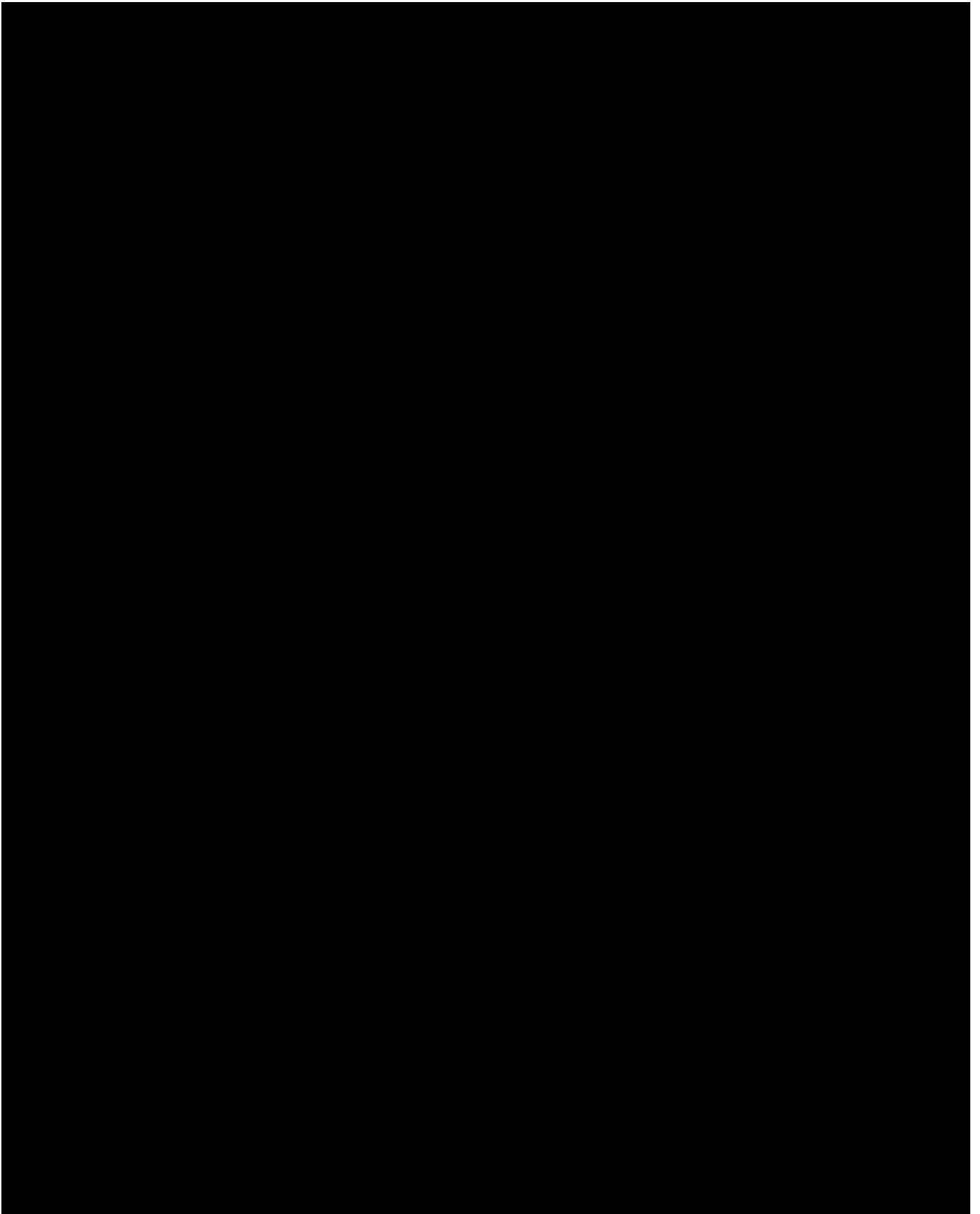
F. Neither Herrmann nor Krantz discloses “monitoring,” and Petitioner does not fight this on Reply. (Claim 22).

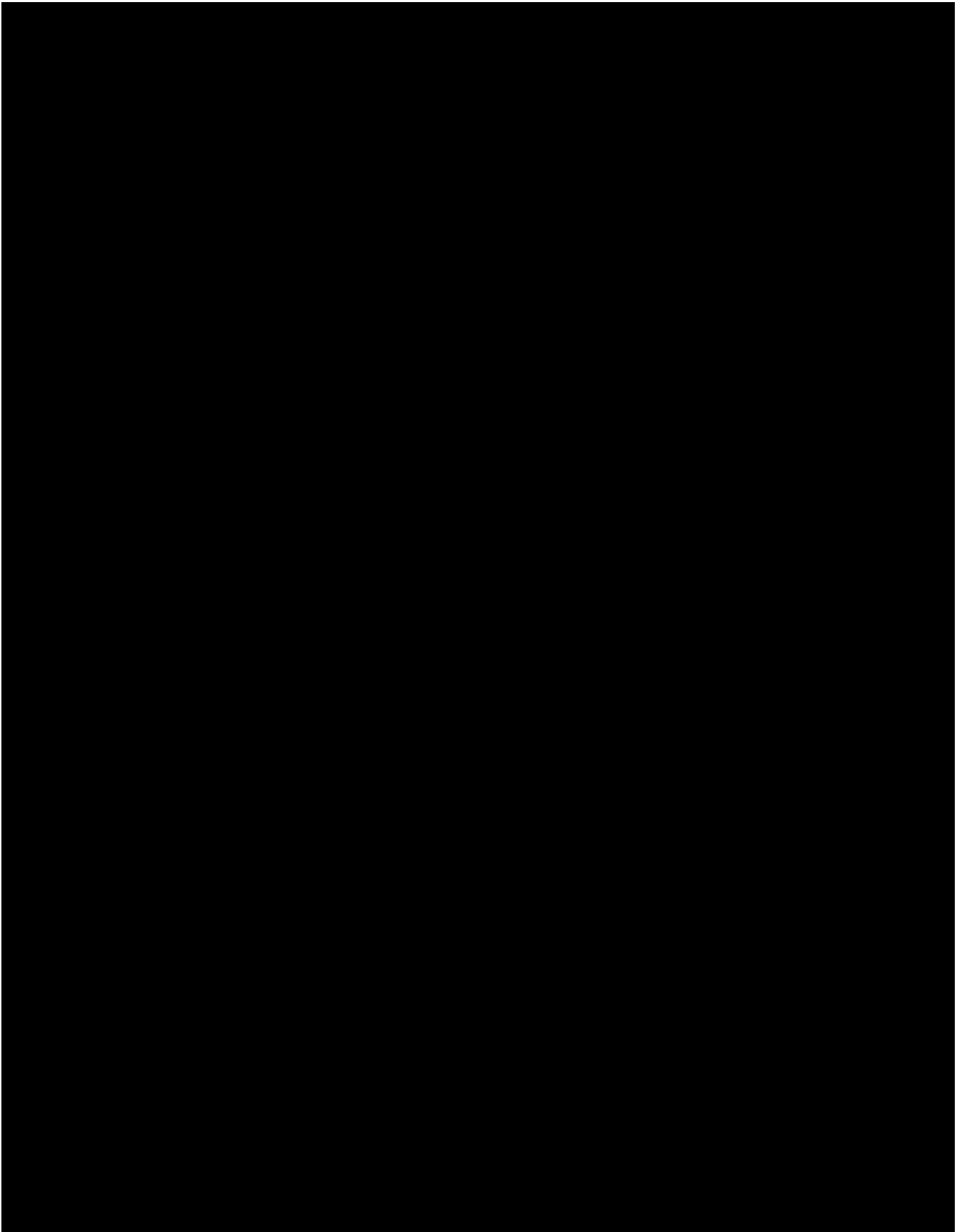
Petitioner’s Reply says little about “monitoring” other than accusing InfoExpress of attacking each reference individually. Reply, 14-15. Here, neither Krantz nor Herrmann teaches the claimed “monitor[ing] security status of the access device after reconfiguring.” Krantz’s “re-authentication” based on a predetermined time period has nothing to do with “monitoring the security status . . .” POR, 36. Similarly, Cole explained in great detail why Herrmann’s heartbeat is not “monitoring” either. Neither Krantz nor Herrmann individually discloses this element—a point Petitioner does not challenge on Reply. It follows that you cannot combine them to remedy this deficit.

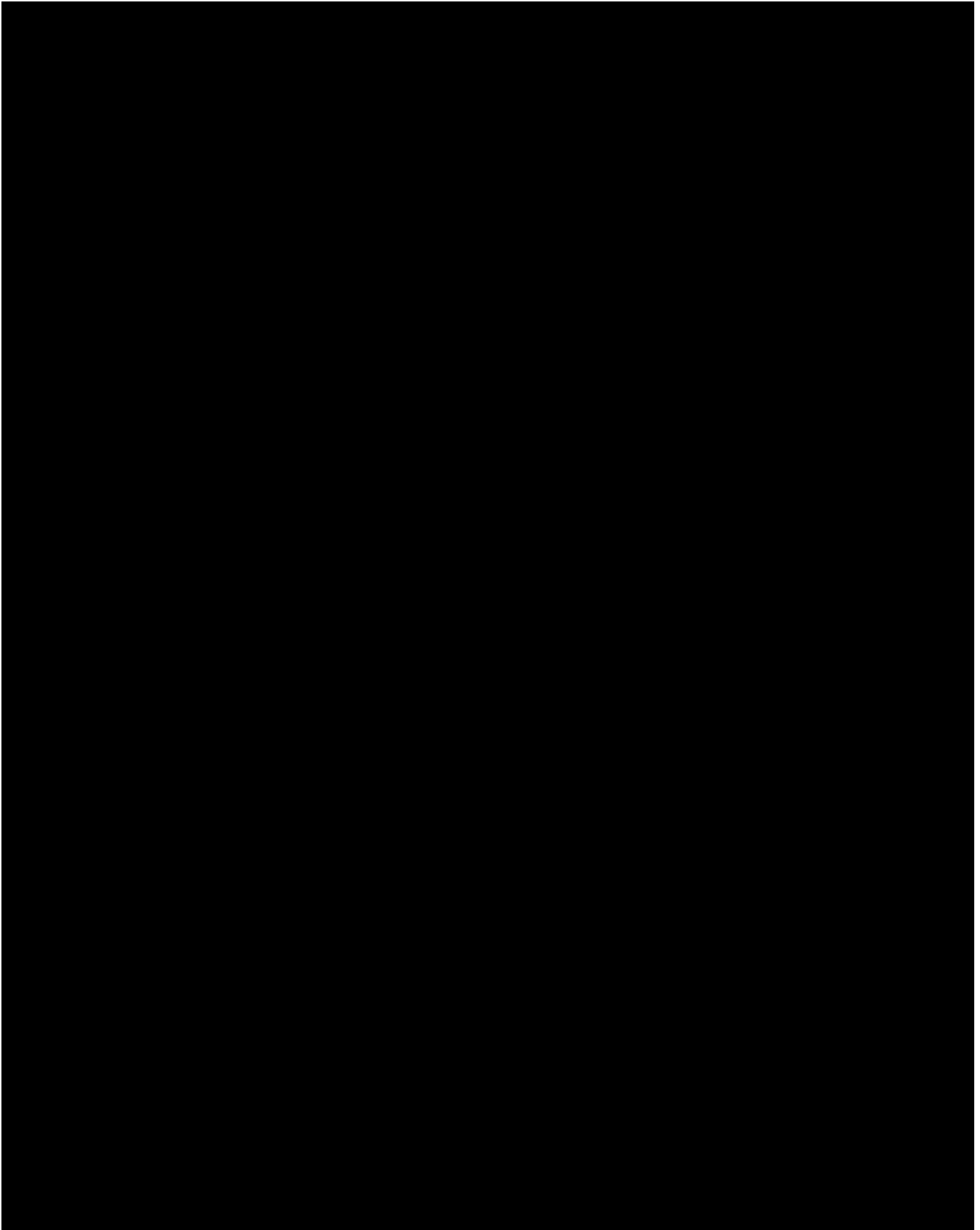
III. PETITIONER DOES NOT DISPUTE MUCH OF THE OBJECTIVE EVIDENCE OF NON-OBVIOUSNESS

