

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.

IPR2024-00679
U.S. Patent No. 7,523,484

DECLARATION OF STACEY C. LUM

1. I, Stacey C. Lum, declare under penalty of perjury that the following statements are true and correct.

2. I make this declaration based upon my personal knowledge and my review of the documents referenced herein. I further make this declaration in support of Patent Owner InfoExpress, Inc.'s ("Patent Owner" or "InfoExpress") Preliminary Response ("Response") to Cisco System, Inc. ("Cisco") and Fortinet, Inc.'s (collectively, "Petitioners") Petition for *Inter Partes* Review ("IPR") of U.S. Patent No. 7,523,484 ("the '484 Patent"). All the statements made herein of my own knowledge are true, and all statements made herein based on information and belief are believed to be true.

I. BACKGROUND

3. I am a computer and electrical engineer and developer. I have worked for over thirty years in the development of endpoint security, embedded devices, and network security for wireless and wired networking products.

4. I am the founder and CEO of InfoExpress. I founded InfoExpress in 1993, in Santa Clara, California. I am also a co-inventor of the '484 Patent, along with Yuhshiw Alice Lee.

5. The '484 Patent claims priority to U.S. Patent Application Nos. 60/505,582 ("the '582 Provisional"), filed on September 24, 2003, and 60/513,080 ("the '080 Provisional"), filed on October 21, 2003.

6. With Ms. Lee, I collectively conceived of the claims of the '484 Patent no later than December 2, 2002, and began to diligently reduce the invention to practice.

II. CONCEPTION

7. No later than December 2, 2002, Ms. Lee and I collectively conceived of the claimed inventions in the '484 Patent as further set forth in the corroborating evidence herein.

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. Ms. Lee, Mr. Ong, Mr. Tsai, and I all worked in the same (open) office at least through [REDACTED]. Accordingly, it was both my practice to communicate orally with employees such as Mr. Tsai, for example, to communicate ideas and assign projects, as well as the practice of others within InfoExpress to simply walk and speak with another team member to discuss matters where conversation was simpler than sending and e-mail.

10. By way of background, InfoExpress had previously commercialized different security products including its CyberArmor product and CyberGatekeeper Remote Product (“the

Remote Product”). Before the invention, network security products were generally limited to checking user authorization or performing security policy compliance, but not both given the lack of security network infrastructure.

11. For example, [REDACTED] is a product manual for InfoExpress’s CyberGatekeeper Policy Manager product bearing a 2001 date. The version of the CyberGatekeeper Policy Manager described therein was a component that was associated with the Remote Product. EX2013 and the CyberGatekeeper Policy Manager were created prior to EX2011 and, thus, reflect background knowledge of InfoExpress and me, and document our knowledge of various details of auditing an access device.

12. In and around [REDACTED] existing security solution infrastructures generally positioned an individual gatekeeper between the access device and the protected network. Each individual gatekeeper would need to check each individual access device (or endpoint device) for security policy compliance, which was inefficient, costly, and used substantial bandwidth.

13. As indicated in my [REDACTED] email, the prospect of enforcing security policies over the IEEE 802.1X protocol (authentication) would permit a security solution which accounted for both user authentication and the performance of security policy compliance. Further, it would solve the problems with the inefficiencies for existing network solutions by creating a system where the gatekeeper would not be positioned directly between the access point and network. However, since there lacked any existing infrastructure at the time, InfoExpress had to work to build a new infrastructure to support this new security solution.

14. From [REDACTED] to at least the October 21, 2003 filing of ‘080 Provisional, I worked with and instructed our InfoExpress team on building and developing the claimed solutions and infrastructure and troubleshooting problems along the way.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16. In or around [REDACTED], I instructed Mr. Tsai to begin a draft of a detailed specification for software describing the implementation of policy enforcement over the 802.1X protocol based on my proposal and input. The draft Overview Requirement for LAN Based Policy Enforcement (EX2018) that Mr. Tsai ultimately provided to me is something that he only would have created and provided upon my instruction and guidance.

17. During this [REDACTED] timeframe, I worked, along with the InfoExpress team, on developing the specific details for how to implement the claimed invention including

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

EX2018 at 1-2.

19. [REDACTED]

[REDACTED]

20. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22. On [REDACTED], InfoExpress personnel drafted EX2011, entitled “LAN Based Policy Enforcement Engineering Specification”. EX2011, EX2012. This specification details the claimed inventions as detailed in EX2009 (conception claim chart) prepared by Prof. Smith.

III. DILIGENCE

a. Diligence Calendar and Summary

23. Following the creation of the [REDACTED], LAN Based Policy Enforcement Engineering Specification (EX2011)—and even before, I along with the InfoExpress team and partners, continuously worked diligently to develop and reduce the claimed invention to practice to the October 21, 2003, filing of the '080 Provisional and thereafter.

24. A diligence calendar (EX2004) summarizes the dates of corroborating evidence of work by InfoExpress and/or its subcontractors to implement the invention. The exhibits listed were maintained by InfoExpress in the course of the regularly conducted activity of InfoExpress. Specifically, the exhibits listed herein and in diligence calendar) were maintained on InfoExpress's e-mail and file servers. Individual InfoExpress personnel had latitude to backup their e-mail accounts. I did so; accordingly, most of the e-mails cited herein are from my archives. That said, I was almost certainly not a party to every e-mail regarding implementation of this technology and e-mails solely involving other InfoExpress personnel that did not archive their e-mail accounts or left InfoExpress are no longer accessible.

