

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

CENTRIPETAL NETWORKS, INC.,	)	
	)	
Plaintiff,	)	No. 2:17-cv-00383 (HCM-LRL)
	)	
vs.	)	
	)	
KEYSIGHT TECHNOLOGIES, INC., and	)	
IXIA,	)	
	)	
Defendants.	)	
	)	

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**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to the Court's February 12, 2018 Amended Scheduling Order (D.I. 75), the parties hereby jointly submit this Joint Claim Construction and Prehearing Statement.

**I. Parties Statement in Support of Markman Hearing**

The parties respectfully submit that the *Markman* hearing, currently scheduled for July 3, is necessary and can be completed within three (3) hours. Neither side intends to call witnesses at the hearing, but will rely solely upon the declarations filed in support of their respective claim construction briefing (subject to Defendants' motion to strike the testimony of Dr. Nenad Medvidovic), the briefings, and the oral presentation at the hearing.

The parties propose that the Court divide the time available for the hearing equally, that each side be permitted to offer a brief opening statement, which shall include any technology tutorial that the parties wish to present. Thereafter, the parties propose to present their argument on a term-by-term basis. The parties propose that the Plaintiff, Centripetal, shall present first on each term followed by the Defendants.

## II. Joint Claim Construction Chart

Attached as **Exhibit 1** is a chart that notes the terms the parties have agreed to. Attached as **Exhibit 2** are the parties' respective proposed construction of the disputed claim terms and supporting evidence, including affirmative and rebuttal evidence that were cited in the corresponding briefs.<sup>1</sup>

Dated: May 11, 2018

Respectfully submitted,

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<sup>1</sup> Centripetal's statement: Centripetal objects to any citation to the intrinsic record that was not disclosed in Defendants' Preliminary Proposed Claim Constructions. Defendants' statement: Centripetal's objection should be overruled. Defendants disclosed the entire intrinsic record of the patents-in-suit with their Preliminary Proposed Claim Constructions. And the parties' stipulation and the Court's Order (Docket No. 75) provides that rebuttal intrinsic and extrinsic evidence is to be disclosed in this Statement.

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 11, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of electronic filing to:

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# Exhibit 1

**EXHIBIT 1**  
**PARTIES' AGREED UPON CONSTRUCTIONS**

	<b><u>Terms</u></b>	<b><u>Patent Claims</u></b>	<b><u>Agreed Construction</u></b>
1	packet security gateway	'205 Patent, Claims 1-3, 6-7, 9, 12-13, 15-20, 22-29, 31-36, 38-45, 47-51, 54-59, 61-66, 68-73, 75-80, 82-87, 89-91, 93-96	"a gateway computer configured to receive packets and perform a packet transformation function on the packets"
2	security policy management server	'205 Patent, Claims 1, 4, 7, 17, 20, 23, 33, 36, 39, 91, 93, 95	"a server configured to manage policies and communicate a dynamic security policy to a packet security gateway"
3	LAN switch	'077 Patent, Claims 1, 3-5, 7, 9-11, 13, 15-17	"a network device configured to send and receive data between computers on a local area network"
4	network-layer address	'077 Patent, Claims 1, 3-5, 7, 9-11, 13, 15-17, 19	"an address that identifies a device for communication on the network layer, such as an IP address"
5	network-threat indicators	'722 Patent, Claims 1-5, 24-25	"indicators of packets associated with network threats, such as network addresses, ports, domain names, uniform resource locators (URLs), or the like"

# Exhibit 2

**EXHIBIT 2**  
**PARTIES' PROPOSED CONSTRUCTIONS OF DISPUTED CLAIM TERMS AND SUPPORTING EVIDENCE**

	<b><u>Terms</u></b>	<b><u>Patent Claims</u></b>	<b><u>Plaintiff's Proposed Construction</u></b>	<b><u>Defendants' Proposed Construction</u></b>
1	packet transformation function/functions	'205 Patent, Claims 1, 4, 7, 17, 20, 23, 33, 36, 39, 91, 93, 95	<p>“function that transforms one or more packets from one state to another”</p> <p><b><u>Intrinsic Evidence:</u></b>            '205 Patent Specification Abstract;            Claims 1, 4, 7, 17, 20, 23, 33, 36, 39, 91, 93, 95;            Col. 2, ll. 36-40, 52-56;            Col. 6, ll. 56-67;            Col. 7, ll. 1-36;            Col. 9, ll. 44-52, 59-67;            Col. 10, ll. 1-17, 29-46, 66-67;            Col. 11, ll. 1-30;            Col. 14, ll. 52-59, 66-67;            Col. 15, ll. 1-3, 18-42;            Col. 20, ll. 52-53;            Col. 23, ll. 11-13;            Col. 25, ll. 40-42.</p> <p><b><u>Extrinsic Evidence:</u></b>            Opening Declaration of Dr. Nenad Medvidovic ¶¶ 14-15.</p>	<p>“an operation performed on a packet specified by the dynamic security policy, such as forward or drop”</p> <p><b><u>Intrinsic Evidence:</u></b>            '205 patent, claims 1, 4, 7, 17, 20, 23, 33, 36, 39, 91, 93, 95.            '205 patent at Abstract, 2:36-40, 2:45-56, 5:58-62, 6:56-7:36.</p>