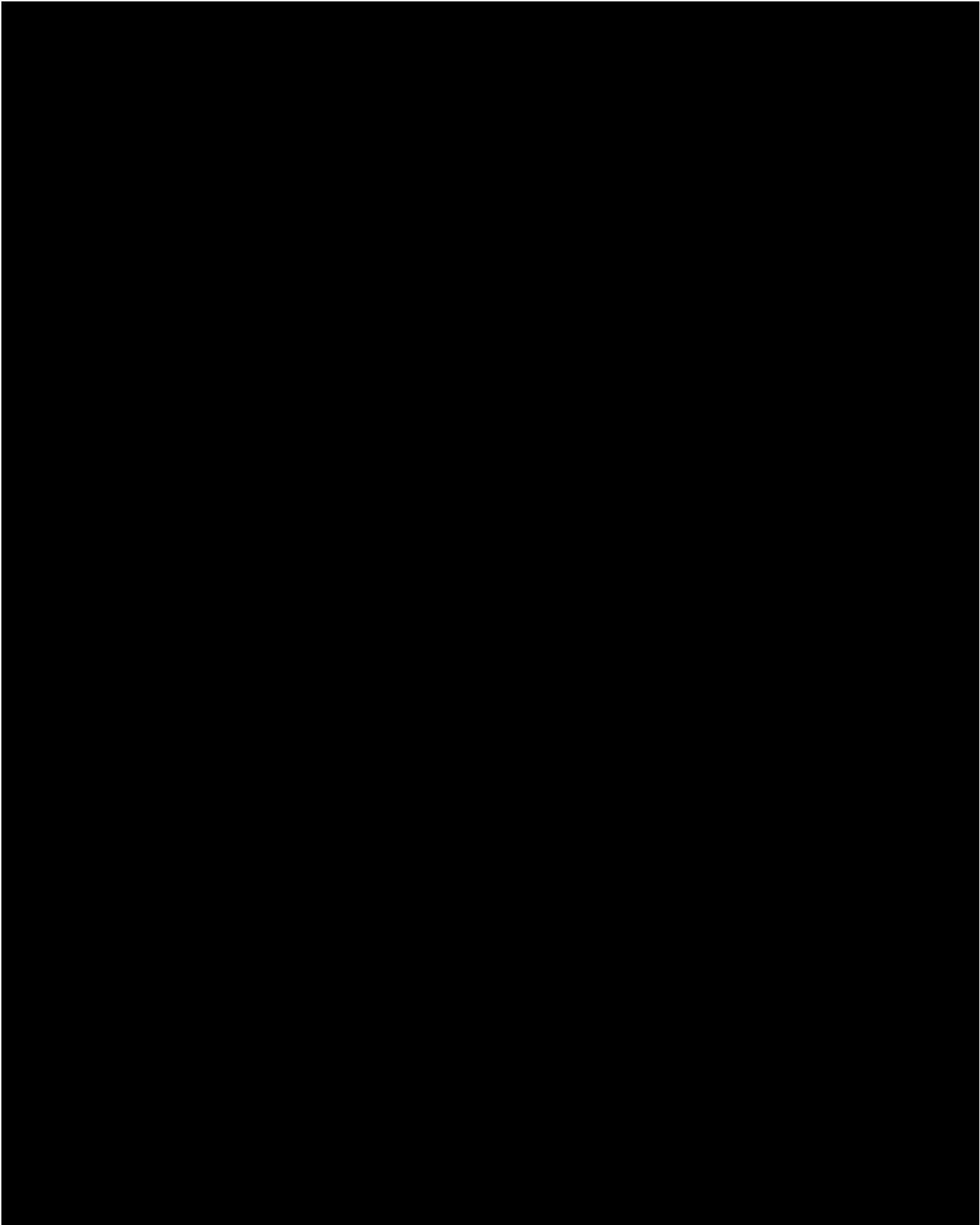


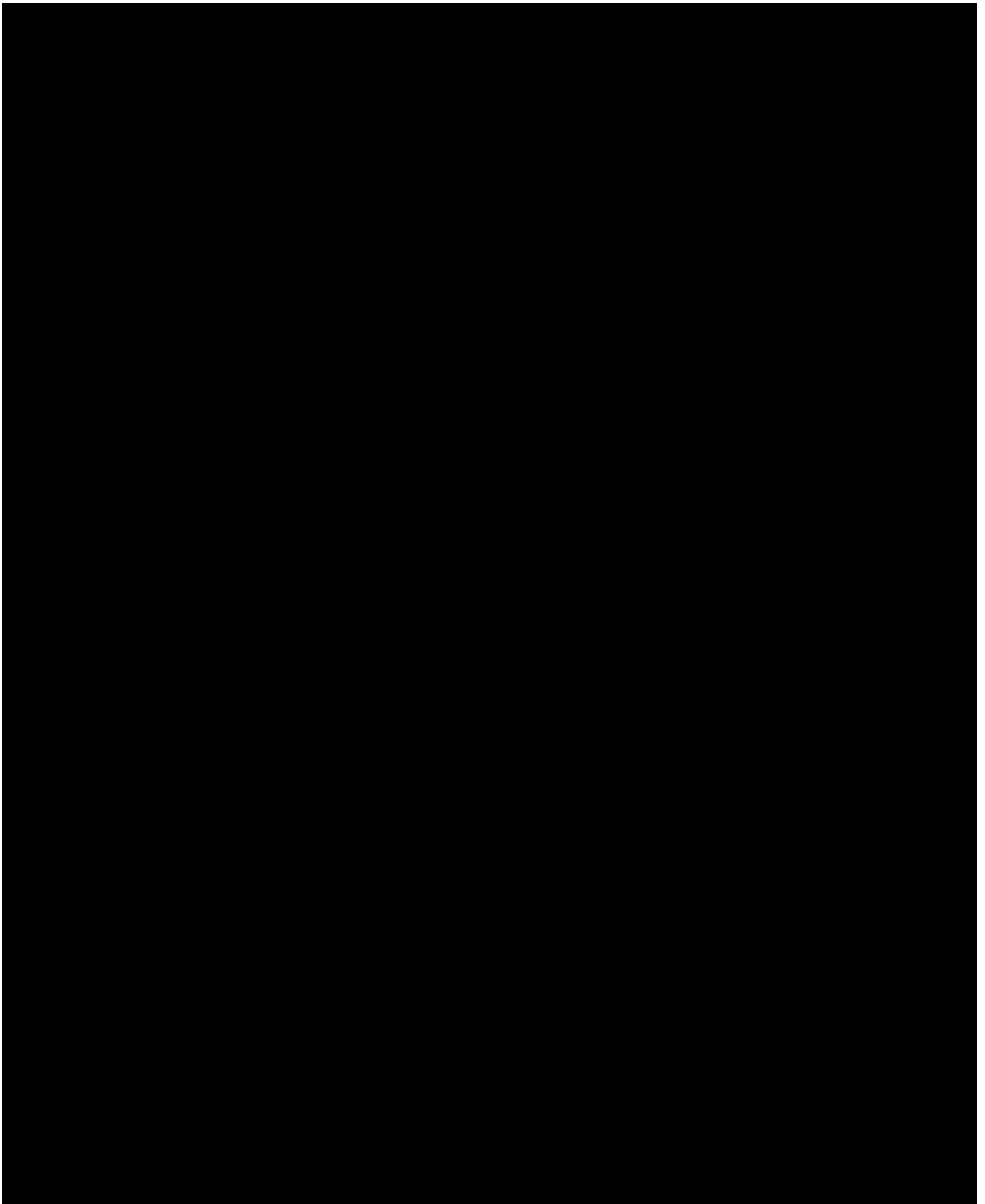


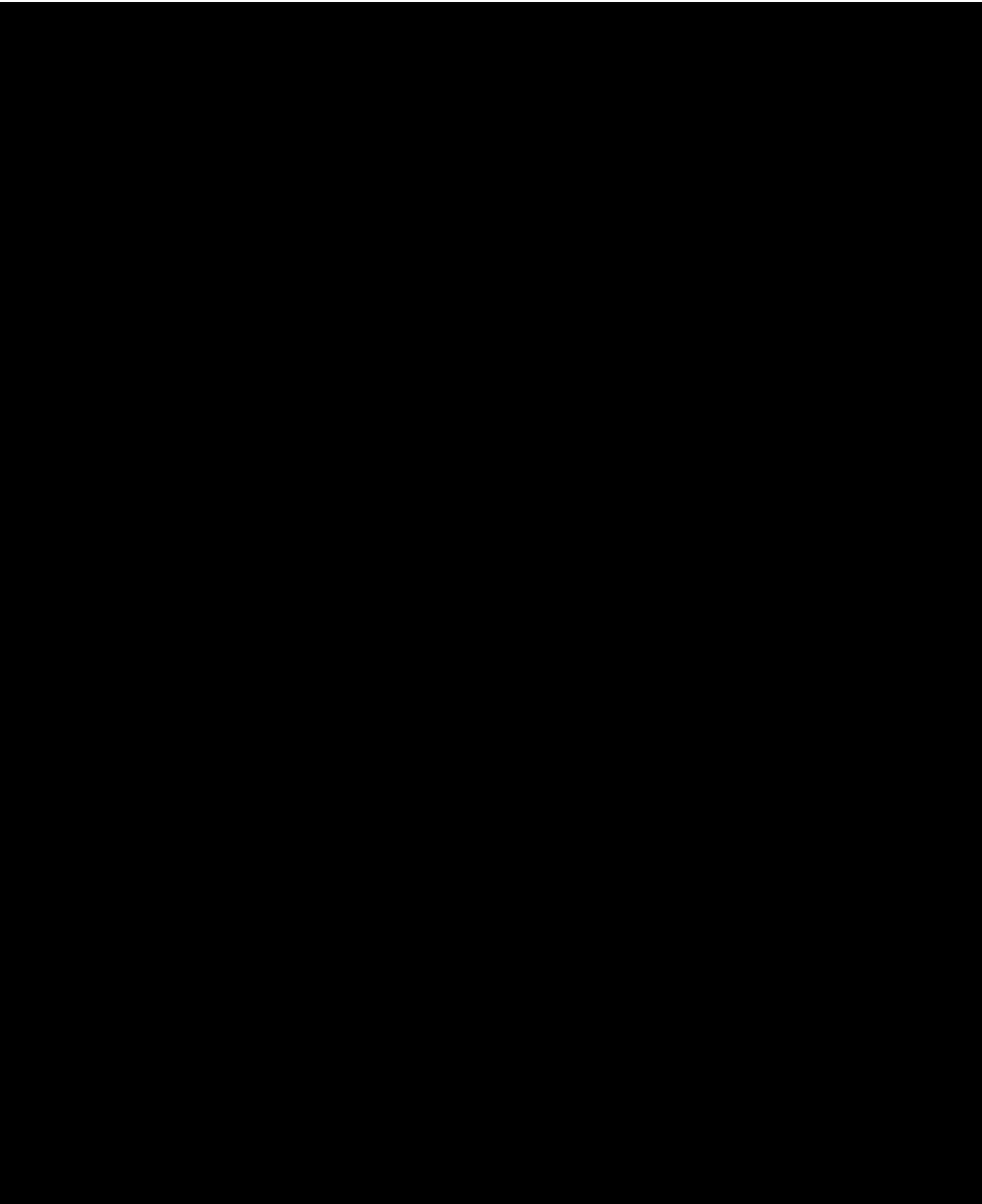


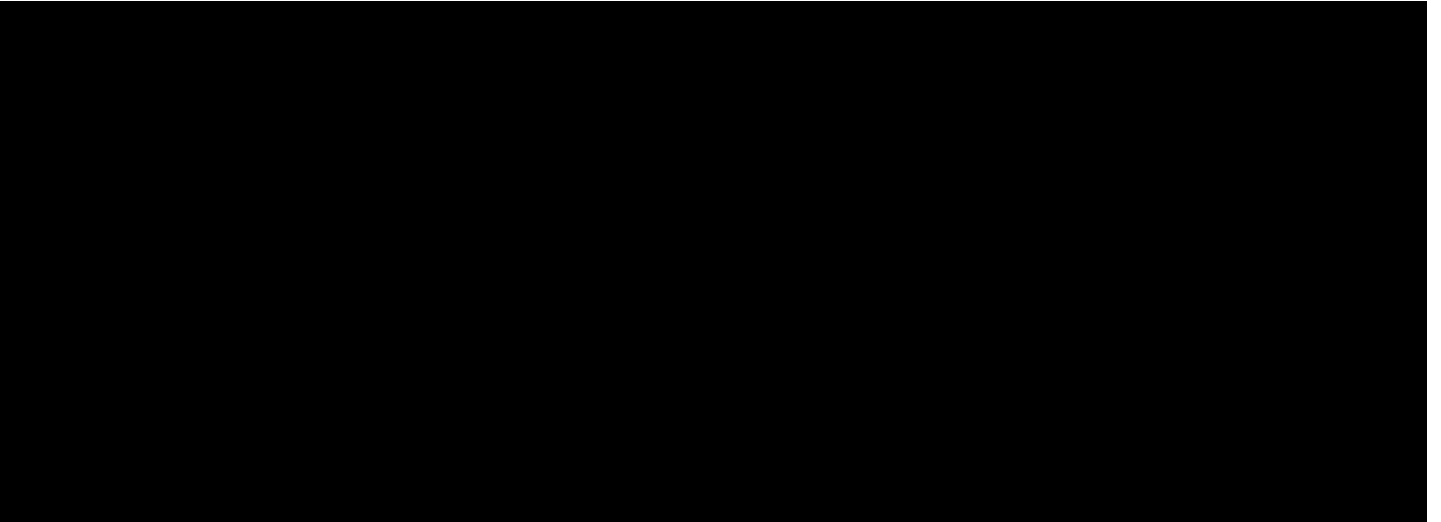