25. This continuous diligence from [REDACTED], to October 21, 2003, included: [REDACTED]

[REDACTED]

[REDACTED]

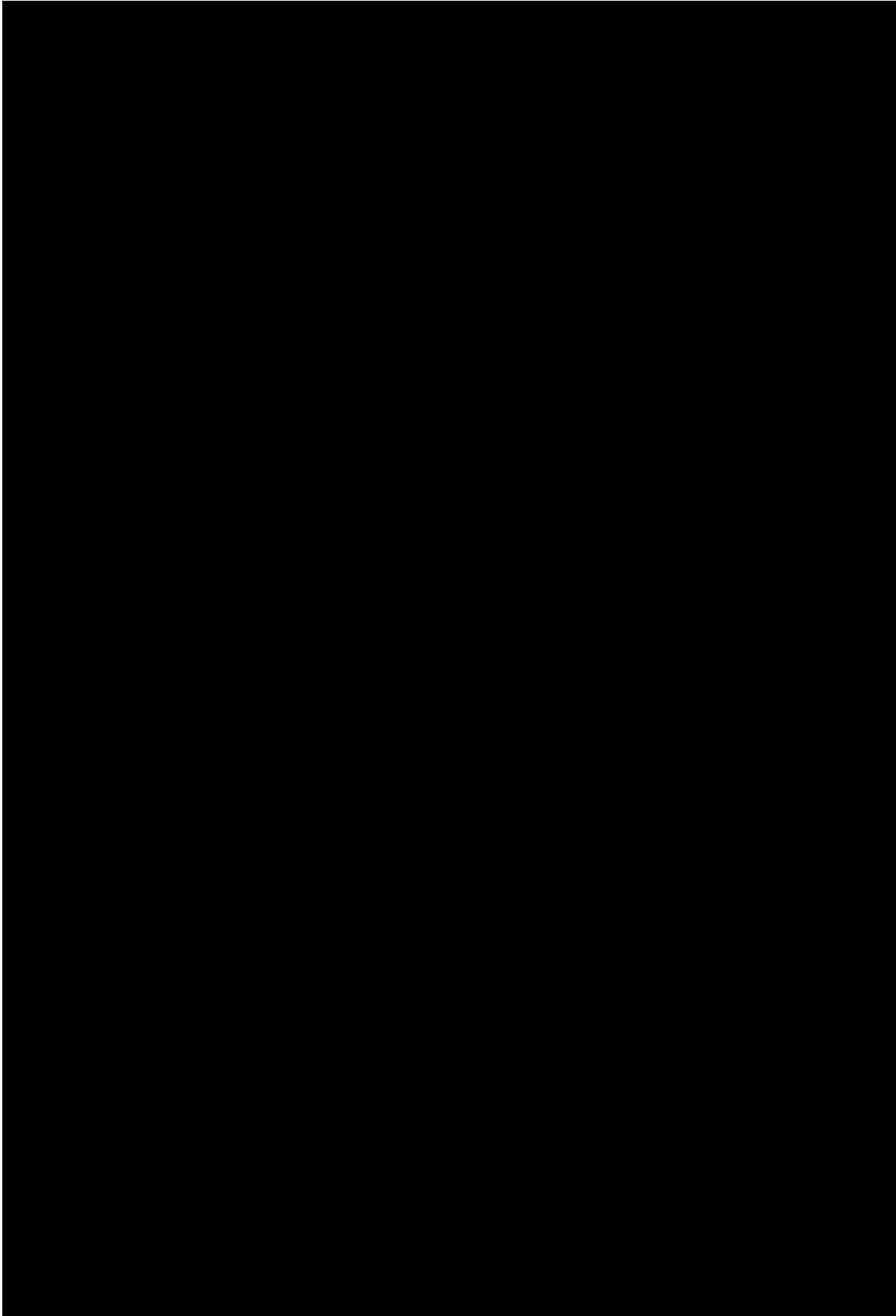
[REDACTED]

[REDACTED]

[REDACTED]

The image consists of a single, uniform black rectangle that fills the entire frame. There are no discernible features, text, or patterns other than the solid black color.

[illegible]



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[illegible]

[illegible]

[illegible]

54. In parallel with working diligently to actually reduce the claimed invention to practice, InfoExpress and myself diligently pursued patent prosecution for the claimed invention.

61. On July 28, July 29, and July 30, 2003, I corresponded with patent counsel regarding [REDACTED]

[REDACTED]

62. On September 18, 19, 21, 22, and 23, 2003, I corresponded with patent counsel regarding [REDACTED]

[REDACTED]

63. On September 24, 2003, the '582 Provisional was filed. EX2005.

64. On October 2 and 6, 2003, Ms. Lee and I corresponded regarding [REDACTED]

[REDACTED]. EX2260; EX2261.

65. On October 12, 13, 14, 15, and 20, 2003, I correspondence with patent counsel regarding [REDACTED]. EX2262; EX2263; EX2264; EX2265; EX2266; EX2267; EX2268; EX2269; EX2270; EX2271

66. On October 21, 2003, the '080 Provisional was filed. EX2006.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 25, 2024 in Santa Clara, California.

Dated: July 25, 2024

/s/ Stacey Lum

Stacey Lum