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

IPR2024-00675
U.S. Patent No. 7,523,484

IPR2024-00676
U.S. Patent No. 8,677,450

IPR2024-00677
U.S. Patent No. 8,578,444

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

SUPPLEMENTAL 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") Responses to Cisco System, Inc. and Fortinet, Inc.'s Petitions for *Inter Partes* Review ("IPR") of U.S. Patent No. 8,051,460, 7,523,484, 8,677,450, and 8,578,444 (collectively, "the Challenged Patents"). I previously submitted in this case on Declaration of Stacey C. Lum (EX2003) (the "Lum Declaration"). I make this present declaration (the "Supplemental Lum Declaration") to clarify and/or expound on several statements in the Lum Declaration. 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 Challenged Patents, along with Yuhshiow Alice Lee.

5. The Challenged Patents claim 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 Challenged Patents 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 Challenged Patents as further set forth in the corroborating evidence herein.

8. [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, EX2013 is a product manual for InfoExpress's CyberGatekeeper Policy Manager product bearing a [redacted] 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]

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]

EX2018 at 1-2.

19. [redacted]

20. [redacted]

21. [redacted]

[redacted]

22. On [redacted], InfoExpress personnel including Ms. Lee drafted EX2011, entitled "LAN Based Policy Enforcement Engineering Specification". EX2011, EX2012. Ms. Lee e-mailed this document to me that afternoon. EX2520. 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]

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D. Obtaining Patent Protection (January 2003 Through September 2003)

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.

55. On January 21, 2003, I spoke and corresponded with potential patent counsel. [redacted]

56. On February 5, 6, 7, 10, and 18, 2003, I corresponded with patent counsel [redacted]

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

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

IV. PRESERVATION OF EVIDENCE CITED IN THIS PROCEEDING

67. As part of my work at InfoExpress (including the work described in the Lum Declaration, herein, and/or the subject of the '582 Provisional and the '080 Provisional, I used a laptop computer.

68. On that laptop, I used a Eudora email client. The Eudora email client automatically downloaded emails and attachments from the server using the POP3 protocol, and then stored them locally on my laptop.

69. Exhibits EX2011, EX2013, and EX2015–EX2410, which InfoExpress has relied upon in support of its Patent Owner Response ("POR"), are all files that were created in and around 2002–03 that and that I stored on my laptop. More specifically:

a. Exhibit EX2013 (an engineering specification for the Remote Product), had been saved in a folder dedicated to work on that product.

b. [redacted]

c. All other Exhibits were emails and/or attachments that I sent and/or received from my InfoExpress email account in the ordinary course of business, and which the Eudora email client saved to my laptop in the first instance.

70. I previously testified that "the exhibits listed herein and in diligence calendar) were maintained on InfoExpress's e-mail and file servers. . . . accordingly, most of the e-mails cited herein are from my archives." Lum Declaration, ¶ 24. This present declaration is to clarify that "my archives" refers to the InfoExpress files that I created, saved and/or stored on my laptop in the ordinary course of business.

71. These Exhibits EX2011, EX2013, and EX2015–EX2410 are all authentic as shown at least by their metadata. The emails within these exhibits are authentic, as show at least by (1) the "infoexpress.com" email domain, (2) the usernames that reflect InfoExpress personnel, and (3) the subject matter that reflects projects in which InfoExpress was working on in the 2002–03 timeframe. Any email attachments are authentic too, as shown by at least the same evidence demonstrating the parent email is authentic. Last, any InfoExpress corporate documents—including both attachments and "loose" documents—are authentic as shown at least by (1) the InfoExpress company markings (*e.g.*, EX2011 and EX2013) and (2) the subject matter that reflects projects in which InfoExpress was working on in the 2002–03 timeframe.

72. Included in support of InfoExpress's POR are Exhibits EX2414 to EX2563 . Specifically:

a. Exhibits EX2430, EX2528, EX2430; EX2542, EX2558; EX2559; EX2560; EX2561; EX2562; and EX2563 had been saved in InfoExpress's fileserver in folders dedicated to work on the CG LAN.

b. Exhibits EX2420, EX2421, EX2432, EX2434, EX2435, EX2437, EX2439, EX2440, EX2441, EX2442, EX2443, EX2444, EX2465, EX2466, EX2467, EX2468, EX2471, EX2475, EX2477, EX2478, EX2479, EX2480, EX2482, EX2483, EX2484, EX2485, EX2486, EX2487, EX2488, EX2493, EX2494, EX2495, EX2496, EX2497, EX2498, EX2499, EX2500, EX2501, EX2508, EX2509, EX2516, EX2519, EX2520, EX2523, EX2524, EX2529, EX2530, EX2531, EX2532, EX2533, EX2534, EX2535, EX2536, EX2537, EX2538, EX2539, EX2540, EX2547, EX2549, EX2550, EX2551, EX2552, EX2553, EX2554, EX2555, EX2556, and EX2557 were emails and/or attachments that I sent and/or received from my InfoExpress email account in the ordinary course of business, and which the Eudora email client saved to my laptop (as described above).

c. Exhibits EX2414, EX2415, EX2416, EX2417, EX2418, EX2419, EX2422, EX2423, EX2424, EX2469, EX2470, EX2472, EX2473, EX2474, EX2476, EX2481, EX2489, EX2490, EX2491, EX2492, EX2503, EX2504, EX2505, EX2506, EX2507, EX2510, EX2511, EX2512, EX2513, EX2514, EX2515, EX2517, EX2527, EX2541, EX2543, EX2544, EX2545, and EX2548 were emails and/or attachments that were sent by Todd Nakano, InfoExpress's VP of Sales, in the ordinary course of business. Mr. Nakano used Microsoft Outlook for email. The emails and attachments in these exhibits were all saved to InfoExpress's internal server.

d. Exhibits EX2451–EX2457 and EX2459–EX2464 are InfoExpress's product literature and technical guides, which InfoExpress used and/or provided in the ordinary course of business.

73. These documents described in the preceding paragraph are authentic, for the same bases and reasons described in ¶ 71.

74. [redacted]

75. [redacted]

76. The Engineering Specifications and Component Documents produced as Exhibits EX2011, EX2013 and EX2426–EX2435 are all reports that were created and maintained by

InfoExpress in the ordinary course of its NAC business. The fact that these are regularly generated reports is shown at least by (1) the InfoExpress corporate markings, (2) the date stamps, and (3) the fact that their subject matter accurately reflects projects on which InfoExpress was working in the 2002–03 timeframe.

77. The metadata on Exhibits EX2426–EX2435 further reflects that these documents date to the 2002–03 timeframe. The metadata on these files further reflects where they were stored at InfoExpress. EX2557, EX2432, and EX2437 were all saved and stored on my laptop (like EX2011). EX2430; EX2558; EX2559; EX2560; EX2561; EX2562; and EX2563 had all been saved and maintained on InfoExpress's fileserver in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 13, 2025 in Santa Clara, California.

Dated: January 13, 2025 *<u>/s/ Stacey Lum</u>*

Stacey Lum