	<u>Terms</u>	<u>Patent Claims</u>	<u>Plaintiff's Proposed Construction</u>	<u>Defendants' Proposed Construction</u>
			Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 17-18.	
2	dynamic security policy/policies	'205 Patent, Claims 1, 4, 7, 17, 20, 23, 33, 36, 39, 91, 93, 95	<p>“a non-static set of one or more rules, messages, instructions, files, or data structures associated with one or more packets”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'205 Patent Specification Abstract;  Claims 1, 4, 7, 17, 20, 23, 33, 36, 39, 91, 93, 95;  Col. 2, ll. 1-26;  Col. 6, ll. 56-61;  Col. 7, ll. 56-67;  Col. 8, ll. 1-28, 63-67;  Col. 9, ll. 1-19;  Col. 18, ll. 42-50;  Col. 20, ll. 28, 31, 35, 43-53;  Col. 23, ll. 3-13;  Col. 25, ll. 33-42;  Col. 33, ll. 59-66;</p>	<p>“any rule, message, instruction, file, data structure, or the like that specifies criteria corresponding to one or more packets and identifies a packet transformation function to be performed on packets corresponding to the specified criteria”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'205 patent, claims 1, 4, 7, 17, 20, 23, 33, 36, 39, 91, 93, 95.</p> <p>'205 patent at 4:43-47, 6:58-61, 7:27-29, 7:47-49, 16:25-31.</p> <p>'205 patent, Fig. 3.</p>

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
			Col. 34, ll. 5-12; Col. 35, ll. 9-12; Col. 36, ll. 4-9, 17-22.  <u><b>Extrinsic Evidence:</b></u>  Opening Declaration of Dr. Nenad Medvidovic ¶¶ 16.  Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 21-22.	
3	rule/rules	'205 Patent, Claims 1, 4, 7, 17, 20, 23, 33, 36, 39, 91, 93, 95	“condition or set of conditions that when satisfied cause a specific action to occur”  <u><b>Intrinsic Evidence:</b></u>  '205 Patent Specification Abstract; Claims 1, 4, 7, 17, 20, 23, 33, 36, 39, 91, 93, 95; Col. 20, ll. 23-27; Col. 21, ll. 8-14, 38-42; Col. 22, ll. 48-53; Col. 25, ll. 10-15; Col. 26, ll. 4-7, 31-37.	“(i) packet-identifying criteria and (ii) a function to be performed on the identified packets”  <u><b>Intrinsic Evidence:</b></u>  '205 patent, claims 1, 4, 7, 17, 20, 23, 33, 36, 39, 91, 93, 95.  '205 patent at 1:56-61, 1:63-67, 4:44-45, 6:56-66, 7:61-62, 7:64-66, 8:13-17.  '205 patent, Fig. 3.  <u><b>Extrinsic Evidence:</b></u>  Dictionary of Computer and Internet Terms (2016).

	<u>Terms</u>	<u>Patent Claims</u>	<u>Plaintiff's Proposed Construction</u>	<u>Defendants' Proposed Construction</u>
			<p><b><u>Extrinsic Evidence:</u></b></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶ 17.</p> <p>Rebuttal Declaration of Dr. Nenad Medvidovic ¶ 24.</p> <p>Dictionary of Computer and Internet Terms (2016)</p>	
4	rule/rules	'077 Patent, Claims 1, 3-5, 7, 9-11, 13, 15-17, 19	<p>“condition or set of conditions that when satisfied cause a specific action to occur”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'077 Patent Specification Abstract;  Claims 1, 3-5, 7, 9-11, 13, 15-17, 19;  Col. 20, ll. 62-66;  Col. 21, ll. 22-26, 62-66;  Col. 22, ll. 22-28, 36-42, 65-67;  Col. 23, ll. 1-2, 23-26,</p>	<p>“(i) packet-identifying criteria and (ii) a function to be performed on the identified packets”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'077 patent, claims 1, 3-5, 7, 9-11, 13, 15-17, 19.</p> <p>'077 patent at 2:38-46, 3:4-14, 4:58-63, 6:11-31, 7:6-8:11.</p> <p>'077 patent, Fig. 3.</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Dictionary of Computer and Internet Terms (2016).</p>

