

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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DELL TECHNOLOGIES INC. AND DELL INC.,  
Petitioners

v.

CLOUD BYTE LLC,  
Patent Owner

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Patent No. 9,482,632

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**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 EX1021 is a true and correct copy of the recorded assignment history for U.S. Patent No. 9,482,632

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 EX1022 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 EX1023 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 EX1024 is a true and correct copy of the following webpage: [https://jpn.nec.com/emcstorage/PowerEdge\\_Info.html](https://jpn.nec.com/emcstorage/PowerEdge_Info.html) (auto-translated by browser).

8. The document submitted by Petitioners identified as EX1025 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](https://www.nec.com/en/press/201902/global_20190220_02.html).

9. The document submitted by Petitioners identified as EX1026 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](https://www.nec.com/en/press/201910/global_20191025_02.html).

10. The document submitted by Petitioners identified as EX1027 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 EX1028 is a true and correct copy of the following webpage: <https://cloudbytellc.com/>.

12. The document submitted by Petitioners identified as EX1029 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>.

13. The document submitted by Petitioners identified as EX1030 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>.

14. The document submitted by Petitioners identified as EX1031 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](http://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. EX1015 (infringement contentions) at 5-6. 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”.

15. The document submitted by Petitioners identified as EX1032 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/>.

16. The document submitted by Petitioners identified as EX1033 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>.

17. The document submitted by Petitioners identified as EX1034 is a true and correct copy of a document accessed at [https://jitc.fhu.disa.mil/tssi/cert\\_pdfs/1907101\\_DTR3\\_Dell\\_PowerEdge\\_MX7000\\_v10-6\\_16DEC2024.pdf](https://jitc.fhu.disa.mil/tssi/cert_pdfs/1907101_DTR3_Dell_PowerEdge_MX7000_v10-6_16DEC2024.pdf).

18. The document submitted by Petitioners identified as EX1035 is a true and correct copy of a document accessed at <https://media.defense.gov/2023/Mar/20/2003182401/-1/-1/0/CTR-UEFI-SECURE-BOOT-CUSTOMIZATION-20230317.PDF>.

19. The document submitted by Petitioners identified as EX1036 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