

Filed on behalf of: GoSecure, Inc.

Entered: March 28, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CROWDSTRIKE, INC.,
Petitioner,

v.

GOSECURE, INC.,
Patent Owner.

Case IPR2025-00070
Patent 9,954,872

PATENT OWNER'S SURREPLY

Petitioner's New Claim Construction Argument Fails

The POPR showed that Petitioner failed to demonstrate a reasonable likelihood that the asserted prior art discloses or renders obvious “transmitting to one or more computer systems other than the first computer system information ... *for preventing future attacks, to the one or more computer systems.*” POPR 20-28.¹ The claims say one thing (transmitting information to computer systems that are to be protected from attacks), and the Petition describes another thing (transmitting information to an IDS/IPS that is not the focus of attacks). POPR 27.

Apparently recognizing this fatal deficiency, Petitioner tries to revive the Petition with a belated claim construction of “computer system.” Reply 2. Petitioner's new argument fails for three reasons. *First*, Petitioner's construction, even if adopted, does not save the Petition. As Petitioner now concedes, Capalik only discloses transmitting information from a “decoy” system to an IDS/IPS. *Id.* 1 (“Capalik teaches a decoy computer system that transmits activity-identifying information to an IDS/IPS.”). But Capalik's IDS/IPS is *not* the subject of “future attacks.” POPR 21. Thus, transmission to the IDS/IPS cannot satisfy “transmitting to one or more computer systems ... information ... *for preventing future attacks, to the one or more computer systems*” under the plain language of the claim. *Id.* 20-

¹ All emphases added and citations omitted unless noted otherwise.

24. And if Petitioner's argument—that “computer systems” encompass Capalik's IDS/IPS because the IDS/IPS is coupled to the endpoints (Reply 2)—were correct (it is not), then Petitioner has utterly failed to show that Capalik's IDS/IPS is the claimed “computer system[] *other than the first computer system.*” Capalik's IDS/IPS is also coupled to its decoy computer (Ex. 1004, Figure 5), which Petitioner maps as the “first computer system” (Pet. 19-20). But Petitioner fails to explain why, under its claim interpretation, the IDS/IPS is not “the first computer system.”

Second, Petitioner's rewrite of the “transmitting” limitation to encompass the art's transmissions to the IDS/IPS contradicts the intrinsic record. To start, Petitioner omits that the claim language, “for preventing future attacks, *to the one or more computer systems*” limits the set of possible “computer systems” to which the information is transmitted. Petitioner improperly reads out “for preventing future attacks, to the one or more computer systems” from the claim. Reply 2 (asserting that the limitation “broadly ... capture[s]” transmissions to any device in “the protected network”). “It is highly disfavored to construe terms in a way that renders them void, meaningless, or superfluous.” *Wasica Fin. GmbH v. Cont'l Auto. Sys., Inc.*, 853 F.3d 1272, 1288 n.10 (Fed. Cir. 2017)). And the specification repeatedly distinguishes IDS/IPS and computer systems, further undercutting Petitioner's construction. *See, e.g.*, '872 patent 2:1-2 (“the *IDS or the IPS* can detect attempts to access *computer systems* without authorization”).

By contrast, Petitioner does not identify a *single* example in the specification where “computer system” includes the IDS/IPS. The best Petitioner can muster is to try to improperly conflate a “computer system” with a “distributed computer system.” Reply 2 (citing ’872 patent 3:26-28). The Board should not construe them to be synonymous when the specification distinguishes between the two. *See, e.g., Speedtrack, Inc. v. Endeca Techs., Inc.*, 524 F. App’x 651, 656-57 (Fed. Cir. 2013) (“category description” did not include “category description identifiers” because “specification distinguish[es] between” the two). Indeed, Petitioner’s argument is illogical. If the “entire collection of devices and networks depicted in Fig. 1” (Reply 2), including the decoy network device (102) and IDS/IPS (142), comprises a “computer system,” what is the claimed “first computer system” and the “other” computer system?

The bottom line: the specification describes two embodiments—(1) transmitting the information to an IDS/IPS (’872 patent 18:46-50); and (2) transmitting it to “protected network devices” that are actually the subject of future attacks (*id.* 18:43-46). Only the latter is claimed. *Apple Inc. v. Andrea Elecs. Corp.*, 949 F.3d 697, 708 (Fed. Cir. 2020) (claim need not cover every embodiment when “the plain language of a limitation of the claim” does not cover every embodiment).

Third, PO’s district court complaint is entirely consistent with the POPR (*see, e.g.,* POPR 24), and is extrinsic evidence that cannot contradict the intrinsic record.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 28th day of March, 2025, a true and correct copy of the foregoing **Patent Owner's Surreply** was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

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