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
			42-48; Col. 24, ll. 17-28.  <u><b>Extrinsic Evidence:</b></u>  Opening Declaration of Dr. Nenad Medvidovic ¶ 18.  Rebuttal Declaration of Dr. Nenad Medvidovic ¶ 26.  Dictionary of Computer and Internet Terms (2016)	
5	switching matrix of local area network (LAN) switch	'077 Patent, Claims 1, 3-5, 7, 9-11, 13, 15-17	"a matrix contained within a local area network switch that may be configured to direct traffic from one device to another device in the	"a structure configured to switch packets received from one or more devices on a local area network to one or more devices on the local area network <sup>2</sup> ,"  <u><b>Intrinsic Evidence:</b></u>

<sup>2</sup> Centripetal's Statement. Centripetal objects to Defendants' construction because Defendants modified this term in their May 3, 2018 Responsive Claim Construction Brief from "a structure configured to switch packets received from one or more computers on a local area network to one or more computers on the local area network" and Centripetal has not had a chance to address Defendants' new position. Defendants' Statement. Centripetal's objection should be overruled. Defendants modified this term to eliminate one of the Centripetal's objections, which Centripetal raised for the first time in its April 20, 2018 Opening Claim Construction Brief (i.e., the use of "computer" instead of "device"). The purpose of the meet and confer process is to try to come to agreement by eliminating each side's objections to the other side's constructions—just as Defendants have done here. And Centripetal had from May 3 to May 11 to address Defendants' modified construction, had Centripetal wanted to do so through the meet and confer process.

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
			<p>network”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>’077 Patent Specification Abstract; Claims 1, 3-5, 7, 9-11, 13, 15-17.</p> <p><u><b>Extrinsic Evidence:</b></u></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶ 19.</p> <p>Rebuttal Declaration of Dr. Nenad Medvidovic ¶ 28.</p>	<p>’077 patent, claims 1, 3-5, 7, 9-11, 13, 15-17.</p> <p>’077 patent at 3:15-24, 10:13-11:8, 18:63-19:38.</p> <p>’077 patent, Fig. 9.</p> <p>1/8/2016 Detailed PTO Action at 16.</p> <p>9/15/16 PTO Amendment at 2.</p>
6	provision/provisioning each device of a plurality of devices, with one or more rules generated based on a boundary of a network protected by the plurality of devices with one or more networks other than the network protected by the plurality of devices at which the	’077 Patent, Claims 1, 3-5, 7, 9-11, 13, 15-17, 19	<p>“change a device from one state to another based on one or more rules derived from the boundary of a different network”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>’077 Patent Specification Abstract;</p>	<p>no construction needed/plain meaning</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>’077 patent, claims 1, 3-5, 7, 9-11, 13, 15-17, 19.</p> <p>’077 patent at 7:7-46.</p>

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
	device is configured to be located		<p>Claims 1, 3-5, 7, 9-11, 13, 15-17, 19;  Col. 15, ll. 33-40, 51-67;  Col. 16, ll. 1-9;  Col. 20, ll. 53-58;  Col. 21, ll. 53-58;  Col. 22, ll. 56-61;  Col. 24, ll. 8-13.</p> <p><u><b>Extrinsic Evidence:</b></u></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶ 20.</p> <p>Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 30-31.</p>	
7	subscription service	'077 Patent, Claims 3, 9	<p>“service that provides aggregated information related to malicious network traffic”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'077 Patent Specification Abstract;  Claims 3, 9;  Col. 14, ll. 7-10;  Col. 21, ll. 16-27;  Col. 22, ll. 17-28;</p>	<p>“service that aggregates information associated with malicious network traffic”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'077 patent, claims 3, 9.</p> <p>'077 patent at 3:28-31, 14:10-15.</p>

