

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

CISCO SYSTEMS, INC.,
Petitioner,

v.

WSOU INVESTMENTS LLC d/b/a BRAZOS LICENSING AND
DEVELOPMENT,
Patent Owner.

IPR2025-00429
Patent 9,450,884 B2

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION

Granting Patent Owner's Request for Discretionary Denial and Denying
Institution of *Inter Partes* Review

WSOU Investments LLC d/b/a Brazos Licensing and Development (“Patent Owner”) filed a request for discretionary denial (Paper 9, “DD Req.”) in the above-captioned case, and Cisco Systems, Inc. (“Petitioner”) filed an opposition (Paper 11, “DD Opp.”).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the projected final written decision due date in the Board proceeding is July 30, 2026. DD Req. 8–9. The district court’s scheduled trial date is April 20, 2026, and the time-to-trial statistics suggest trial will begin March 2026. *Id.* at 9 (citing Paper 2, 79; Ex. 1012, 35). As such, it is unlikely that a final written decision in this proceeding will issue before district court trial occurs. Additionally, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner’s request for discretionary denial is *granted*;

FURTHER ORDERED that the Petition is *denied*.

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FOR PETITIONER:

Theodore Foster
David McCombs
Brian Kwok
Eugene Goryunov
HAYNES AND BOONE, LLP
ipr.theo.foster@haynesboone.com
david.mccombs.ipr@haynesboone.com
brian.kwok.ipr@haynesboone.com
eugene.goryunov.ipr@haynesboone.com

FOR PATENT OWNER:

David Schumann
Timothy Dewberry
Moses Xie
FOLIO LAW GROUP PLLC
david.schumann@foliolaw.com
timothy.dewberry@foliolaw.com
moses.xie@foliolaw.com