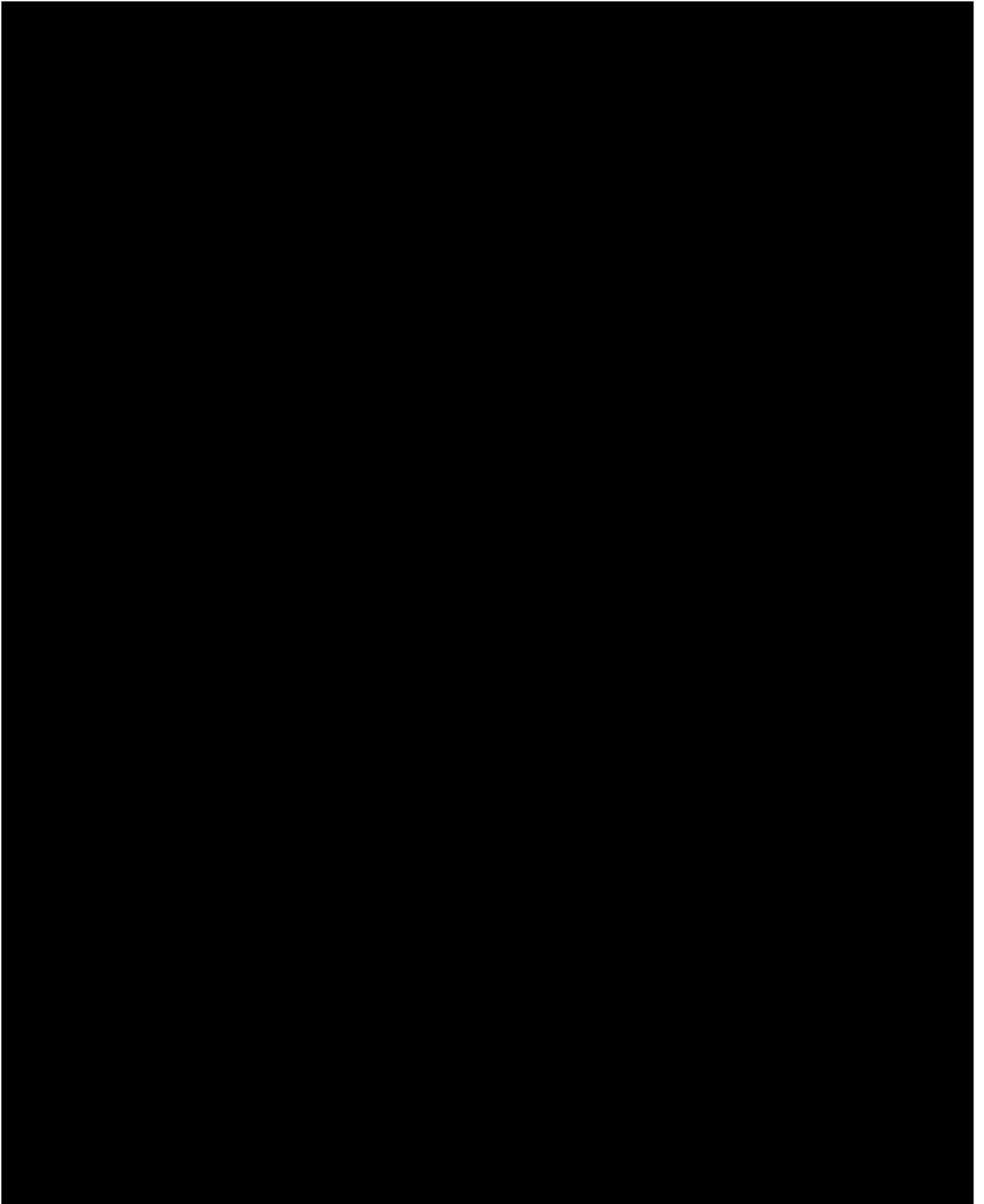


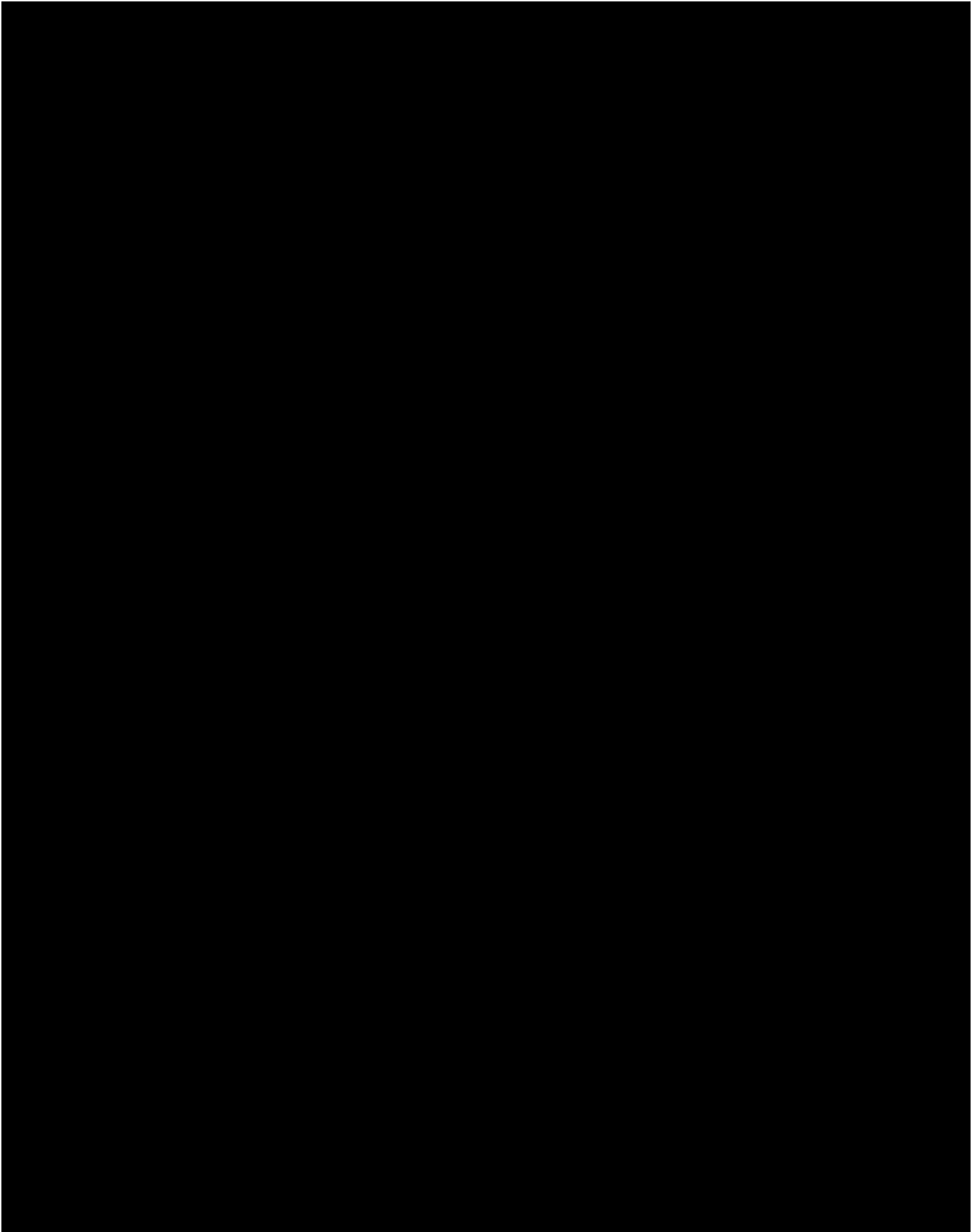


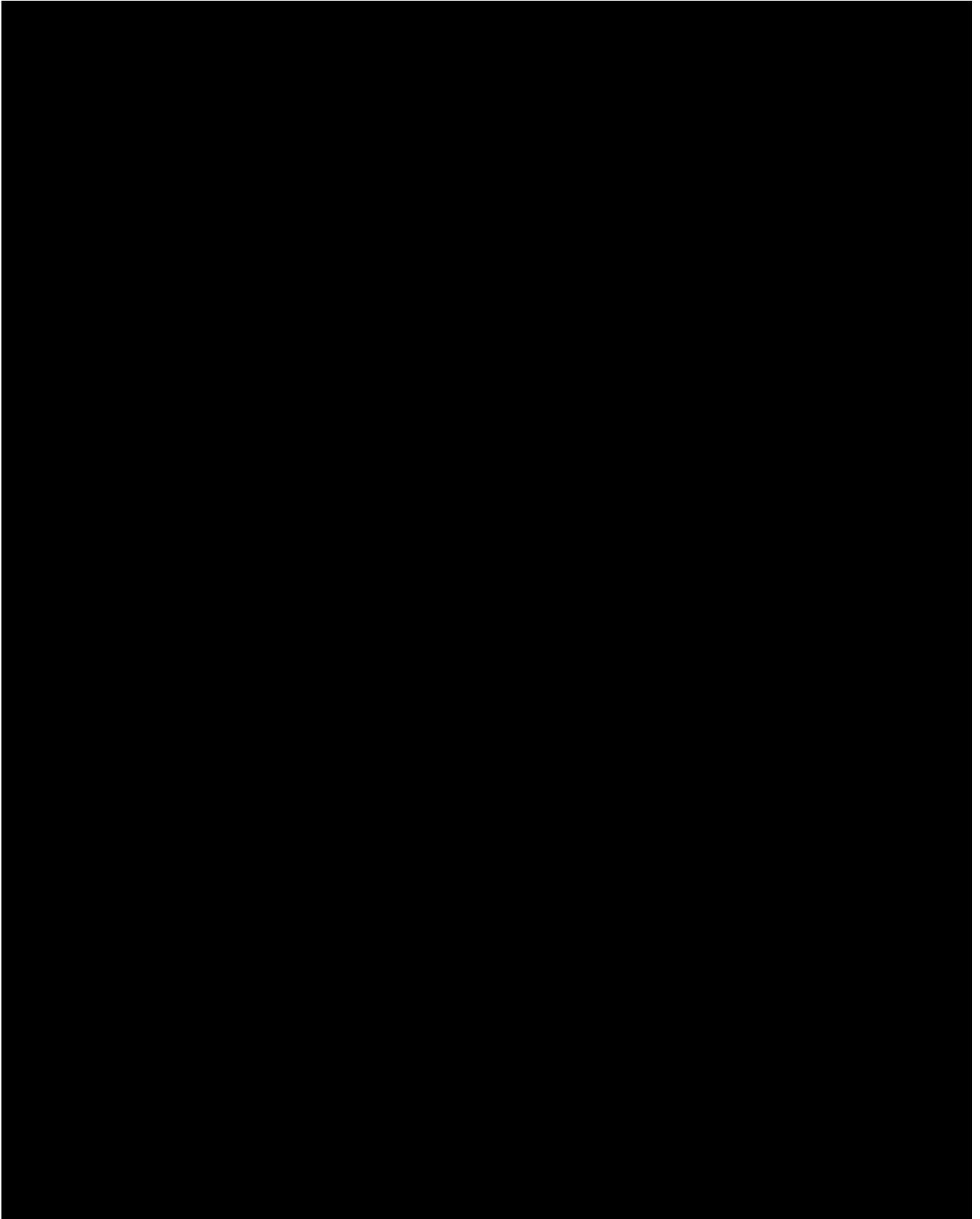


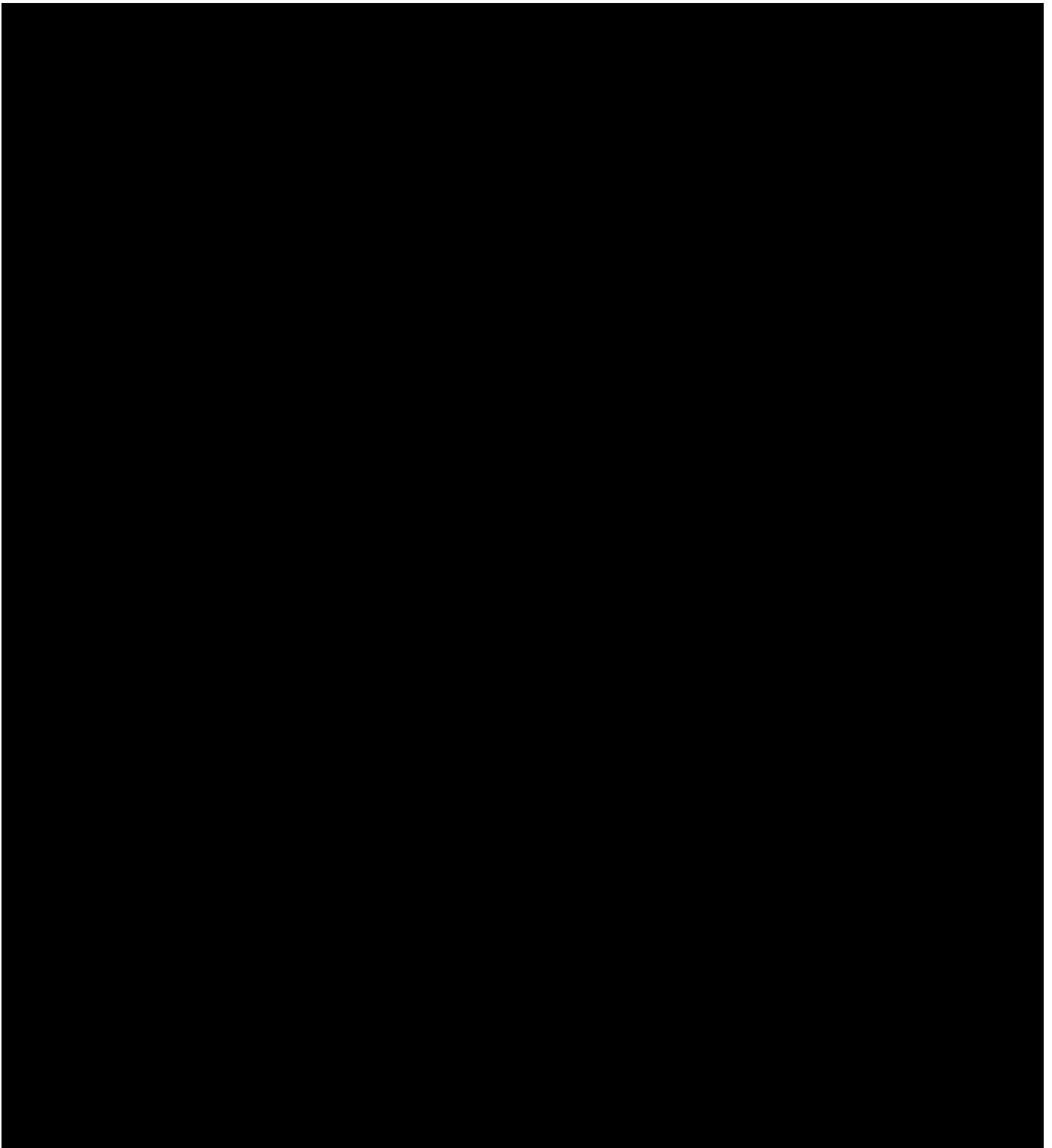
