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April 29, 2025

Via Email

Erick S. Robinson
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Re: *Quicker Connections LLC v. Cisco Systems, Inc.*,
C.A. No. 2:24-cv-01075-JRG (E.D. Tex.)

Dear Erick:

I write regarding serious deficiencies in Plaintiff Quicker Connections LLC's ("QC's") Disclosure of Asserted Claims and Infringement Contentions, served on March 12, 2025 ("QC's Contentions"). Specifically, QC's Contentions are improper and/or deficient under the Local Patent Rules ("P.R.") for four reasons. First, despite including a table that maps each Patent-in-Suit to specific Cisco Accused Products, QC's Contentions include boilerplate language that purports to assert each patent against "each of the Accused Cisco Instrumentalities," in violation of P.R. 3-1(b)'s requirement that specific accused products should be identified "separately for each asserted claim," and without identifying "where each element of each asserted claim is found within *each Accused Instrumentality*," in violation of P.R. 3-1(c). Second, Exhibits 1 and 4 to QC's Contentions are deficient because they fail to identify where various claim limitations are found in the accused products as required by P.R. 3-1(c). Third, despite including boilerplate language that purports to maintain the possibility of a doctrine of equivalents assertion for almost every element, QC's Contentions fail to explain how any elements of the asserted claims are allegedly infringed under the doctrine of equivalents. Fourth, QC's Contentions fail to fully comply with the disclosures required by P.R. 3-1(f) and 3-2(a-b). I address those deficiencies in more detail below. QC's deficient Contentions do not fairly put Cisco on notice of its infringement theories. Please provide the clarifications consistent with QC's obligations under the Local Patent Rules by May 14, 2025.

I. Quicker Connections' Contentions Violate P.R. 3-1(b-c) To The Extent They Purport To Accuse All Identified And Unidentified Products Of Infringing Each Patent-in-Suit Without Providing The Required P.R. 3-1(c) Disclosures.

As you are aware, P.R. 3-1(b) and (c) require that QC identify "*separately for each asserted claim*," each accused apparatus, product, device, process, method, act, or other instrumentality ("Accused Instrumentality"), and provide "[a] chart identifying specifically where each element

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of *each asserted claim is found within each Accused Instrumentality*.” The cover page of QC’s Contentions provides the table below, which identifies certain products for each Patent-in-Suit:

Patent-in-Suit	Accused Cisco Products (Model Numbers)						
6822943	CGP-OLT-8T	CGP-OLT-16T	CGP-ONT-1P	CGP-ONT-4P	CGP-ONT-4PV	CGP-ONT-4PVC	CGP-ONT-4TVCW
6834038	NCS 2002	NCS 2006	GE_XP	10GE_XP	10GE_XPE	GE_XPE	
7054264	ONS 15454	ONS 15600					
7061859	ONS 15454	ONS 15600					
7483399	ONS 15454	ONS 15600					

QC’s Contentions at 3; Exs. 1-5 at 2-3.

The mapping of Patents-in-Suit to Accused Cisco Products appears to align with claim charts accompanying QC’s Contentions. However, in addition to the above table, QC’s Contentions include what appears to be boilerplate language that purports to improperly accuse *every* Accused Product, including ones not charted at all, for *every* Patent-in-Suit:

For each claim chart, *each of the Accused Cisco Instrumentalities* infringe in the exact same way as all other Accused Cisco Instrumentalities, so each chart applies to *all* Accused Cisco Instrumentalities.

QC’s Contentions at 3. *See also* QC’s Contentions, Exs. 1-5 at 2-3 (“each chart applies to all Accused Cisco Instrumentalities . . . each infringement chart applies to all Accused Cisco Instrumentalities”). In light of QC’s failure to provide claim charts beyond the scope of the mapping in the table above, Cisco understands the table above to be controlling. To the extent that QC disagrees and intends to accuse every Accused Cisco Product identified in the table above against every Patent-in-Suit, please promptly confirm such intention and provide your basis for not providing corresponding 3-1(c) claim charts, so that Cisco may promptly move to strike if necessary.

Relatedly, QC provides a paragraph apparently purporting to name the product series that contain the Accused Cisco Products, but appears to include a typographical error:

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“All products (including but not limited to software, hardware, network architectural design) manufactured, used, tested, imported, sold or offered to sell by or on behalf of Defendant practicing the Patents-in- Suit and all processes employed by Defendant that practice the patents-in-suit, consisting of, without limitation, at least: all series of “Catalyst Passive Optical Network Series Switches,” all series of “Network Convergence System 2000 Series,” all series of “Network Convergence System 2002 Series,” all series of “Network Convergence System 2006 Series,” “ONS 15454 Multiservice **Transport** Platform,” and “ONS 15600 Multiservice **Transport** Platform,” and any other Cisco ONS Multiservice Transport Platforms.”

QC’s Contentions at 3 (highlighting added). Specifically, the text above references the Multiservice **Transport** Platform (MSTP), while the Exhibits to QC’s Contentions, name the 15454 SONET Multiservice **Provisioning** Platform (MSPP) and the 15600 Multiservice Switching Platform (MSSP), and appear chart features of the 15454 MSPP and 15600 MSSP. See QC’s Contentions at Exs. 3-5.