	<u>Terms</u>	<u>Patent Claims</u>	<u>Plaintiff's Proposed Construction</u>	<u>Defendants' Proposed Construction</u>
			Col. 23, ll. 24-32.  <b><u>Extrinsic Evidence:</u></b>  Opening Declaration of Dr. Nenad Medvidovic ¶ 21.  Rebuttal Declaration of Dr. Nenad Medvidovic ¶ 33.	
8	network device	'370 Patent, Claims 22-27, 33, 40, 43-48, 54, 61, 187, 188, 191, 194-195, 198, 201, 202, 205	“a computing device in a network that is capable of transmitting and receiving packets”  <b><u>Intrinsic Evidence:</u></b>  '370 Patent Specification Abstract; Figure 1; Claims 22-27, 33, 40, 43-48, 54, 61, 187, 188, 191, 194-195, 198, 201, 202, 205; Col. 2, ll. 44-52, 63-65; Col. 3, ll. 42-47; Col. 5, ll. 4-51; Col. 13, ll. 36-67; Col. 14, ll. 1-9.	“device that interfaces hosts with a network”  <b><u>Intrinsic Evidence:</u></b>  '370 patent, claims 22-27, 33, 40, 43-48, 54, 61, 187, 188, 191, 194-195, 198, 201, 202, 205.  '370 patent at 1:10-14, 1:27-40, 2:23-35, 2:44-52, 8:23-40, 12:28-53.  '370 patent, Fig. 1.

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
			<p><u><b>Extrinsic Evidence:</b></u></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶ 23.</p> <p>Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 34-37.</p>	
9	host	'370 Patent, Claims 22-27, 33, 40, 43-48, 54, 61, 160, 162, 164, 166, 169, 171, 173, 175, 178, 180, 182, 184, 187, 188, 191, 194, 195, 198, 201, 202, 205	<p>“a computer device within a network that provides services other than simply acting as a store and forward processor or communications switch”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'370 Patent Specification Abstract; Claims 22-27, 33, 40, 43-48, 54, 61, 160, 162, 164, 166, 169, 171, 173, 175, 178, 180, 182, 184, 187, 188, 191, 194, 195, 198, 201, 202, 205; Col. 3, ll. 37-39; Col. 4, ll. 36-38, 52-63; Col. 5, ll. 23-30, 33-39; Col. 6, ll. 41-53;</p>	<p>“computing or network devices (e.g. servers, desktop computers, laptop computers, tablet computers, mobile devices, smartphones, routers, gateways, switches, access points, or the like), or a communication interface thereof”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'370 patent at claims 22-27, 33, 40, 43-48, 54, 61, 160, 162, 164, 166, 169, 171, 173, 175, 178, 180, 182, 184, 187, 188, 191, 194, 195, 198, 201, 202, 205.</p> <p>370 patent at 2:39-43.</p> <p>'370 patent, Fig. 1.</p>

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
			<p>Col. 7, ll. 13-23;  Col. 9, ll. 20-35, 55-63;  Col. 10, ll. 26-35;  Col. 12, ll. 41-67;  Col. 13, ll. 1-25, 36-47.</p> <p><u><b>Extrinsic Evidence:</b></u></p> <p>Opening Declaration of  Dr. Nenad Medvidovic  ¶¶ 24-25.</p> <p>Rebuttal Declaration of  Dr. Nenad Medvidovic  ¶¶ 39-40.</p> <p>Oxford Dictionary of  Computer Science,  Seventh Edition, 2016.</p>	
10	rule/rules	'370 Patent, Claims 22-27, 33, 40, 43-48, 54, 61, 187, 188, 191, 194, 195, 198, 201, 202, 205	<p>“condition or set of conditions that when satisfied cause a specific action to occur”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'370 Patent Specification Abstract;  Claims 22-27, 33, 40, 43-48, 54, 61, 187, 188,</p>	<p>“(i) packet-identifying criteria and (ii) a function to be performed on the identified packets”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'370 patent, claim 22.</p> <p>'370 patent at 3:4-11, 3:24-27.</p>

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
			<p>191, 194, 195, 198, 201, 202, 205; Col. 9, ll. 48-52.</p> <p><u><b>Extrinsic Evidence:</b></u></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶¶ 26-27.</p> <p>Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 41-42.</p> <p>Dictionary of Computer and Internet Terms (2016).</p>	<p><u><b>Extrinsic Evidence:</b></u></p> <p>Dictionary of Computer and Internet Terms (2016).</p>
11	log entries	'370 Patent, Claims 22-27, 33, 40, 43-48, 54, 61, 160, 162, 164, 166, 169, 171, 173, 175, 178, 180, 182, 184, 187, 188, 191, 194, 195, 198, 201, 202, 205	<p>plain and ordinary meaning</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'370 Patent Specification Abstract; Claims 22-27, 33, 40, 43-48, 54, 61, 160, 162, 164, 166, 169, 171, 173, 175, 178, 180, 182, 184, 187, 188, 191, 194, 195, 198, 201, 202, 205; Col. 1, ll. 30-37;</p>	<p>“notations of unique identifying information for each packet”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'370 patent at 3:11-19, 3:62-4:39, 4:40-51, 6:14-40, 6:54-67, 7:63-8:11, 8:41-9:19, 10:1-14, 11:8-21, 13:36-59.</p> <p>'370 patent, Figs. 3, 4.</p>

