

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. 9,560,177

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 RFC5474, entitled “A Framework for Packet Selection and Reporting” obtained from <https://www.rfc-editor.org/rfc/pdf/rfc5474.txt.pdf>.

3. The document submitted with the petition and identified as EX1008 is a true and correct copy of excerpts from “Computer Networking: A Top-Down Approach” (Pearson Education, Inc., 4th ed. 2008).

4. The document submitted with the petition and identified as EX1009 is a true and correct copy of “OpenFlow Switch Specification” (Version 1.0.0, December 31, 2009) obtained from <https://opennetworking.org/wp-content/uploads/2013/04/openflow-spec-v1.0.0.pdf>.

5. The document submitted with the petition and identified as EX1010 is a true and correct copy of RFC1701, entitled “Generic Routing Encapsulation (GRE)” obtained from <https://www.rfc-editor.org/rfc/pdf/rfc1701.txt.pdf>.

6. The document submitted with the petition and identified as EX1011 is a true and correct copy of RFC2784, entitled “Generic Routing Encapsulation (GRE)” obtained from <https://www.rfc-editor.org/rfc/pdf/rfc2784.txt.pdf>.

7. The document submitted with the petition and identified as EX1012 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>.

8. The document submitted with the petition and identified as EX1013 is a true and correct copy of screenshots obtained from <https://www.rfc-editor.org/pubprocess/>.

9. The document submitted with the petition and identified as EX1022 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>.

10. The document submitted with the petition and identified as EX1023 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>.

11. The document submitted with the petition and identified as EX1024 is a true and correct copy of “Applications of Sampling Methodologies to Network

Traffic Characterization” obtained from

<https://dl.acm.org/doi/pdf/10.1145/166237.166256>.

12. The document submitted with the petition and identified as EX1025 is a true and correct copy of “Trajectory Sampling for Direct Traffic Observation” obtained from <https://dl.acm.org/doi/pdf/10.1145/347059.347555>.

13. The document submitted with the petition and identified as EX1026 is a true and correct copy of screenshots made from the Internet Archive Wayback Machine at https://web.archive.org/web/20030506104100/https://sflow.org/about/sampling_history.php.

14. The document submitted with the petition and identified as EX1027 is a true and correct copy of “NetFlow Configuration Guide, Cisco IOS release 12.2SX” at <https://www.cisco.com/c/en/us/td/docs/ios-xml/ios/netflow/configuration/12-2sx/nf-12-2sx-book.pdf>.

15. The document submitted with the petition and identified as EX1028 is a true and correct copy of slides entitled “Experiences with Widespread Packet Sampling” obtained from <https://www.ietf.org/proceedings/53/slides/psamp-1.pdf>.

16. 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 EX1029 is a true and correct copy of the complaint in the related litigation (without attached exhibits).

17. The document submitted with the petition and identified as EX1030 is a true and correct copy of Cloud Byte's Preliminary Infringement Contentions, with attached Exhibit 6, served in the related litigation.

18. The document submitted with the petition and identified as EX1031 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.

19. The document submitted with the petition and identified as EX1032 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>.

20. The document submitted with the petition and identified as EX1033 is a true and correct copy of screenshots made using Lex Machina showing all litigation matters involving U.S. Patent No. 9,560,177.

21. The document submitted with the petition and identified as EX1034 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 on July 7, 2025.

22. The document submitted with the petition and identified as Exhibit 1035 is a true and correct copy of a declaration issued by the Internet Archive, demonstrating that the Internet Archive's Wayback Machine captures RFC5474 at <https://web.archive.org/web/20101114040145/https://www.rfc-editor.org/rfc/rfc5474.txt> as early as November 14, 2010. I compared Exhibit 1006 with Exhibit 1035 using Kofax's "Compare Documents" feature and confirmed that there are no differences in the text.

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