

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

CORRIGENT CORPORATION,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

CIVIL ACTION No. 6:22-cv-396 ADA-DTG

JURY TRIAL DEMANDED

**DEFENDANT CISCO SYSTEMS, INC.'S STIPULATION REGARDING INVALIDITY
CONTENTIONS FOR U.S. PATENT NO. 6,957,369**

On January 23, 2023, Defendant Cisco Systems, Inc. ("Cisco") filed petition no. IPR2023-00464 with the Patent Trial and Appeal Board ("PTAB") requesting *inter partes* review of U.S. Patent No. 6,957,369 ("the '369 patent").

The petition asserts four grounds of invalidity: (1) claims 1-26 of the '369 patent would have been obvious under 35 U.S.C. § 102 over U.S. Patent No. 5,841,788 ("Ke") in view of U.S. Patent No. 4,685,102 ("Lewis"); (2) claims 3, 6, 8, 13, 14, 17, 21, 25, and 26 would have been obvious over Ke in view of Lewis and U.S. Patent Publication No. 2003/0101426 ("Sarkinen"); (3) claims 1-26 would have been obvious over U.S. Patent No. 4,074,352 ("Cook") in view of Lewis; and (4) claims 3, 6, 8, 13, 14, 17, 21, 25, and 26 would have been obvious over Cook in view of Lewis and Sarkinen.

Defendants stipulate that if the PTAB institutes IPR on the grounds presented in the petition, Petitioners will not pursue in this co-pending district court litigation any invalidity

position based on any ground that utilizes Ke, Lewis, Cook or Sarkinen. *See Apple Inc. v. AliveCor Inc.*, No. IPR2021-00971, Paper 10 at 18–19 (P.T.A.B. Dec. 8, 2021).

In so stipulating, Cisco seeks to avoid a situation in which multiple proceedings address the validity of the challenged claims based on the same references. Instead, through this Stipulation, Cisco expresses its preference that only the PTAB address any grounds of invalidity based on Ke, Lewis, Cook or Sarkinen 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 grounds based on Ke, Lewis, Cook or Sarkinen for these claims.

Date: July 26, 2023

Respectfully submitted,

Brian Rosenthal with permission,
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