Accordingly, this un rebutted evidence demonstrates non-obviousness.

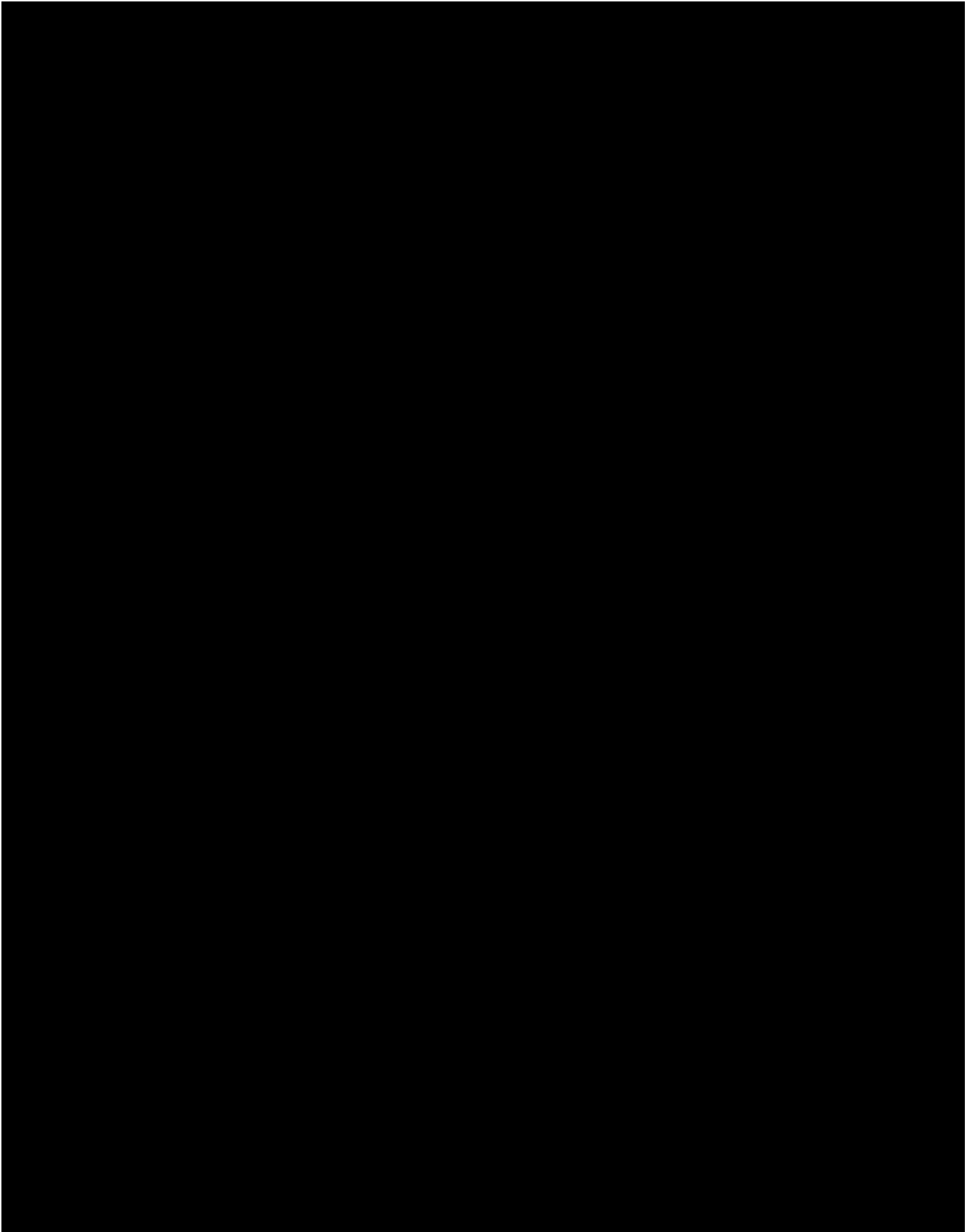
IV. ALL GROUNDS: NEITHER REFERENCE CONSTITUTES PRIOR ART

