

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

CORRIGENT CORPORATION,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

Case No. 6:22-cv-396-ADA-DTG

**DEFENDANT CISCO SYSTEMS, INC.’S STIPULATION REGARDING INVALIDITY
CONTENTIONS FOR U.S. PATENT NO. 9,118,602**

On January 10, 2023, Defendant Cisco Systems, Inc. filed petition no. IPR2023-00447 with the Patent Trial and Appeal Board (“PTAB”), requesting *inter partes* review of U.S. Patent No. 9,118,602 (“the ’602 patent”).

The petition asserts two grounds of invalidity: (1) claims 1–13, 15–24, and 26 of the ’602 patent would have been obvious under 35 U.S.C. § 103 over U.S. Patent No. 7,466,697 (“Raz”) and; (2) claims 1–26 would have been obvious over Raz in view of U.S. Patent No. 7,277,386 (“Ferguson”).

Defendant stipulates that if the PTAB institutes IPR on the grounds presented in the petition, Petitioners will not pursue in the copending district court litigation the specific grounds asserted in the petition, or any other ground that was raised or could have been reasonably raised in an IPR (*i.e.*, grounds that could have been raised under §§ 102 or 103 on the basis of prior art patent or printed publications). *See Sotera Wireless, Inc. v. Masimo Corp.*, No. IPR2020-00109, Paper 12 at 18–19 (P.T.A.B. Dec. 1, 2020).

In so stipulating, Cisco seeks to avoid a situation in which multiple proceedings address the validity of the challenged claims based on the same grounds. Instead, through this Stipulation, Cisco expresses its preference that only the PTAB address the grounds of invalidity raised or that could have been reasonably raised in the IPR for these claims.

Notwithstanding this Stipulation, Cisco reserves the right to assert in this litigation any grounds or claims on which the Board declines to institute *inter partes* review. Cisco also reserves the right to assert grounds other than the grounds raised or could have been reasonably raised in the IPR for these claims.

Dated: June 2, 2023

Respectfully submitted,

/s/ Brian A. Rosenthal, with permission by
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