	<u>Terms</u>	<u>Patent Claims</u>	<u>Plaintiff's Proposed Construction</u>	<u>Defendants' Proposed Construction</u>
			<p>Col. 3, ll. 18-19, 43-44, 52-53;  Col. 4, ll. 4-39;  Col. 7, ll. 23-25;  Col. 13, ll. 43-44, 52-53.</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶ 28.</p> <p>Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 44-45.</p>	
12	correlate/correlating	'370 Patent, Claims 22-27, 33, 40, 43-48, 54, 61, 160, 162, 164, 166, 169, 171, 173, 175, 178, 180, 182, 184, 187, 188, 191, 194, 195, 198, 201, 202, 205	<p>"programming instructions that cause a packet correlator to determine whether a portion of data in one log entry corresponds to a portion of data in another log entry"</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'370 Patent Specification Abstract;  Claims 22-27, 33, 40, 43-48, 54, 61, 160, 162,</p>	<p>"determining by hardware or software (e.g. a packet correlator) whether log entries in different files correspond to the same packet"</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'370 patent, claims 22-27, 33, 40, 43-48, 54, 61, 160, 162, 164, 166, 169, 171, 173, 175, 178, 180, 182, 184, 187, 188, 191, 194, 195, 198, 201, 202, 205.</p> <p>'370 patent at 1:1-14, 8:24-9:19, 9:45-54, 11:33-13:6, 13:36-59, 14:2-8.</p>

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
			<p>164, 166, 169, 171, 173, 175, 178, 180, 182, 184, 187, 188, 191, 194, 195, 198, 201, 202, 205;  Col. 8, ll. 23-67;  Col. 9, ll. 1-19, 45-54;  Col. 11, ll. 33-67;  Col. 12, ll. 1-27;  Col. 13, ll. 56-59;  Col. 19, ll. 45-54;  Col. 20, ll. 26-34;  Col. 21, ll. 41-46;  Col. 24, ll. 9-19, 59-67;  Col. 26, ll. 13-21;  Col. 50, ll. 14-27, 44-48, 57-65;  Col. 51, ll. 59-67;  Col. 52, ll. 1-5, 24-28, 42-49;  Col. 53, ll. 44-57;  Col. 54, ll. 7-11, 27-34;  Col. 55, ll. 27-36, 54-61;  Col. 56, ll. 11-20, 50-59;  Col. 57, ll. 12-20, 40-48;  Col. 58, ll. 13-23, 42-48;  Col. 59, ll. 4-12.</p> <p><u><b>Extrinsic Evidence:</b></u></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶</p>	<p>'370 patent, Figs. 2A, 2B, 2C, 2D, 4.</p> <p><u><b>Extrinsic Evidence:</b></u></p> <p>Dkt. No 31 (Declaration Of Matthew Blaze, Ph.D. In Support Of Centripetal Networks, Inc.'s Opposition To Defendants' Motion To Dismiss For Unpatentability Under 35 U.S.C. § 101.)</p>

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
			29.  Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 46-47.	
13	device in a communication link	'370 Patent, Claims 22-27, 33, 40, 43-48, 54, 61	<p>“device in a computer network”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'370 Patent Specification Abstract; Claims 22-27, 33, 40, 43-48, 54, 61.</p> <p><u><b>Extrinsic Evidence:</b></u></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶ 31.</p> <p>Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 49-50.</p>	<p>“device in a communication path”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'370 patent, claims 22-27, 33, 40, 43-48, 54, 61.</p> <p>'370 patent at 2:54-57.</p> <p>'370 patent, Fig. 1</p> <p><u><b>Extrinsic Evidence:</b></u></p> <p>Dictionary of Computer and Internet Terms, 2013, Eleventh Edition.</p> <p>Centripetal's Preliminary Constructions.</p>
14	provision a device in a communication link interfacing a network device and a first/second network	'370 Patent, Claims 22-27, 33, 40, 43-48, 54, 61	<p>“changing a device from one state to another where the device is communicatively coupled to a network device and a first/second</p>	<p>no construction needed/plain meaning</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'370 patent, claims 22-27, 33, 40, 43-48, 54, 61.</p>

