

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL TECHNOLOGIES INC. AND DELL INC.,
Petitioners

v.

CLOUD BYTE LLC,
Patent Owner

Patent No. 9,900,249

DECLARATION OF SU LI

I, Su Li, declare as follows:

1. I am an attorney with the law firm of Farella Braun + Martel LLP, counsel for Dell Technologies Inc. and Dell Inc. Unless otherwise stated, the facts stated in this declaration are based on my personal knowledge.
2. The document submitted with the petition and identified as EX1006 is a true and correct copy of RFC4271, entitled “A Border Gateway Protocol 4 (BGP-4)” obtained from <https://www.rfc-editor.org/rfc/pdf/rfc4271.txt.pdf>.
3. The document submitted with the petition and identified as EX1007 is a true and correct copy of RFC791, entitled “Internet Protocol DARPA Internet Program Protocol Specification” obtained from <https://www.rfc-editor.org/rfc/pdf/rfc791.txt.pdf>.
4. The document submitted with the petition and identified as EX1008 is a true and correct copy of RFC2026, entitled “The Internet Standards Process – Revision 3” obtained from <https://www.rfc-editor.org/rfc/pdf/rfc2026.txt.pdf>.
5. The document submitted with the petition and identified as EX1009 is a true and correct copy of screenshots obtained from <https://www.rfc-editor.org/pubprocess/>.
6. The document submitted with the petition and identified as EX1010 is a true and correct copy of excerpts from “Computer Networking: A Top-Down Approach” (Pearson Education, Inc., 4th ed. 2008).

7. The document submitted with the petition and identified as EX1011 is a true and correct copy of excerpts from “TCP/IP and Related Protocols” (McGraw-Hill, Inc., 1992).

8. The document submitted with the petition and identified as EX1023 is a true and correct copy of “Fast Switched Backplane for a Gigabit Switched Router” obtained from <https://people.eecs.berkeley.edu/~sylvia/cs268-2013/papers/mckeown-bcr.pdf>.

9. The document submitted with the petition and identified as EX1024 is a true and correct copy of “A 50-Gb/s IP Router” (IEEE/ACM Transactions on Networking, Vol. 6, No. 3, June 1998) obtained from <https://reu.dimacs.rutgers.edu/~tj308/papers/50gbps.pdf>.

10. I am familiar with the related litigation entitled *Cloud Byte LLC v. Dell Inc. and Dell Technologies Inc.*, Case No. 2:24-cv-00637-JRG (E.D. Tex.). The document submitted with the petition and identified as EX1025 is a true and correct copy of the complaint in the related litigation (without attached exhibits).

11. The document submitted with the petition and identified as EX1026 is a true and correct copy of Cloud Byte’s Preliminary Infringement Contentions, with attached Exhibit 10, served in the related litigation.

12. The document submitted with the petition and identified as EX1027 is a true and correct copy of the United States District Courts – National Judicial

Caseload Profile for March 2025 obtained from

https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_distprofile1231.2024.pdf.

13. The document submitted with the petition and identified as EX1028 is a true and correct copy of patent assignment information from the U.S. Patent and Trademark Office’s database obtained from <https://legacy-assignments.uspto.gov/assignments/assignment-pat-67944-332.pdf>.

14. The document submitted with the petition and identified as EX1029 is a true and correct copy of screenshots made using Lex Machina showing all litigation matters involving U.S. Patent No. 9,900,249.

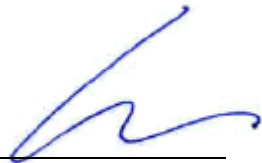
15. The document submitted with the petition and identified as Exhibit 1030 is a true and correct copy of a declaration issued by the Internet Archive, demonstrating that the Internet Archive’s Wayback Machine captures RFC4271 at <https://web.archive.org/web/20061014032845/http://www.rfc-editor.org/rfc/rfc4271.txt> as early as October 14, 2006. I compared Exhibit 1006 with Exhibit 1030 using Kofax’s “Compare Documents” feature and confirmed that there are no differences in the text.

16. As further evidence of the public accessibility of the RFC 4271 document (Exhibit 1006), RFC 4271 was cited in U.S. Patent No. 8,245,304 (Exhibit 1031), which was filed on June 26, 2006, refers to RFC 4271 at Column 6,

lines 27-33, indicating that RFC 4271 can be viewed at the website for the IETF (Internet Engineering Task Force). Further, U.S. Patent No. 7,804,848 (Exhibit 1032), which was filed on February 28, 2007, refers to RFC 4271 at Column 4, lines 6-8.

17. The document submitted with the petition and identified as EX1033 is a true and correct copy of Patent Owner Cloud Byte's Disclosure of Proposed Claim Constructions and Extrinsic Evidence with attached Exhibit A, served July 7, 2025.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed on July 14, 2025, in San Francisco, California.



Su Li
Farella Braun + Martel LLP