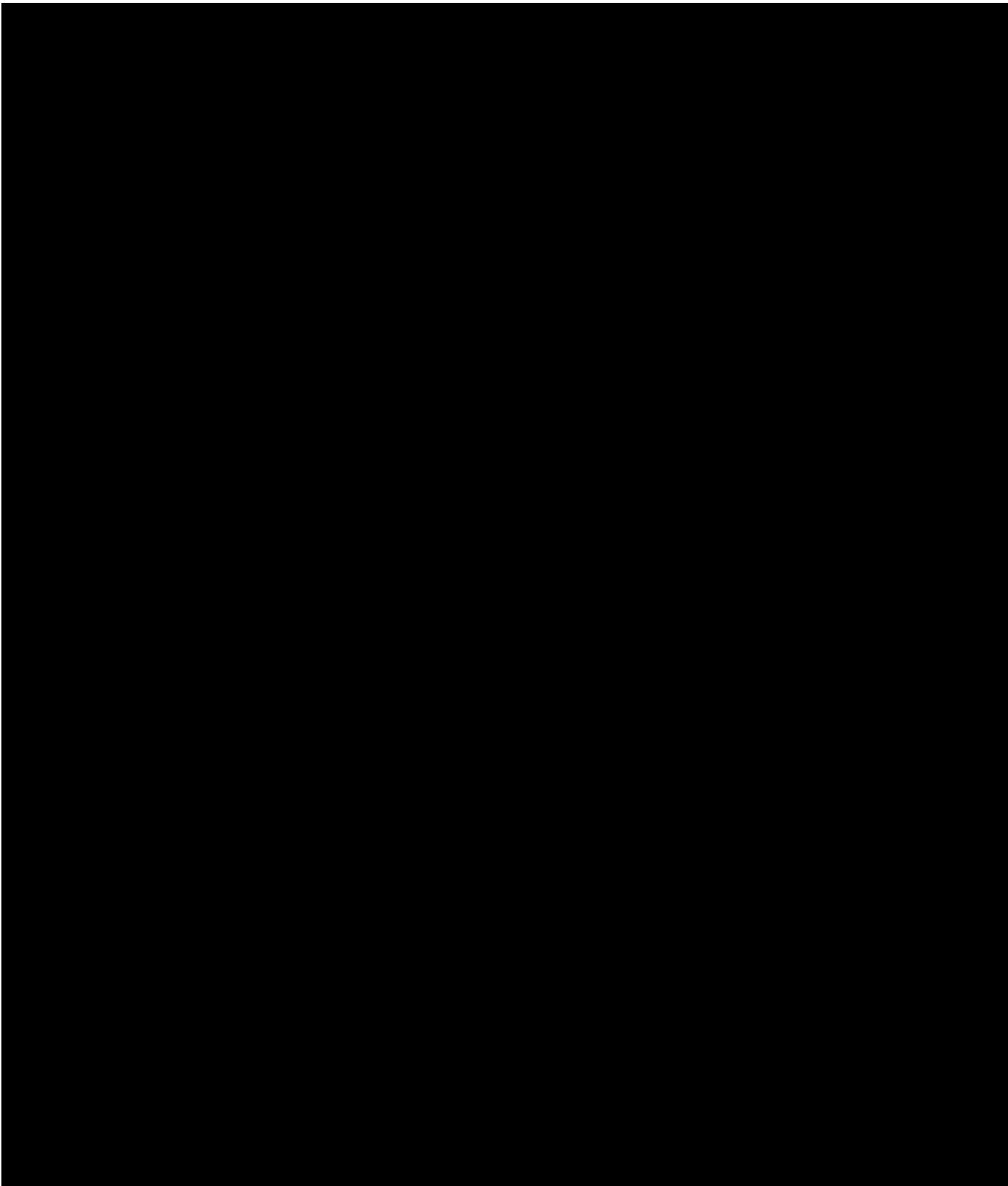


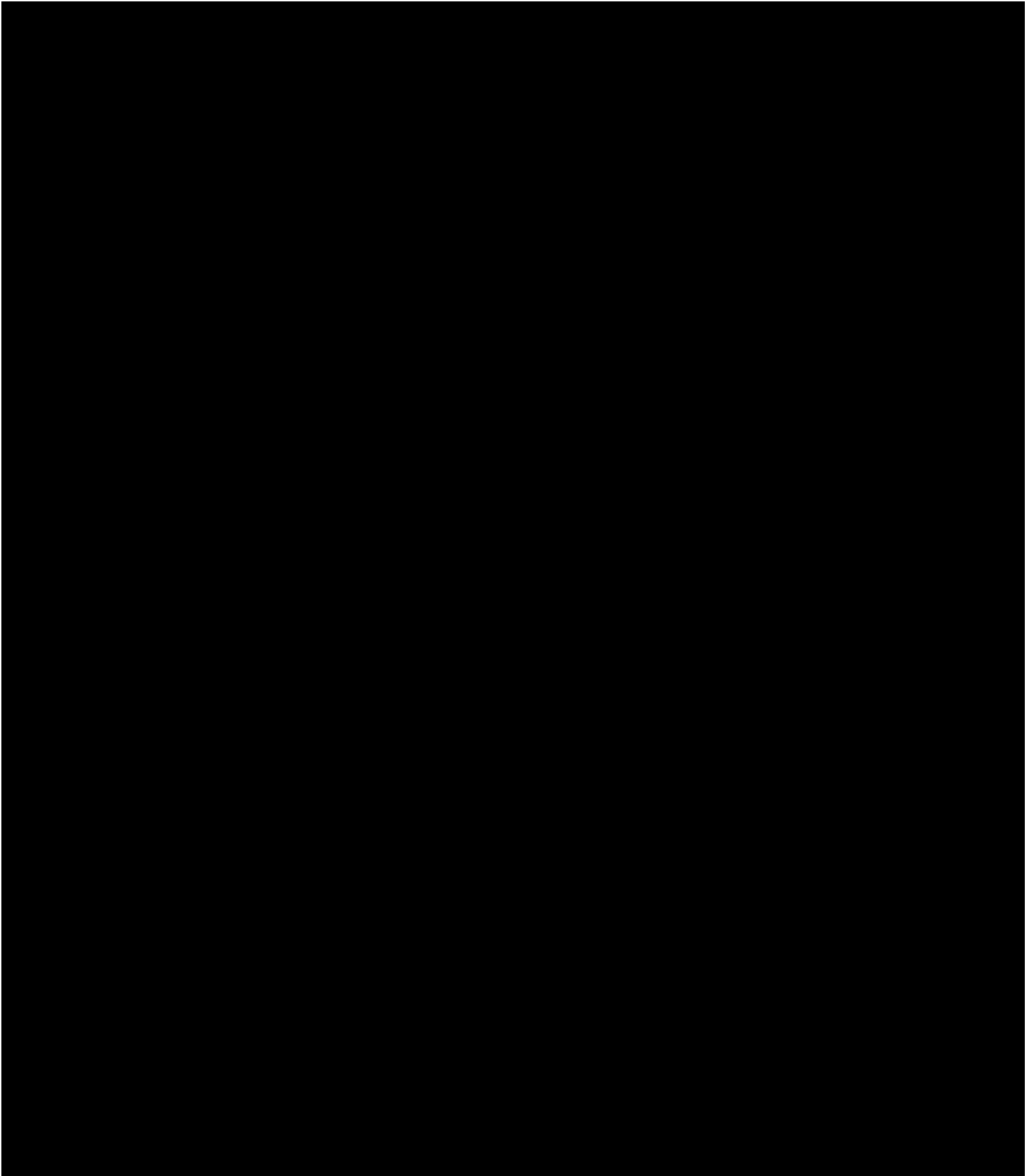


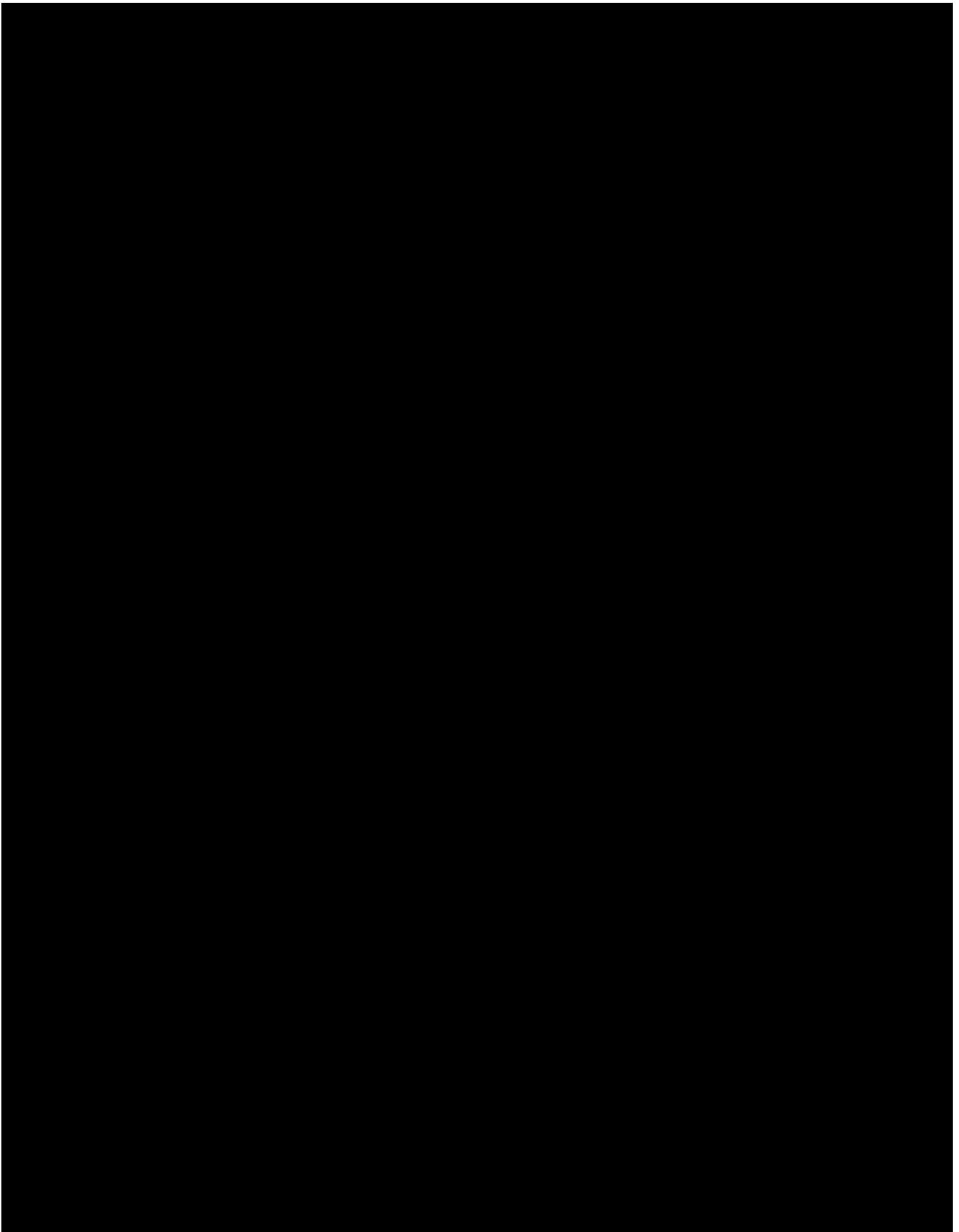


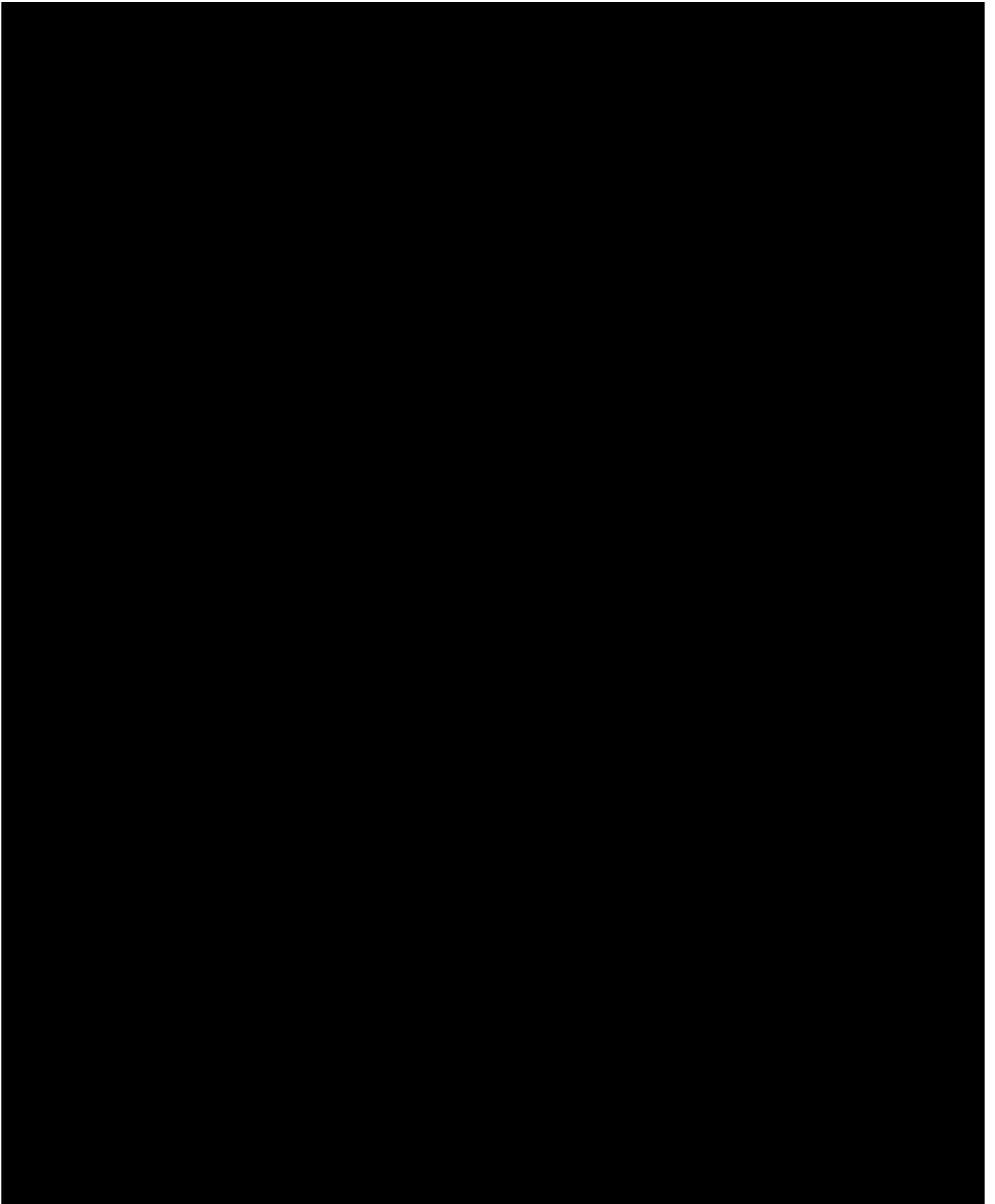


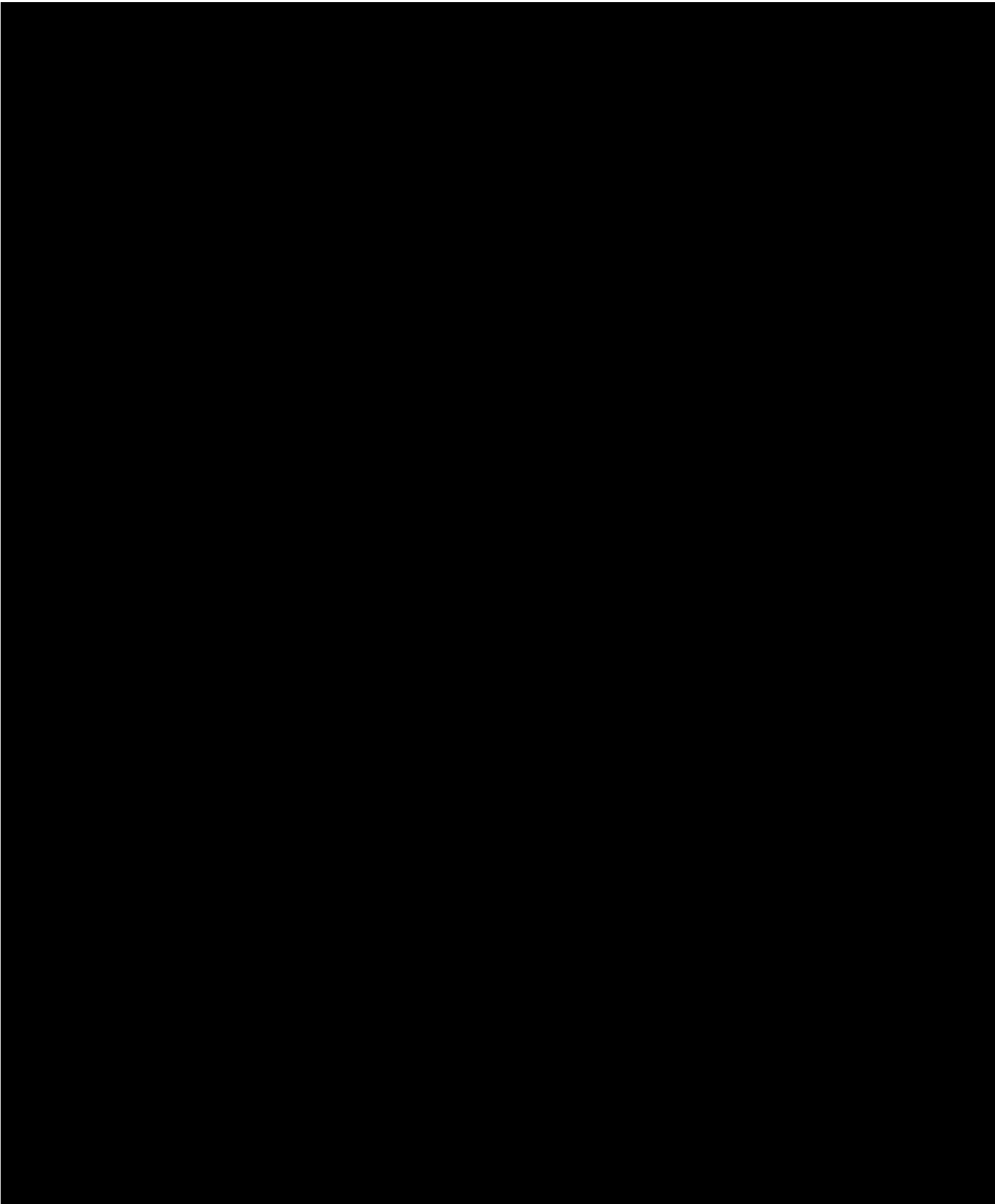


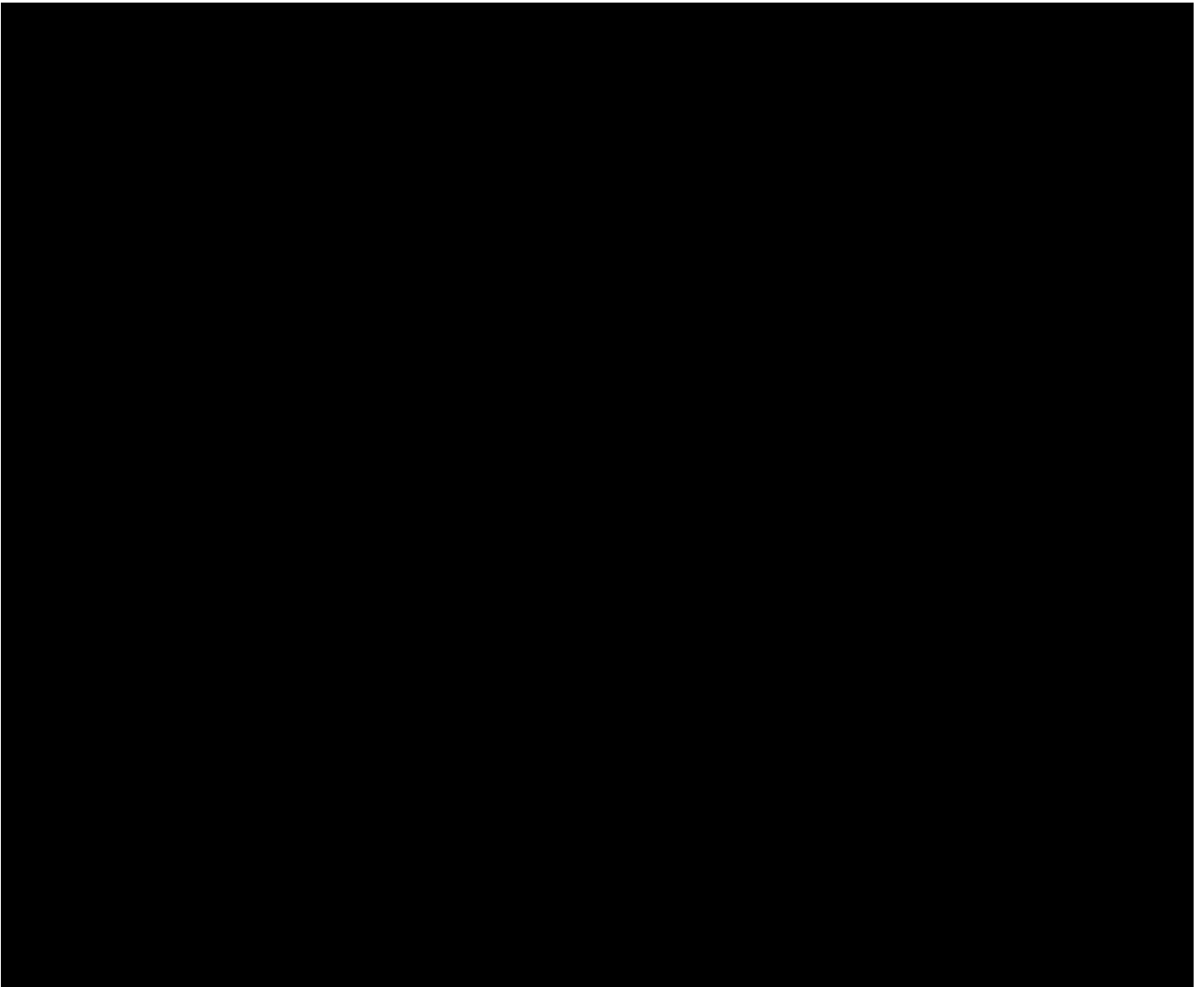


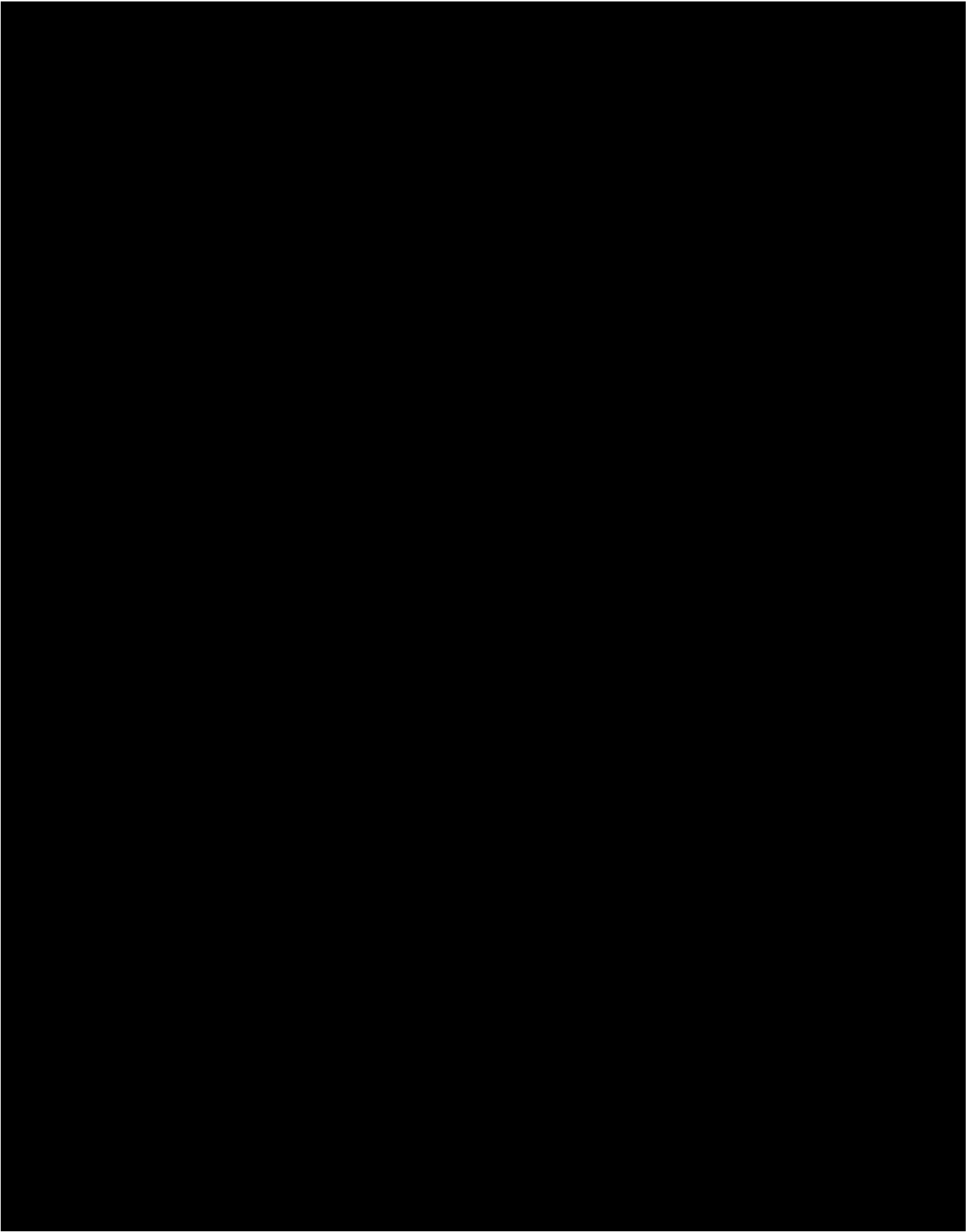


