

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC.,
Petitioner,

v.

PORTSMOUTH NETWORK CORPORATION,
Patent Owner.

Case No. IPR2024-00989
Patent No. 8,014,394

**PETITIONER'S NOTICE RANKING PETITIONS AND
EXPLAINING MATERIAL DIFFERENCES**

Petitioner is filing two parallel petitions for *inter partes* review against U.S. Patent No. 8,014,394 (“the ’394 patent”). Pursuant to the Board’s Consolidated Trial Practice Guide (November 2019) (“TPG”) at 59-60, Petitioner submits this notice to (1) identify a ranking of the petitions and (2) provide a succinct explanation of the differences between the petitions, why issues addressed by the differences are material, and why the Board should use its discretion to institute both petitions.

I. RANKING OF PETITIONS

Petitioner does not believe a ranking of petitions to be appropriate here, as there is no duplicative overlap of the same claims across petitions and the two petitions are pursued solely for word count purposes that preclude all claims from being challenged in single petition. For example, the petition challenging claims 1-2, 4, 6-7, 11-12, 14, and 16-17 has a word count of 13,806 and the petition challenging claims 8-10 and 18 has a word count of 13,989. Due to word count constraints and the different limitations found in each of the independent claims of the ’394 requiring the application of different prior art and arguments, different subsets of claims have been presented separately in the separate petitions. See PTAB Consolidated Trial Practice Guide, November 2019,¹ 59-61 (permitting

¹ <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL=>

parallel petitions in certain circumstances, such as a large number of claims). The multiple petitions are not unnecessarily duplicative because they challenge different independent and dependent claims of the '394, and the multiple petitions will not substantially burden the Board or the parties because they use overlapping prior art references in the grounds of unpatentability (i.e., “Blease,” “Weyman,” “Hu,” and “Deng” are common to both petitions), and the different claims, while directed to different components of an overall system, include overlapping limitations that have overlapping unpatentability arguments. Petitioner only submits two petitions out of necessity. The Board should not exercise discretion to deny any of the petitions directed to the '394. See, e.g., Samsung Elecs. Co. Ltd. v. Mojo Mobility Inc., IPR2023-01090, Paper 11 at 25-26 (PTAB Jan. 11, 2024) (granting institution and declining to deny a parallel petition where, “in effect, the two petitions were filed instead of one merely because [PTAB] Rules have page limit restrictions”).

Nevertheless, to the extent ranking is necessary, Petitioner ranks the petitions as follows:

IPR No.	Rank
IPR2024-00913	1
IPR2024-00989	2

Petitioner respectfully requests that the Board institute both petitions.

Respectfully submitted,
Juniper Networks, Inc.

Date: May 31, 2024

/Scott A. McKeown/

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CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (E)(4)

I certify that on May 31, 2024, I will cause a copy of the foregoing document, including any exhibits or appendices filed therewith, to be served via United States Priority Mail Express at the address of record for the patent, and with courtesy copies being served to the listed attorneys, at:

Information in Patent Center	Service Addresses
Correspondence address 199006 - Villamar & Guiliana LLP Kramer Alberti Lim & Tonkovich LLP 373 Summer View Mission Viejo, CA 92692 UNITED STATES	Correspondence address of record: Villamar & Guiliana LLP Attn: Kramer Alberti Lim & Tonkovich LLP 373 Summer View Mission Viejo, CA 92692
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	Public address of Kramer Alberti Lim & Tonkovich LLP: Kramer Alberti Lim & Tonkovich LLP 577 Airport Boulevard, Suite 250 Burlingame, CA 94010

I further certify that I will cause courtesy copies of the foregoing documents, including any exhibits and appendices filed herewith, to be served via email to Patent Owner's counsel in IPR2024-00506, at the following address:

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I further certify that I will cause courtesy copies of the foregoing documents, including any exhibits and appendices filed herewith, to be served via email to Patent Owner's litigation counsel at the following address:

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Date: May 31, 2024

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