

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

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

v.

CISCO SYSTEMS, INC.,
Defendants.

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) Case No. 2:24-cv-00332-JRG
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) JURY TRIAL DEMANDED
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**BRAZOS’S DISCLOSURE OF
ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

Pursuant to P.R. 3-1, Plaintiff WSOU Investments d/b/a Brazos Licensing and Development (“Brazos”) submits this disclosure of asserted claims and infringement contentions to Defendant Cisco Systems, Inc. (“Cisco”).

Brazos’ investigation of the extent of Cisco’s infringement is ongoing, and the following disclosures are based solely on the information currently available to Brazos. Brazos reserves the right to supplement or modify these disclosures as new information, including any additional source code, becomes available, whether through discovery or otherwise.

I. P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions

A. Cisco literally infringes the following claims:

1. Claims 18, 22, and 23 of United States Patent No. 7,386,630 (“the ’630 Patent”);
2. Claims 3 and 7 of United States Patent No. 8,498,286 (“the ’286 Patent”);
3. Claims 1, 2, 4, 6, 19 and 21 of United States Patent No. 8,441,721 (“the ’721 Patent”);

4. Claims 1-10 of United States Patent No. 8,982,691 (“the ‘691 Patent”);
5. Claims 1, 11, 17, and 20 of United States Patent No. 9,450,884 (“the ‘884 Patent”).

Cisco’s infringement is further detailed in the claim charts attached as Exhibits A-G. Brazos reserves the right to augment or supplement its contentions to identify additional claims infringed by Cisco after discovery, including upon reviewing additional source code, or as otherwise permitted under the Patent Rules.

B. Cisco’s infringement pertains to the representative Accused Cisco Products identified in Exhibits A-G. At this time Brazos is further aware of the following additional products related to the representative Accused Cisco Products:

1. The ‘630 Patent: All models that are part of Cisco’s Catalyst 9000 line of products, including without limitation at least the Catalyst 9200, 9300, 9400, 9500, and 9600 systems; and all models that are part of Cisco’s Nexus 7000 line of products, including at least the Nexus 7000 and Nexus 7700 Series, and Nexus 9000 line of products, including without limitation at least the Nexus 9200 Series (including at least models 92348GC-X, 92160YC-X, 92300YC, 9272Q, 92304QC, 9236C), Nexus 9300 Series (including at least models 9300-EX, 93400LD-H1, 9332D-H2R, 9300-GX, 9300-GX, 9300-FX3, 9300-FX2, 9300-FX), Nexus 9400 Series (including at least model 9400-GX2), Nexus 9500 Series (including at least model 9500), and Nexus 9800 Series (including at least models 9808, 9804), that support Multiprotocol Label Switching (MPLS) Quality of Service (QoS) and DiffServ tunneling, by use of Cisco NX-OS or Cisco Application Centric Infrastructure (Cisco ACI™) software;
2. The ‘286 Patent: Ultra-M Platform, which includes Virtual Machines that

run on the UCS C240 Series and the Cisco ASR 5000 Series, on which, e.g., the Cisco Prime Access Registrar (CPAR) can be installed;

3. The '721 Patent: NCS 1010 Optical Line System;

4. The '691 Patent: All models that are part of Cisco's Network Convergence System (NCS) 4200 Series line of products, including without limitation at least the NCS 4206, NCS 4216, and NCS 4216 F2B; NCS 5000 Series line of products, including without limitation at least the NCS 5001 and 5002; and NCS 6000 Series line of products, including without limitation at least the NCS 6008; and

5. The '884 Patent: All models that are part of Cisco's Catalyst 9000 line of products, including without limitation at least the Catalyst 9200, 9300, 9400, 9500, and 9600 systems; and all models that are part of Cisco's Nexus 9000 line of products, including without limitation at least the Nexus 9200 Series (including at least models 92348GC-X, 92160YC-X, 92300YC, 9272Q, 92304QC, 9236C), Nexus 9300 Series (including at least models 9300-EX, 93400LD-H1, 9332D-H2R, 9300-GX, 9300-GX, 9300-FX3, 9300-FX2, 9300-FX), Nexus 9400 Series (including at least model 9400-GX2), Nexus 9500 Series (including at least model 9500), and Nexus 9800 Series (including at least models 9808, 9804).

Brazos expects that this disclosure may be subject to amendment or supplementation to identify and accuse additional products released, developed, or made available by Cisco after the date on which these contentions are served, or of which Brazos was not aware at the time of these contentions.

C. Charts identifying where each element or step of the asserted claims is found within, or performed by, each representative Accused Product are attached as Exhibits A-G. The

chart is based on publicly available information that is currently accessible to Brazos. Brazos reserves the right to offer additional evidence to prove Cisco's infringement in its expert reports, and in motions and at trial.

