

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. 9,629,265

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. (collectively, “Petitioners”).

Unless otherwise stated, the facts stated in this declaration are based on my personal knowledge.

2. 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.). I am informed and believe that Patent Owner did not contact either defendant regarding the asserted patents before filing the complaint in the related litigation.

3. I have reviewed an email dated October 20, 2025 from counsel for Patent Owner to counsel for Petitioners stating, “In accordance with the Court’s Order Focusing Claims and Prior Art (Dkt. 90 at 2), Cloud Byte identifies the following 16 claims as its Final Election of Asserted Claims” and providing the following list of asserted claims: ’544 Patent – claims 1 and 13; ’632 Patent – claims 1, 3, and 5; ’265 Patent – claims 1 and 4; ’320 Patent – 1, 4, 5, and 6; ’249 Patent – claims 11 and 16; ’273 Patent – 1, 8, and 18. There are no asserted claims identified for the ’177 Patent.

4. The document submitted by Petitioners identified as EX1034 is a true and correct copy of the recorded assignment history for U.S. Patent No. 9,629,265

obtained from the USPTO Assignment Database at the following address:

<https://assignment.uspto.gov/patent/index.html#/patent/search>.

5. The document submitted by Petitioners identified as EX1035 is a true and correct copy of an Office Action regarding Application No. 90/019,777, which is an *ex parte* reexamination of U.S. Patent No. 7,739,544 obtained from the USPTO Patent Center at the following address: <https://patentcenter.uspto.gov/>.

6. The document submitted by Petitioners identified as EX1036 is a true and correct copy of the following webpage: <https://jpn.nec.com/emcstorage/> (auto-translated by browser).

7. The document submitted by Petitioners identified as EX1037 is a true and correct copy of the following webpage:
https://jpn.nec.com/emcstorage/PowerEdge_Info.html (auto-translated by browser).

8. The document submitted by Petitioners identified as EX1038 is a true and correct copy of a press release entitled “NEC Launches NEC 5G Vertical Business Platform” accessed at
https://www.nec.com/en/press/201902/global_20190220_02.html.

9. The document submitted by Petitioners identified as EX1039 is a true and correct copy of a press release entitled “NEC Introduces 5G Vertical Business

Platform at Futurecom 2019” accessed at

https://www.nec.com/en/press/201910/global_20191025_02.html.

10. The document submitted by Petitioners identified as EX1040 is a true and correct copy of a document accessed at

<https://infohub.delltechnologies.com/en-us/p/nec-open-networks-converged-core/>.

11. The document submitted by Petitioners identified as EX1041 is a true and correct copy of the following webpage: <https://cloudbytellc.com/>.

12. The document submitted by Petitioners identified as EX1042 is a true and correct copy of the summary page for Japanese Patent Application JP 2012-048062, which is one of two members of the family including U.S. Patent No. 9,629,265 obtained from

<https://globaldossier.uspto.gov/result/patent/US/9629265/79195>.

13. The document submitted by Petitioners identified as EX1043 is a true and correct copy of a Japanese Patent Office Trial and Appeal Decision regarding JP 2012-048062 obtained using a link on the USPTO Global Dossier webpage of EX1042.

14. The document submitted by Petitioners identified as EX1044 is a true and correct copy of the USASpending.gov Recipient Profile for Dell Technologies, Inc. obtained at <https://www.usaspending.gov/recipient/8299830e-68df-0576-3ab3-555c5ad3024f-P/all>.

15. The document submitted by Petitioners identified as EX1045 is a true and correct copy of the USASpending.gov Recipient Profile for Dell Federal Systems L.P. obtained at <https://www.usaspending.gov/recipient/3612de0a-9635-3846-a5a1-7f555fba52df-C/all>.

16. The document submitted by Petitioners identified as EX1046 is a true and correct copy of the search result I obtained using USASpending.gov at <https://www.usaspending.gov/search>. In order to generate the exhibit, I used the government website www.USASpending.gov to run a query on sales to the federal government for several Dell PowerEdge models, using three search terms representing PowerEdge models that Cloud Byte accuses of infringing the challenged patent in the related district court litigation. Specifically I chose Dell PowerEdge models R660, R960, and R650. EX1028 (infringement contentions) at 7. I did this by first clicking “start searching awards” on the USASpending.gov home page. Next I entered the keyword R660, followed by the “enter” key. Next I clicked “submit.” I followed the same steps to add the keywords “R960” and “R650.” Once these were added, the screen reflected three active filters. I added further filters to limit the results to the time period FY2020 - FY2026. Next I clicked “Download,” followed by “Award,” followed by “Transaction,” followed by “Everything.” The site generated a URL that I clicked to download a zip file containing the data in CSV format. I opened the resulting file in Microsoft

Excel. The file contained many columns. In order to generate a readable exhibit for this proceeding, I printed the file to PDF with the following columns visible: “total_obligated_amount”, “award_base_action_date”, “awarding_agency_name”, “recipient_name”, “prime_award_base_transaction_description”, and “domestic_or_foreign_entity”.

17. The document submitted by Petitioners identified as EX1047 is a true and correct copy of a document entitled “Contracts for August 7, 2024” accessed at <https://www.war.gov/News/Contracts/Contract/Article/3864859/>.

18. The document submitted by Petitioners identified as EX1048 is a true and correct copy of a press release entitled “Dell Technologies Achieves US Department of Defense Validation for Zero Trust Solution” accessed at <https://www.dell.com/en-us/dt/corporate/newsroom/announcements/detailpage.press-releases~usa~2025~04~dell-technologies-achieves-us-department-of-defense-validation-for-zero-trust-solution.htm#/filter-on/Country:en-us>.

19. The document submitted by Petitioners identified as EX1049 is a true and correct copy of a document accessed at <https://csrc.nist.gov/projects/cryptographic-module-validation-program/certificate/4694>.

20. The document submitted by Petitioners identified as EX1050 is a true and correct copy of a document accessed at

<https://sam.gov/opp/be90dad1674b4705850c27573cb40687/view>.

21. The document submitted by Petitioners identified as EX1051 is a true and correct copy of a document accessed at

<https://sam.gov/opp/1bdb6968be5145c2be7a0b295b4454f2/view>.

22. The document submitted by Petitioners identified as EX1052 is a true and correct copy of a document accessed at

<https://sam.gov/opp/f237cde339a448ab84d2a192043e4609/view>.

23. The document submitted by Petitioners identified as EX1053 is a true and correct copy of a document accessed at

<https://sam.gov/opp/94f3c06b4bda48579863aaed3d8e718f/view>.

24. The document submitted by Petitioners identified as EX1054 is a true and correct copy of a document accessed at

<https://sam.gov/opp/94f3c06b4bda48579863aaed3d8e718f/view>.

25. The document submitted by Petitioners identified as EX1055 is a true and correct copy of a document entitled P.R. 4-5(d) Joint Notice Regarding Claim Construction Chart and attached chart filed in the related litigation.

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

October 21, 2025, in San Francisco, California.

/Su Li/

Su Li

Farella Braun + Martel LLP