

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WSOU INVESTMENTS LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,
Plaintiff,
v.

C.A. No. 2:24-cv-00332-JRG

CISCO SYSTEMS, INC.,
Defendant.

CISCO’S INELIGIBILITY CONTENTIONS

Pursuant to the Court’s Docket Control Order (Dkt. 28) and its Standing Order Regarding Subject Matter Eligibility Contentions, Defendant Cisco Systems, Inc. (“Cisco”) discloses its Preliminary Ineligibility Contentions to Plaintiff WSOU Investments LLC d/b/a Brazos Licensing and Development (“Brazos”) regarding U.S. Patent Nos. 7,386,630 (the “’630 Patent”), 8,498,286 (the “’286 Patent”), 8,441,721 (the “’721 Patent”), 8,982,691 (the “’691 Patent”), and 9,450,884 (the “’884 Patent”) (collectively the “Asserted Patents”).

As set forth in the Court’s Standing Order Regarding Subject Matter Eligibility Contentions, attached as Exhibits A–E are charts identifying the asserted claims of the Asserted Patents (the “Asserted Claims”):

- each exception to eligibility (*e.g.*, abstract idea) to which each Asserted Claim is directed and the factual and legal basis therefor;
- whether one or more of the Asserted Claims are representative of any other Asserted Claims;
- a description of the industry, at the relevant time, in which the Asserted Claims are alleged to be well understood, routine, and conventional, and the factual and legal basis therefor;
- a description of how each element of each Asserted Claim, both individually and in combination with the other elements of that claim, was well understood, routine, and

conventional, in the relevant industry at the relevant time, and the legal and factual basis therefor; and

- other factual and/or legal bases for how the Asserted Claims are otherwise ineligible for patent protection.

Additional evidence regarding the state of the industry prior to the filing of the Asserted Patents, how each element of each Asserted Claim was well understood, routine, and conventional, and other evidence supporting the ineligibility of the Asserted Claims is contained in Defendant's Preliminary Invalidity Contentions and the related Exhibits attached thereto (all of which is incorporated by reference herein), and Defendant's 3-4(a) productions of prior art, which include numerous references disclosing the alleged invention claimed in the Asserted Patents and the elements thereof. Cisco reserves the right to rely on percipient and/or expert testimony to supplement, summarize, and/or explain the state of the industry prior to the filing of the Asserted Patents, how each element of each Asserted Claim was well understood, routine, and conventional, and other evidence supporting the ineligibility of the Asserted Claims. Any such witnesses will be disclosed pursuant to the Federal Rules of Civil Procedure and the Court's Docket Control Order in this case for initial, additional, and expert disclosures.

Dated: September 23, 2024

By: /s/ Brian A. Rosenthal

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Attorneys for Defendant Cisco Systems, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2024, the foregoing was served upon all counsel of record who have consented to electronic service.

/s/ Brian A. Rosenthal
Brian A. Rosenthal