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
			<p>network”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>’370 Patent Specification Abstract;  Claims 22-27, 33, 40, 43-48, 54, 61;  Col. 3, ll. 11-19;  Col. 13, ll. 28-36, 54-60;  Col. 19, ll. 8-21;  Col. 23, ll. 40-53.</p> <p><u><b>Extrinsic Evidence:</b></u></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶ 32.</p> <p>Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 52-53.</p>	
15	identify the plurality of packets received/transmitted by the network device	’370 Patent, Claims 22-27, 33, 40, 43-48, 54, 61	“determine the network-layer or transport-layer data contained within the plurality of packets received/transmitted by the network device”	<p>no construction needed/plain meaning</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>’370 patent, claims 22-27, 33, 40, 43-48, 54, 61.</p> <p>’370 patent at 5:58-64.</p>

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
			<p><u><b>Intrinsic Evidence:</b></u></p> <p>'370 Patent Specification Abstract;  Claims 22-27, 33, 40, 43-48, 54, 61;  Col. 3, ll. 31-32, 48-54;  Col. 5, ll. 8-18, 58-67;  Col. 6, ll. 1-5, 43-50;  Col. 7, ll. 35-58;  Col. 10, ll. 49-67;  Col. 11, ll. 1-4;  Col. 12, ll. 63-66.</p> <p><u><b>Extrinsic Evidence:</b></u></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶ 33.</p> <p>Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 55-56.</p>	
16	configured to cause the system/computing system to log packets	'370 Patent, Claims 22-27, 33, 40, 43-48, 54, 61	<p>“programming instructions that cause the system to generate a log file containing packet data”</p> <p><u><b>Intrinsic Evidence:</b></u></p>	<p>no construction needed/plain meaning</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'370 patent, claims 22-27, 33, 40, 43-48, 54, 61.</p>

	<u>Terms</u>	<u>Patent Claims</u>	<u>Plaintiff's Proposed Construction</u>	<u>Defendants' Proposed Construction</u>
			<p>'370 Patent Specification Abstract; Claims 22-27, 33, 40, 43-48, 54, 61;</p> <p>Col. 3, ll. 13-20, 54-67; Col. 4, ll. 1-39; Col. 6, ll. 5-27, 50-51; Col. 7, ll. 59-60; Col. 9, ll. 1-19, 49-50, 64-67; Col. 10, ll. 1-14; Col. 11, ll. 4-7; Col. 12, ll. 4-16; Col. 13, ll. 7-9, 12-19, 42-50; Col. 19, ll. 28-30, 38-40, 45-51; Col. 23, ll. 60-61; Col. 24, ll. 3-5, 10-16.</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶¶ 34-35.</p> <p>Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 58-59.</p>	

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
17	packet-filtering device	'722 Patent, Claims 1-5, 24-25	<p>“a device programmed to filter packets based on data associated with a packet”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'722 Patent Specification Abstract;  Claims 1-5, 24-25;  Col. 1, ll. 52-67;  Col. 2, ll. 1-10;  Col. 3, ll. 44-67;  Col. 4, ll. 1-4, 59-67;  Col. 5, ll. 1-6, 19-24, 37-67;  Col. 6, ll. 1-11, 25-26, 32-37;  Col. 7, ll. 14-21, 22-24;  Col. 8, ll. 8-14;  Col. 9, ll. 14-22, 39-52;  Col. 10, ll. 23-28, 35-41;  Col. 11, ll. 3-14;  Col. 15, ll. 33-42, 53-67;  Col. 16, ll. 1-34;  Col. 17, ll. 18-20.</p> <p><u><b>Extrinsic Evidence:</b></u></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶</p>	<p>“no construction needed/plain meaning”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'722 patent, claims 1-5, 24-25.</p>

	<u>Terms</u>	<u>Patent Claims</u>	<u>Plaintiff's Proposed Construction</u>	<u>Defendants' Proposed Construction</u>
			37.  Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 61-62.	
18	packet-filtering rules	'722 Patent, Claims 1-5, 24-25	<p>“condition or set of conditions that when satisfied cause a computing device to filter packets based on data associated with a packet”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'722 Patent Specification Abstract; Claims 1-5, 24-25; Col. 1, ll. 45-55; Col. 4, ll. 10-18, 59-64; Col. 5, ll. 7-13, 40-44, 58-59; Col. 6, ll. 12-24; Col. 7, ll. 1-11; Col. 13, ll. 21-28, 41-42.</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Opening Declaration of Dr. Nenad Medvidovic</p>	<p>“(i) packet-identifying criteria and (ii) an operator to be performed on the identified packets”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'722 patent, claim 1-5, 24-25.</p> <p>'722 patent at Abstract, 1:53-55, 2:31-33, 5:7-36, 6:12-24, 6:55-7:11, 9:3-13, 10:42-52, 11:14-24, 11:27-37, 11:46-56, 12:4-14, 12:34-44, 13:33-46, 14:32-40, 15:4-11, 17:24-34.</p> <p>'722 patent, Figs. 4A, 4B, 4C, 7.</p>