In sum, Cisco understands that the Accused Products are those provided in QC’s Accused Cisco Products (Model Numbers) table with an accompanying 3-1(c) chart: the listed OLT and ONT models for the ’943 Patent; NCS 2002, NCS 2006 and listed line cards for the ’038 Patent, and the 15454 SONET MSPP and 15600 MSSP for the ’264, ’859, and ’399 Patents. If that understanding is incorrect, please promptly let us know.

II. Exhibits 1 And 4 To Quicker Connections’ Contentions Violate P.R. 3-1(c) Because They Fail To Identify Where Each Element Of Each Claim Is Allegedly Found Within The Accused Products.

Quicker Connections’ Contentions also violate P.R. 3-1(c) because they do not “identify[] specifically where each element of each asserted claim is found within each Accused Instrumentality” for each product charted, at least with respect to U.S. Patent No. 6,822,943 (the ’943 Patent) (QC’s Contentions, Ex. 1) and U.S. Patent No. 7,054,859 (the ’859 Patent) (QC’s Contentions, Ex. 4). Instead, for certain elements of the asserted claims, QC’s Contentions simply list the claim language, generally allege that the accused products meet the claim language, and then include screenshots of public documentation, without making any attempt to identify “where each element of each asserted claim is found within each Accused Instrumentality.” P.R. 3-1(c). To address these deficiencies, Cisco requests that QC make the following clarifications so that it may attempt to understand QC’s Contentions:

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a. The '943 Patent (Ex. 1)

With respect to the '943 Patent, QC writes only that “the OLT Unit *has* a master switching unit,” without identifying “where [a master switching unit] is found within the [CGP-OLT-8T and CGP-OLT-16T] Accused Instrumentality,” in violation of P.R. 3-1(c). *See* QC’s Contentions, Ex. 1 at 8. Indeed, despite color coding almost every other element in the asserted claims to match components of the accused products, QC does not color code “a master switching unit” at all or provide any Cisco documentation identifying what within the alleged “master shelf” (the OLT Controller) is the alleged “master switching unit.” Based on QC’s identification of the OLT switch, Cisco understands QC to be alleging that the OLT itself is both the master shelf and the master switching unit. To the extent that is not the case, please identify which OLT component QC contends constitutes “a master switching unit,” so that Cisco may assess QC’s position.

Similarly, for “slave switching unit,” QC does not identify any portion of an ONT that might be considered a “slave switching unit,” despite providing a screenshot of an ONT schematic. Contentions, Ex. 1 at 12. Again, QC does not highlight “slave switching unit with a color,” skipping over the element entirely in its color-based identification system. And here QC does not even provide the conclusory statement that an ONT *has* a slave switching unit, as it did for its master switching unit allegation. As above, Cisco understands QC to be alleging that the ONT itself is both the slave shelf and the slave switching unit. *See* Ex. 1 at 12. To the extent that is not the case, please confirm which of ONT components present in QC’s Contentions QC contends constitute “a slave switching unit,” so that Cisco may assess QC’s position.

Finally with respect to the '943 Patent, there appears to be a labeling error regarding what QC contends is the claimed “management station.” On the right side of page 14 of QC’s Exhibit 1, QC draws a brown box around the computer running the Cisco PON Manager software, but on the left side of the page, rather than identifying that same device—the “Centralized providing and management” computer—QC confusingly draws its brown box around the core switch layer. Ex. 1 at 14. Please clarify which of the two brown boxes, each showing different components, QC contends is a “management station,” so that Cisco may assess QC’s position. Additionally, the link QC provides on the left side of Ex. 1, page 14 leads to the general Cisco PON website, rather than the picture provided. We cannot locate the source of the screenshot. Please provide the correct URL for the source of QC’s screenshot.

b. The '859 Patent (Ex. 4)

With respect to the '859 Patent, QC has failed to identify any feature that it contends constitutes the claim element of “constructing a general mask.” Ex. 4 at 10. Despite color coding almost every other element in the asserted claims to match components of the accused products, QC does not color code “constructing a general mask indicating which of the segments are reachable in the event of a fault,” identify any such general mask within its charts, nor identify

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where within the Accused Products any general mask is allegedly located.¹ Moreover, Cisco is unaware of any system operation that could be considered the claimed “general mask” based on QC’s Contentions. Please identify where in the accused products QC contends the accused products “construct[] a general mask,” so that Cisco may assess QC’s position.