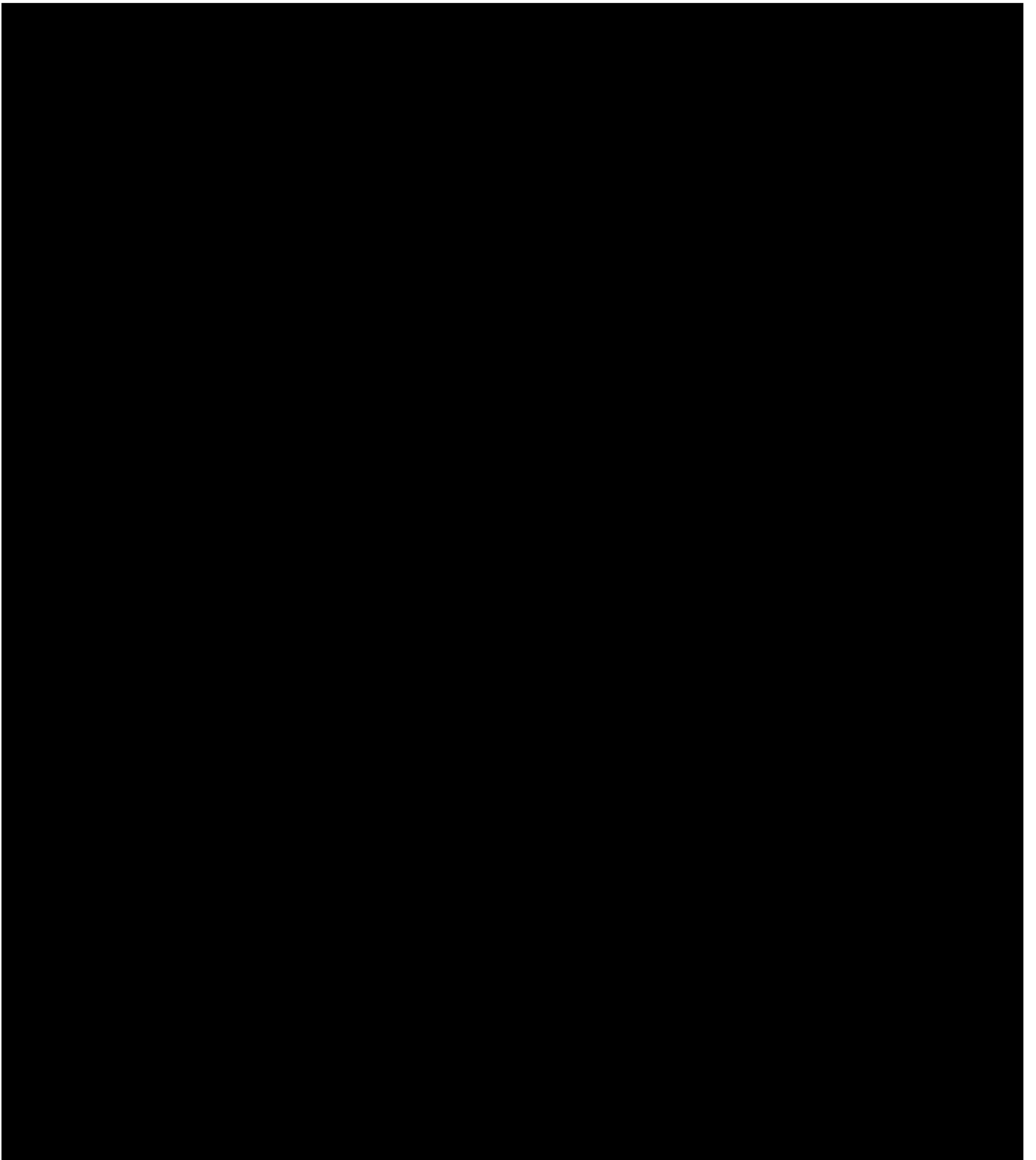


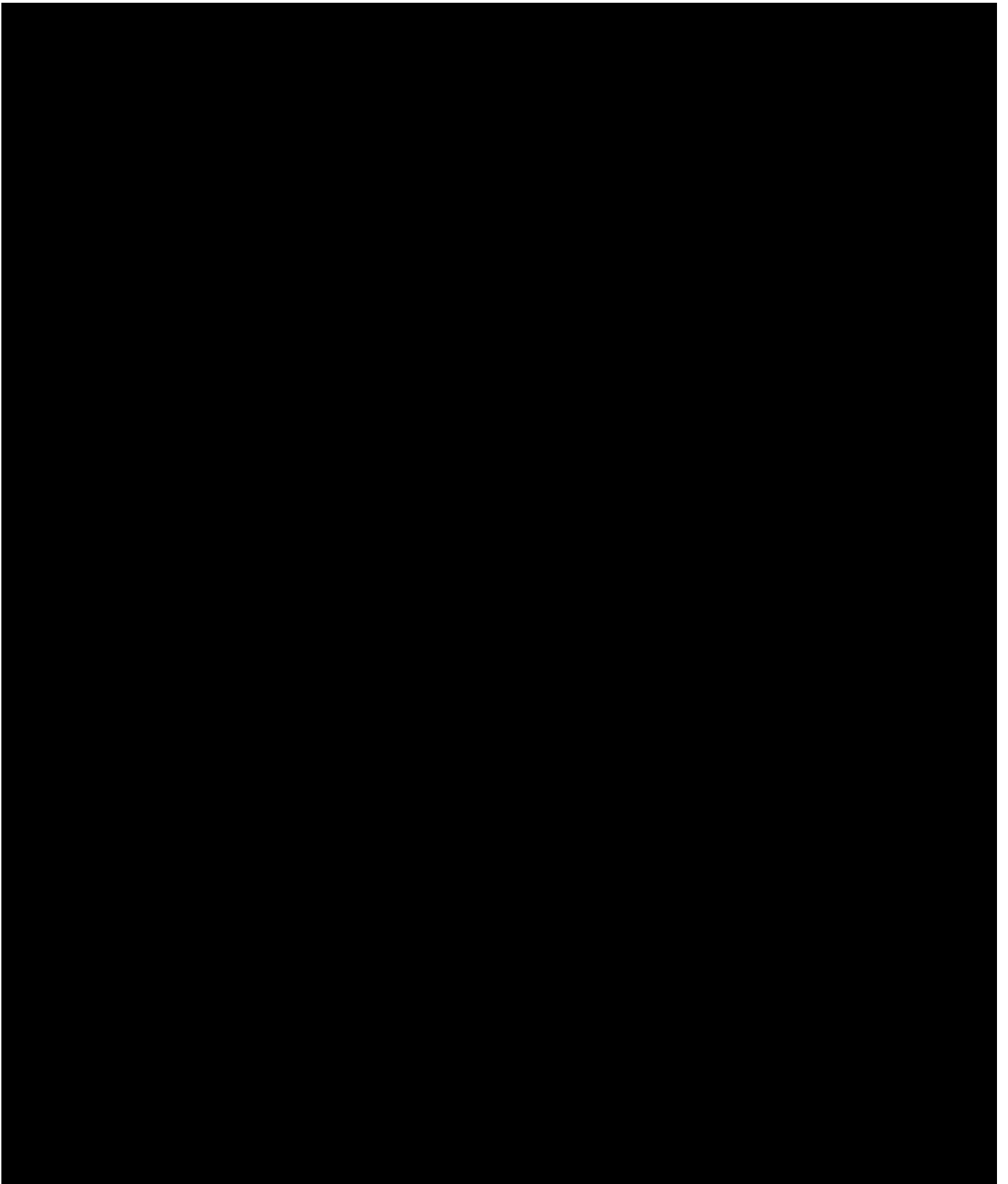


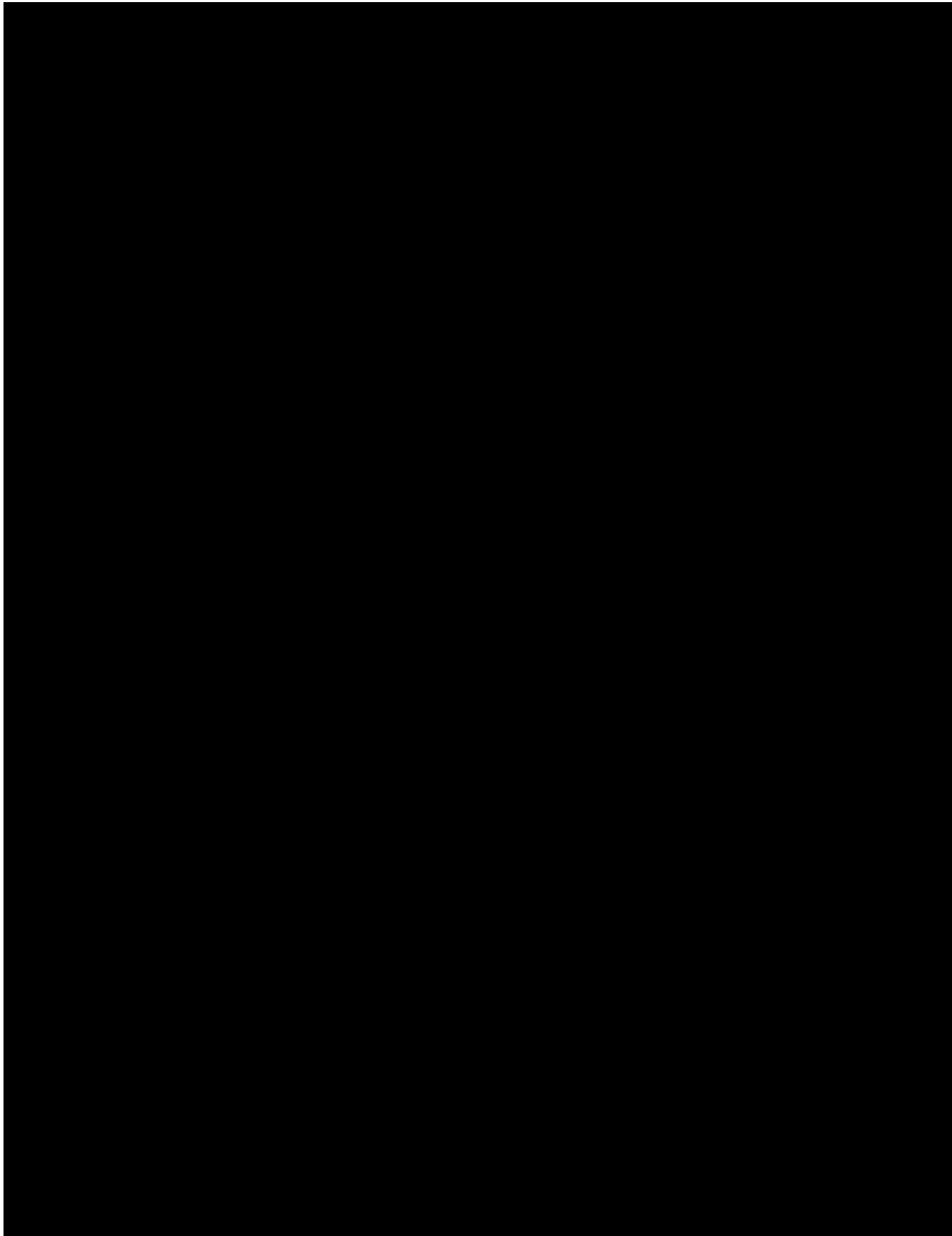


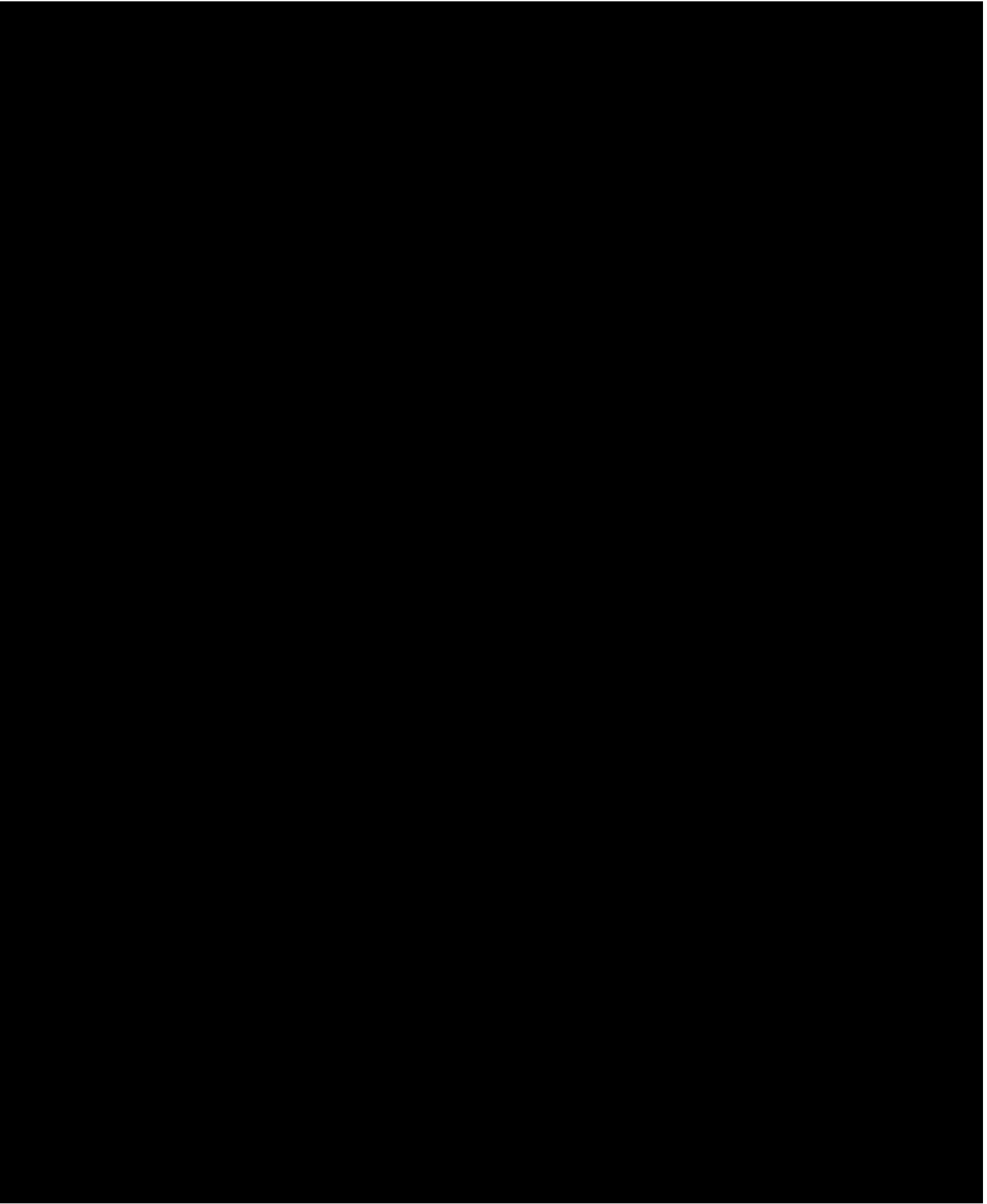


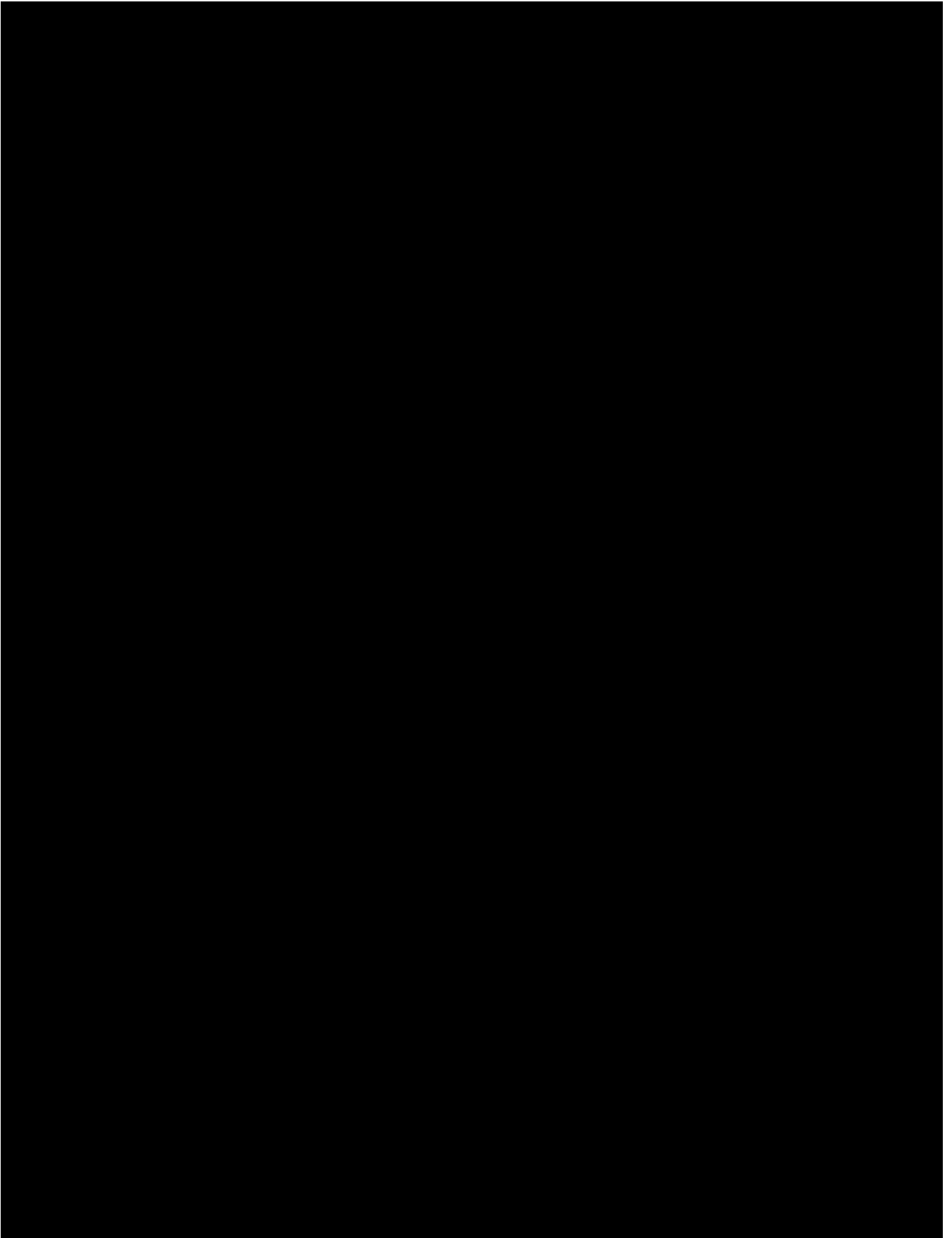












V. CONCLUSION

Patent Owner respectfully requests the Board reject the Petition.

Respectfully submitted,

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Certification of Word Count Under 37 C.F.R. § 42.6(d)

The undersigned hereby certifies that the foregoing complies with the type-volume limitation in 37 C.F.R. § 42.24(b)(1). According to the word-processing system's word count, the document contains 5,596 words, excluding the parts of the brief exempted by 37 C.F.R § 42.24(b).

Date: **June 4, 2025**

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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.

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/Brian R. Landry/
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