	<u>Terms</u>	<u>Patent Claims</u>	<u>Plaintiff's Proposed Construction</u>	<u>Defendants' Proposed Construction</u>
			¶¶ 38-39.  Rebuttal Declaration of Dr. Nenad Medvidovic ¶ 64.	
19	interface	'722 Patent, Claims 1-5, 24-25	plain and ordinary meaning  <b><u>Intrinsic Evidence:</u></b>  '722 Patent Specification Abstract; Claims 1-5, 24-25; Col. 3, ll. 3-4; Col. 4, ll. 8; Col. 6, ll. 39-40; Col. 17, ll. 40-47.  <b><u>Extrinsic Evidence:</u></b>  Opening Declaration of Dr. Nenad Medvidovic ¶ 40.  Rebuttal Declaration of Dr. Nenad Medvidovic ¶ 65.  Oxford Dictionary of Computer Science	"a display visible to the user that allows a user to provide input"  <b><u>Intrinsic Evidence:</u></b>  '722 patent, claims 1-5, 24-25.  '722 patent at 7:46-8:7, 9:33-53, 17:40-48.  '722 patent, Figs. 6A, 6B, 6C, 6D, 6E, 6F, 6G.

	<u>Terms</u>	<u>Patent Claims</u>	<u>Plaintiff's Proposed Construction</u>	<u>Defendants' Proposed Construction</u>
			(2016).	
20	operator	'722 Patent, Claims 1-5, 24-25	<p>“an adjustable instruction that causes the packet filtering device to either prevent or allow a packet to continue to a destination”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'722 Patent Specification Abstract;  Claims 1-5, 24-25;  Col. 2, ll. 5-10;  Col. 9, ll. 33-39, 57-67;  Col. 10, ll. 1-14;  Col. 11, ll. 1-10, 55-57, 60-67;  Col. 12, ll. 1-3, 15-28;  Col. 13, ll. 62-67;  Col. 14, ll. 1-21, 53-67;</p>	<p>“function to either prevent a packet corresponding to criteria from continuing or allow it to continue to its destination<sup>3</sup>”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'722 patent, claims 1-5, 24-25.</p> <p>'722 patent at 1:55-58, 5:19-24, 6:18-21, 6:64-67, 9:9-12, 9:33-53, 10:35-41, 10:48-51, 11:20-24, 11:30-36, 12:10-14, 12:40-43, 12:53-56, 14:12-21, 14:36-40, 15:7-11, 16:1-7, 17:30-34, 17:50-55.</p> <p>'722 patent, Figs. 4A, 4B, 4C, 6C.</p>

<sup>3</sup> Centripetal's Statement. Centripetal objects to Defendants' construction because Defendants modified this term in their May 3, 2018 Responsive Claim Construction Brief from “function to either block a packet corresponding to criteria or allow it to continue to its destination” and Centripetal has not had a chance to address Defendants' new position. Defendants' Statement. Centripetal's objection should be overruled. Defendants modified this term to eliminate one of Centripetal's objections to Defendants' construction, which Centripetal raised for the first time in its April 20, 2018 Opening Claim Construction Brief (i.e., the use of “block” instead of “prevent”). The purpose of the meet and confer process is to try to come to agreement by eliminating each side's objections to the other side's constructions—just as Defendants have done here. And Centripetal had from May 3 to May 11 to address Defendants' modified construction, had Centripetal wanted to do so through the meet and confer process.

	<u>Terms</u>	<u>Patent Claims</u>	<u>Plaintiff's Proposed Construction</u>	<u>Defendants' Proposed Construction</u>
			<p><b><u>Extrinsic Evidence:</u></b></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶¶ 41-42.</p> <p>Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 66-67.</p>	
21	responsive to a determination by the packet-filtering device that the first packet satisfies one or more criteria, specified by a packet-filtering rule of the plurality of packet-filtering rules, that correspond to one or more network-threat indicators of the plurality of network-threat indicators	'722 Patent, Claims 1-5, 24-25	<p>“if the packet-filtering device determines the first packet meets one or more conditions associated with one or more network threat indicators from a packet filtering rule”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'722 Patent Specification Abstract;  Claims 1-5, 24-25;  Col. 1, ll. 46-67;  Col. 2, ll. 1-10;  Col. 6, ll. 55-67;  Col. 7, ll. 1-12;  Col. 9, ll. 3-67;  Col. 10, ll. 1-52;  Col. 12, ll. 33-67;</p>	<p>no construction needed/plain meaning</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'722 patent, claims 1-5, 24-25.</p>