With respect to the claim element of “constructing a specific mask indicating the segments on a desired path of the flow by assigning a respective specific mask bit to each of the segments, indicating whether the flow was to be conveyed over the segment had occurrence of the segment been operational before the fault,” QC color-codes the entire element with a single color. Cisco is unable to discern what within the ONS 15454 MSPP QC alleges is the “specific mask indicating the segments on a desired bath of flow,” what QC alleges is the “specific mask bit,” assigned to “each of the segments, indicating whether the flow was to be conveyed over the segment had occurrence of the segment been operational before the fault,” or how and where each alleged “specific mask bit” is assigned “to each of the segments.”² QC states that “APS and RPR reroute traffic or trigger a protection switch,” but does not explain what features and/or components of the accused product those acronyms stand for, and does not provide any evidence on the right side of the chart that includes those acronyms. QC also fails to tie the APS and/or RPR to the “specific mask” and corresponding requirements of the claim. QC’s Contentions, Ex. 4 at 12. Please identify (1) what QC alleges is the “specific mask”; (2) what is the “specific mask bit [assigned to each segment], indicating whether the flow was to be conveyed over the segment had occurrence of the segment been operational before the fault;” and (3) how it is assigned to each segment (’859 Patent, Claim 1). Without that information—which is required under the Patent Local Rules—Cisco cannot assess whether QC has any factual basis whatsoever for its position.

Finally, for the ’859 Patent, Cisco is unable to discern where QC contends the accused product is “superimposing the general and specific masks in order to determine a disposition of the flow.” Ex. 4 at 13. QC summarily states that “Cisco ONS 15454 compares the predefined path (specific mask) with the real-time fault map (general mask),” but fails to identify any mask of “the predefined path” or “real-time fault map.” *Id.* And even if QC had identified those features, QC’s Contentions do not show any superimposition as required by the claim. Tellingly, none of the claim language is color-coded on page 13 of Exhibit 4, and thus it is unclear how any of the purported evidence on the right of the chart relates to the claim. Please identify the location of an alleged mask of “the predefined path,” a mask of “the real-time fault map,” and a superimposition

¹ QC states only that “Cisco ONS 15454 utilizes SONET K1 and K2 bytes to identify and signal failure, **allowing** the system to construct a ‘general mask.’” *Id.* But QC does not point to any general mask that **is** constructed by the system.

² The corresponding excerpts from Cisco’s documents appear to focus on Bits 5-8 of the K1 byte, and Bits 1-4 of the K2 byte, none of which are shown to individually identify a segment on a desired path of flow nor apparently indicate whether a node was intended to convey flow in normal operation. QC’s Contentions, Ex. 4 at 12.

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of those two purported masks within the Cisco ONS 15454, so that Cisco may assess whether QC has any factual basis whatsoever for its position.

III. *Quicker Connections’ Contentions Violate P.R. 3-1(c-d) Because They Fail To Identify Doctrine Of Equivalents Theories*

QC’s Contentions contain boilerplate language regarding doctrine of equivalents for the vast majority of asserted claim elements—language that is both legally insufficient to preserve any DOE theory and telling in its lack of substance. *See Mojo Mobility, Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:22-cv-00398, DI. 248 at 6 (E.D. Tex. July 22, 2022). Beyond underscoring the weakness of QC’s literal infringement case, this boilerplate language does little to focus the issues or disclose QC’s actual theories. Indeed, the absence of a particularized analysis—such as any identification of the “function”, the “way”, or the “result”—not only fails to satisfy the requisite standard for asserting DoE, but also fails to preserve QC’s DOE arguments. To the extent QC intends to assert DOE for any particular claim element, please identify those elements and provide the alleged “function”, “way”, and “result” as required to give Cisco proper notice under P.R. 3-1(c-d).

IV. *Quicker Connections’ Contentions P.R. 3-1(f) and 3-2 Disclosures Are Vague.*

In QC’s P.R. 3-1(f) disclosure, QC wrote: “Quicker Connections does not assert that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed inventions.” As you are aware, your predecessors-in-interest in the Patents-in-Suit (Orckit Communications LLC and Corrigent Systems LLC (collectively with subsidiaries, “Orckit-Corrigent”) sold products, and your recently amended complaint confirms QC has access to product documentation. *See* D.I. 30, First Amended Complaint, ¶ 25 (March 31, 2025). Accordingly, Cisco understands QC’s 3-1(f) disclosure to include all Orckit-Corrigent products. If you disagree, and QC does intend to preserve the right to rely, for any purpose, on the assertion that Orckit-Corrigent practiced any of the asserted claims, please promptly identify, separately for each asserted claim, each apparatus, process, method, act or other instrumentality that QC contends reflects that claim, as required by P.R. 3-1(f).

Similarly, for categories (a) and (b) of the required P.R. 3-2 disclosures, “QC represents that it has no such documents.” QC’s Contentions at 8. However, QC’s First Amended Complaint demonstrates that QC plainly has access to documents from Orckit-Corrigent that it appears to have obtained from Mr. Izhak Tamir and/or Mr. Yehuda Binder. *See* D.I. 30, First Amended Complaint, ¶ 25 (citing internal Orckit-Corrigent schematic). As such, we understand QC’s 3-2 representations to mean that you have investigated all sources of information, including documents in the possession of Mr. Tamir and/or Mr. Binder, and concluded that there are no such documents. If that is not the case, please explain your position so that we may evaluate whether QC appropriately complied with its mandatory disclosure obligations.

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To the extent that QC refuses to clarify its infringement theories and disclosures in accordance with the Patent Rules by May 14, 2025, Cisco is available to meet and confer with QC.

Sincerely,

/s/ Leslie Spencer

Leslie Spencer

cc: Counsel of Record (via e-mail)