D. Cisco's infringement pertains to one or more of the following bases:

1. Cisco's direct infringement under 35 U.S.C. § 271(a) of apparatus, system, and/or Beauregard claims (at least '286 Patent claim 7; '721 Patent claims 19 and 21; '691 Patent claims 6-10; '884 Patent claims 17 and 20), via, without limitation, Cisco's use, deployment, operation, maintenance, testing, making, offering to sell, and/or selling of the Accused Cisco Products;
2. Cisco's direct infringement under 35 U.S.C. § 271(a) of method claims (at least '630 Patent claims 18, 22, and 23; '691 Patent claims 1-5; '884 Patent claims 1 and 11), via, without limitation, Cisco's use, deployment, operation, maintenance, and/or testing of the Accused Cisco Products (and/or direction and control over a third party doing the same);
3. Cisco's indirect infringement under 35 U.S.C. § 271(b) via inducement of Cisco's customers' direct infringement of '630 Patent method claims 18, 22, and 23, at least as of Cisco's first awareness of the '630 Patent, via, without limitation, Cisco's customers' use, deployment, operation, maintenance, and/or testing of the Accused Cisco Products; and/or
4. Cisco's indirect infringement under 35 U.S.C. § 271(b) and/or (c) via inducement of and/or contribution to Cisco's customers' direct infringement of method claims, at least as of the date of the complaint in this action (at least '286 Patent claim 3; '721 Patent claims 1, 2, 4, and 6; '691 Patent claims 1-5; '884 Patent

claims 1 and 11), via, without limitation, Cisco's customers' use, deployment, operation, maintenance, and/or testing of the Accused Cisco Products.

E. Based on its current understanding of the claim language, publicly available information pertaining to the Accused Cisco Products, and without notice of any non-infringement position from Cisco, Brazos identifies in Exhibit A-G whether each element of each asserted claim is claimed to be literally present or present under the doctrine of equivalents in the Accused Cisco Products.

F. As discovery has not yet begun, the parties have not exchanged potentially disputed claim elements, and the Court has not construed certain claim terms, it is not yet clear to what extent Brazos will rely on the doctrine of equivalents. Accordingly, Brazos reserves the right, in response to discovery, Cisco's P.R. 3-4 production, source code review, review of Cisco's contentions, exchange of proposed claim constructions, issuance of a claim construction order, or as otherwise permitted under the Patent Rules, to amend its infringement contentions as necessary.

G. Brazos presently asserts that the priority date for all asserted claims of the '630 Patent, the '286 Patent, the '721 Patent, the '691 Patent, and the '884 Patent are those reflected on the face of the patent—i.e., April 30, 2003 ('630 Patent), January 10, 2011 ('286 Patent), December 30, 2009 ('721 Patent), September 28, 2012 ('691 Patent), and June 11, 2014 (the '884 Patent). To the extent that the dates of Brazos's conception and reduction to practice becomes a relevant disputed issue, Brazos reserves the right to supplement and/or amend this disclosure at any time in view of the Court's construction, in view of any new information learned during fact and expert discovery, or for any other reason permissible under the Federal and Local Rules.

H. Based on its investigation to date, Brazos does not intend to rely on the assertion that any of its own apparatus, product, device, process, method, act, or other instrumentality

practices the claimed inventions. Brazos reserves the right to supplement and/or amend this disclosure at any time in view of the Court's construction, in view of any new information learned during fact and expert discovery, or for any other reason permissible under the Federal and Local Rules.

II. P.R. 3-2 Document Production Accompanying Disclosure

A. Documents responsive to P.R. 3-2(a) are being produced herewith as follows: Based on its investigation to date, Brazos is not aware of any discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the claimed inventions prior to the priority date for the patents-in-suit. Brazos continues to investigate and reserves the right to supplement its production with additional readily accessible information in its possession, custody, or control.

B. Documents that may be responsive to P.R. 3-2(b) are being produced herewith as follows: Brazos does not have documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the patent in suit or the priority date, whichever is earlier, in its possession, custody, or control. Brazos continues to investigate and reserves the right to supplement its production with additional readily accessible information in its possession, custody, or control.

C. Documents responsive to P.R. 3-2(c) are being produced herewith as follows: BRAZOS-CISCO2-00000001-339 ('630 Patent); BRAZOS-CISCO2-00000340-435 ('721 Patent); BRAZOS-CISCO2-00000436-527 ('286 Patent); BRAZOS-CISCO2-00000528-687 ('691 Patent); BRAZOS-CISCO2-00000688-849 ('884 Patent). Brazos continues to investigate and reserves the right to supplement its production with additional readily accessible information in its possession, custody, or control.

Date: July 15, 2024

Respectfully Submitted,

/s/ Joseph M. Abraham

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on July 15, 2024, a true and correct copy of the foregoing was served via email on all counsel of record for Cisco who have appeared in this case.

/s/ Joseph M. Abraham

Joseph M. Abraham