

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSEMS, INC.

Petitioner,

v.

CENTRIPETAL NETWORKS, INC.,

Patent Owner.

Case No.: IPR2018-01512

U.S. Patent No. 9,565,213

**DECLARATION OF ELI FUCHS
IN SUPPORT OF PETITION
FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 9,565,213**

I, Eli Fuchs, hereby declare and state as follows:

1. I am Senior Product Line Manager, Cisco Service Provider Video for Cisco Systems, located at 200 Beaver Brook Road, Boxborough, Massachusetts 01719.

2. I submit this declaration in support of Cisco's Petition for *Inter Partes* Review of U.S. Patent No. 9,565,213. I have been asked to provide information regarding the Cisco ACNS Software Configuration Guide for Centrally Managed Deployments, Release 5.5, identified as Exhibit 1008. I will refer to this in the rest of the declaration as the "ACNS Guide." The ACNS Guide describes the use of the Cisco Application and Content Networking System ("the ACNS System") software for setting up and managing content delivery and content caching services in a centrally managed environment.

3. In 2006, I worked on the team that created the ACNS system that is the subject of this ACNS Guide. I was a Senior Engineering Manager in the product development team and oversaw software development, which was documented in the ACNS Guide. In the 2006 timeframe, I led software development and QA teams with over 40 engineers who focused on products including content delivery networks such as the one that is the subject of the ACNS Guide.

4. Beginning in 2007, I became Senior Business Development Manager, Service Provider Video for Cisco Systems. My responsibilities included sales

support and interacting with customers in various ways. Since 2011, I have had the role of Senior Product Line Manager, service provider video for Cisco Systems. In that role, I continue to work in the product areas that include content networking systems, such as the ACNS System.

5. I am familiar with the facts of this declaration, which is based on my personal knowledge and information, as well as matters that I have investigated further related to the subject matter of this declaration.

6. As the current Senior Product Line Manager, Service Provider Video, and as past Senior Business Development Manager, Service Provider Video and Senior Development Manager for products including the ACNS product, I have personal knowledge concerning the records, documents, manuals, and guides relating to Cisco products that are made, kept, and disseminated by Cisco Systems, including records, documents, manuals, and guides relating to the ACNS System.

7. Exhibit 1008 is a true and correct copy of Release 5.5 of the ACNS Guide that Cisco developed at least as early as 2008.

8. The ACNS System, Release 5.5, was generally available for sale in the United States at least by 2008, which is consistent with the copyright date on the ACNS Guide. It was Cisco Systems' regular practice at that time to provide all customers purchasing the ACNS System with access to the ACNS Guide through

the Cisco publically available website, www.cisco.com, for each customer who purchased an ACNS System.

9. For as long as I have worked at Cisco, Cisco has regularly maintained, in the course of its ordinary business, records of all versions of the user guides made publically available for its ACNS products and systems. Cisco also maintains records of “release notes for Cisco ACNS software”, as reflected on the www.cisco.com website, a printout of which is attached hereto as Exhibit 1008. This page lists various release notes associated with the Cisco ACNS Software, Version 5.5 that is the subject of the ACNS Guide. These release notes include information on changes to the ACNS software, such as bug fixes or enhancements. On the actual website, each of the releases (for example, Release 5.5.1) is accompanied by a hyperlink that, when clicked, takes the website visitor to the actual release notes so identified. Both on the linked page and on the page attached hereto as Exhibit 1008, each Release Version also provides an update date, which is the date that particular release version of the ACNS 5.5 Software was updated. For example, Release 5.5.1 was updated on March 20, 2008.

10. Documents including these release notes further establish that the ACNS Guide was distributed at least as early as March 2008. This further confirms that the ACNS Guide was distributed prior to March 20, 2008.

11. In the 2008 timeframe, as well as the years since then, all customers who purchased the ACNS product which is the subject of the ACNS Guide opted either to subscribe to a mailing list by which they would be notified (such by email) of the links to the ACNS Guide on the www.cisco.com website, or to otherwise be provided or informed of the availability of that ACNS Guide.

12. Providing customers with access to the ACNS Guide was important to the users' ability to use the ACNS System. The document was provided to the end customer, and the intended audience was a network administrator or similarly-positioned person at the customer who managed the network of the customer's enterprise computer system. The network administrator or corresponding person or team at the customer is responsible for implementing and managing the customer's computer networks. People in that role typically have an information technology (IT) type skill set which requires that they be familiar with computers and the operation and implementation of computer networks including all related functionality such as network security.

13. The ACNS Guide also describes the audience at page 25 of the attached Exhibit 1008. Therein the document states:

This guide is intended for network administrators and content managers. The person responsible for managing the Content Distribution Manager, Content Routers, and Content Engines should be experienced with the following:

- IP Network Configuration
- Domain Name Server (DNS) Configuration

The Content Manager should be familiar with the responsibilities of the webmaster and should have a thorough knowledge of Extensible Markup Language (XML).

13. The portion of Exhibit 1008 relating to software release notes reflects Cisco's standard operating procedure with respect to the ACNS System at least during the 2008 timeframe. Software releases are identified by the form 5.5.X, where X represented maintenance release primarily for software defect resolution, and was accompanied with release notes which were issued after the public release of the ACNS Guide Version 5.5. Since the earliest version number for the ACNS Software Releases, 5.5.1, was updated on March 20, 2008, under Cisco Systems' standard operating procedure, this further confirms that the ACNS Guide, Release 5.5, was released no later than March 20, 2008, and in fact was released before that date.


14. The intended use of the ACNS Guide was to assist network administrators and their teams charged with managing the operations of computer networks at enterprises to implement the ACNS software and the functionality as described in the ACNS Guide.

15. A customer, including network administrators and other people at enterprises with skill sets which enabled them to implement and configure computer networks, could have obtained a copy of the ACNS Guide by accessing the ACNS portion of the www.cisco.com website. Indeed, I was able to readily access the

ACNS Guide on-line in the course of my preparation of this declaration by simply using Google Search and typing in the words "Cisco ACNS Version 5.5." The document has similarly been available on the www.cisco.com website to anyone since its release as of March 2008. Once the ACNS Guide was so released on the www.cisco.com website, the ACNS Guide was not treated as confidential or restricted in any way.

I declare under penalty of perjury and to the best of my knowledge and belief, the foregoing statements are true and correct.

Dated: ^{July}~~June~~ 2, 2018



Eli Fuchs