	<u>Terms</u>	<u>Patent Claims</u>	<u>Plaintiff's Proposed Construction</u>	<u>Defendants' Proposed Construction</u>
			Col. 13, ll. 1-47; Col. 15, ll. 63-67; Col. 16, ll. 1-34; Col. 17, ll. 15-18;  <b><u>Extrinsic Evidence:</u></b>  Opening Declaration of Dr. Nenad Medvidovic ¶ 43.  Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 66.	
22	communicating, by the packet-filtering device, information from the packet-filtering rule that identifies the one or more network-threat indicators, and data indicative that the first packet was allowed to continue toward the destination of the first packet	'722 Patent, Claims 1-5, 24-25	“causing a packet-filtering device to generate and communicate a record that identifies (1) a network threat indicator based on a rule and (2) data that indicates that the first packet was allowed to continue toward the destination”  <b><u>Intrinsic Evidence:</u></b>  '722 Patent Specification Abstract; Claims 1-5, 24-25;	no construction needed/plain meaning  <b><u>Intrinsic Evidence:</u></b>  '722 patent, claims 1-5, 24-25.

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
			<p>Col. 6, ll. 13-54, 59-67;  Col. 7, ll. 48-67;  Col. 8, ll. 1-7, 27-39;  Col. 11, ll. 16-37, 45-59;  Col. 12, ll. 34-57;  Col. 13, ll. 3-14;  Col. 16, ll. 8-33.</p> <p><u><b>Extrinsic Evidence:</b></u></p> <p>Opening Declaration of  Dr. Nenad Medvidovic ¶  44.</p> <p>Rebuttal Declaration of  Dr. Nenad Medvidovic  ¶¶ 69-70.</p>	
23	modifying, by the packet-filtering device, at least one operator specified by the packet-filtering rule to reconfigure the packet-filtering device to prevent packets corresponding to the one or more criteria from continuing toward their respective destinations	'722 Patent, Claims 1-5, 24-25	<p>“modifying the state of the packet-filtering device to cause an adjustable instruction to prevent a packet from continuing toward its destination”</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'722 Patent Specification Abstract;  Claims 1-5, 24-25;</p>	<p>no construction needed/plain meaning</p> <p><u><b>Intrinsic Evidence:</b></u></p> <p>'722 patent, claims 1-5, 24-25.</p>

	<u>Terms</u>	<u>Patent Claims</u>	<u>Plaintiff's Proposed Construction</u>	<u>Defendants' Proposed Construction</u>
			<p>Col. 1, ll. 55-57;  Col. 2, ll. 7-10;  Col. 5, ll. 19-22;  Col. 9, ll. 14-26, 46-49;  Col. 10, ll. 47-52;  Col. 13, ll. 33-47;  Col. 14, ll. 13-21;  Col. 17, ll. 50-55.</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Opening Declaration of Dr. Nenad Medvidovic ¶ 45.</p> <p>Rebuttal Declaration of Dr. Nenad Medvidovic ¶¶ 71-72.</p>	
24	user	'722 Patent, Claims 1, 2-5, 24-25	<p>plain and ordinary meaning</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'722 Patent Specification Abstract;  Claims 1, 2-5, 24-25;  Col. 7, ll. 52-62;  Col. 9, ll. 33-44;  Col. 10, ll. 15-18, 28-34.</p>	<p>“person (e.g., administrator)”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'722 patent, claims 1, 2-5, 24-25.  '722 patent at 7:46-8:7, 9:33-53.  '722 patent, Figs. 6A, 6B, 6C, 6D, 6E, 6F, 6G.</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Dkt. No. 30 (Centripetal Networks, Inc.'s</p>

	<u><b>Terms</b></u>	<u><b>Patent Claims</b></u>	<u><b>Plaintiff's Proposed Construction</b></u>	<u><b>Defendants' Proposed Construction</b></u>
				<p>Opposition To Defendants' Motion To Dismiss For Unpatentability Under 35 U.S.C. § 101.)</p> <p>Dkt. No. 60 (Transcript of hearing on Defendants' Motion To Dismiss For Unpatentability Under 35 U.S.C. § 101.)</p>