UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,
Petitioner

v.

PORTSMOUTH NETWORK CORP.,
Patent Owner

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IPR2024-01450
U.S. Patent No. 7,596,088

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PETITIONER'S ADDITIONAL BRIEFING RESPONSIVE TO THE BOARD'S ORDER UNDER 37 C.F.R. 42.20(d)

Pursuant to the Board's Order under 37 C.F.R. 42.20(d) dated February 11, 2026 ("Order"), Petitioner submits the following additional briefing "as to the meaning of the term 'other connections.'" Order, 3; Pet. Reply, 7-9.

I. The claims recite "*other connections*" used for failure protection.

Nothing in the independent claims' language limits the "*other connections*" to "active" or "working" connections. Rather, the only requirement imposed by the claim language is that the other connections "*are permitted to* ***share a bandwidth allocation*** *with the new connection*." The ability to share bandwidth allocation indicates that the "*other connections*" are not actively using that bandwidth, which is consistent with a failure-protection path. *See* Ex.1001, 5:4-19 (explaining that bandwidth sharing is possible when "not all of these connections will actually use all of the allocated bandwidth simultaneously," such as when a connection is "set up to protect… against failure of a node or segment…").

The Board's Order asks if the "*other connections*" "can also include connections that have bandwidth reserved but not allocated for transmission until a link failure." Order, 3. Claim 1 recites that the "*other connections… are permitted to share a bandwidth allocation.*" Thus, the "*other connections*" have bandwidth allocated to them as a group (what the Order refers to as having "bandwidth reserved"). The shared bandwidth belonging to the group is "allocated" because it is not available for use by connections outside the sharing group. *See* Ex.1001,

8:25-28 (addressing when "the new connection cannot share its bandwidth"). An "*other connection[]*" does **not** require bandwidth assigned for its individual use (i.e., bandwidth "allocated for transmission," as may occur for an active working path or a protection path that is activated after a link failure). Interpreting "*other connections*" as requiring individual allocations would be antithetical to the '088 patent's "**share[d]** bandwidth allocations." Ex.1001, 1:8-9; *see* Ex.1043, 44:17-18 ("in the '088 patent we allocate and share").

Claim differentiation principles likewise indicate that the "*other connections*" include those that provide failure protection for another path. Claim 5, for example, recites "*wherein the new connection* ***and the at least one of the other connections are established to protect*** *one another* ***against a failure*** *in at least one of a network segment and a network node*." Ex.1001, claim 5. Claim 12 recites similar language. Accordingly, the "*other connections*" must be construed to encompass connections created in advance to protect against a failure. *See also* Ex.1001, 1:67-2:3, 5:4-8, 3:11-14. Limiting the "*other connections*" to active, working paths—e.g., protection paths only after they have been activated upon a network failure—is not supported by the claim language and should be rejected.

II. The specification discusses "*other connections*" broadly.

The specification also describes "*other connections*" as encompassing connections that have bandwidth reserved, e.g., to protect against failure. The

specification explains that "connections are established" using well-known and standard protocols, such as RSVP-TE and MPLS, which are incorporated by reference. Ex.1001, 1:19-25, 1:42-52; *see also* Exs.1039, 1040. In particular, "other connections… may comprise MPLS label-switched paths (LSP), or MPLS tunnels." Ex.1001, 4:64-67. Such "other connections" (LSP tunnels) are established using an RSVP ***reservation*** message. Ex.1039, 6 ("bandwidth can be allocated to an LSP tunnel using standard RSVP reservations"); Ex.1040, 10 ("When the Resv message propagates upstream to the sender node, a label-switched path is effectively established."). For protection purposes, "multiple parallel LSP tunnels can be established between two nodes." Ex.1040, 4. Thus, the claimed "*other connections*" include paths created using MPLS or RSVP-TE having shareable bandwidth that is "reserved" or "allocated."

Moreover, in the specification, the purpose and use of "*connections*" are broad. "[C]onnections may be defined as being allowed to share their bandwidth allocations **for any other reason or purpose**." Ex.1001, 5:13-15. The bandwidth allocation may be made "in accordance with any allocation scheme." Ex.1001, 5:56-63. The specification's broad conception of "connections" forecloses reading unrecited limitations into the claimed "*other connections*."

Respectfully submitted,

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/Theodore M. Foster/

HAYNES AND BOONE, LLP
2801 N. Harwood St., Suite 2300
Dallas, Texas 75201
Customer No. 27683

Theodore M. Foster
Lead Counsel for Petitioner
Registration No. 57,456

CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. § 42.6(e), service was made on Patent Owner as detailed below.

Date of service	February 20, 2026
Manner of service	Electronic Email: rbaker@newenglandip.com; yehuda@maypatents.com; ST-Portsmouth-IPR@Steptoe.com
Documents served	***PETITIONER'S ADDITIONAL BRIEFING RESPONSIVE TO THE BOARD'S ORDER UNDER 37 C.F.R. 42.20(d)***
Persons served	Richard Baker NEW ENGLAND INTELLECTUAL PROPERTY, LLC 291 Main Street West Newbury, MA 01985 Yehuda Binder ORKIT IP LLC 831 Beacon Street, Suite 307 Newton, MA 02459 James R. Nuttall Sadaf Misbah STEPTOE LLP 227 West Monroe, Suite 4700 Chicago, Illinois 60606 Katherine D. Cappaert STEPTOE LLP 1330 Connecticut Avenue N.W. Washington, D.C. 20036

/Theodore M. Foster/
Theodore M. Foster
Lead Counsel for Petitioner
Registration No. 57,456