

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

QUICKER CONNECTIONS LLC,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

Civil Action No. 2:24-cv-01074-JRG

JURY TRIAL DEMANDED

**PLAINTIFF QUICKER CONNECTIONS LLC'S DISCLOSURE OF
ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS PURSUANT TO P.R. 3-1
AND DOCUMENT PRODUCTION PURSUANT TO P.R. 3-2**

Pursuant to the Rules of Practice for Patent Cases before the Eastern District of Texas 3-1 and 3-2, Plaintiff Quicker Connections, LLC ("Quicker Connections"), hereby provides its Disclosure of Asserted Claims and Infringement Contentions and Document Production Accompanying Disclosure for Defendant Cisco Systems Inc. ("Cisco").

Quicker Connections hereby certifies that it undertook reasonable efforts to prepare its infringement contentions and reserves the right to amend them based on material identified after the contentions are served and during subsequent discovery, including after the Court's claim construction. Quicker Connections does not currently have access to Cisco's confidential technical information, but will update these disclosures, if and as needed, upon having access to this technical information and having reasonable time to review it. These disclosures are based on Quicker Connections' current knowledge, understanding, and belief as to the facts and public information available to it as of the date of these disclosures. Discovery has not yet begun, and Quicker Connections has not yet completed its investigation, collection of information, discovery, or analysis of non-public Cisco information related to this action. The evidence cited in support of

the disclosures including for each element of each patent herein is exemplary only and is therefore illustrative and not exhaustive of all infringement arguments. Quicker Connections explicitly avers here, as it does on each of the attached claim charts for each claim of each of the asserted patents (which are incorporated by reference), that each element of each asserted claim is claimed to be literally present, and that specified elements noted in the claim charts are present under the doctrine of equivalents in the Accused Cisco Instrumentalities. Quicker Connections has provided significant detail regarding its exemplary literal infringement allegations, along with a statement that specific elements are met under the doctrine of equivalents. Those statements alleging the doctrine of equivalents for specific claims and claim elements are alleged to provide notice to Cisco that for such claims and elements, the accused functionality may be insubstantially different from or function in the same way to provide the same result as the relevant claim element. Specifically, Quicker Connections anticipates that relevant facts and evidence are uniquely within the possession, custody, or control of Cisco regarding the Accused Instrumentalities in this action which may reveal additional ways and manners in which the Accused Instrumentalities infringe the Patents-in-Suit. Additionally, Quicker Connections reserves the right to amend its infringement contentions to specifically assert or amend its assertion of infringement by the doctrine of equivalents in light of the Court's claim construction when the Court's order is provided.

These disclosures are based at least in part upon Quicker Connections' present understanding of the meaning and scope of the claims in United States Patent Nos. 6,822,943, 6,834,038, 7,054,264, 7,061,859, and 7,483,399 (collectively the "Patents-in-Suit") in the absence of additional claim construction proceedings or discovery. Quicker Connections reserves the right pursuant to P.R. 3-6 (a) and (b) to supplement, amend or modify the information contained herein and to use and introduce such information and any subsequently-identified information at trial,

including based on this Court's claim construction rulings or rulings by other Courts in related cases. Quicker Connections further reserves the right to amend its infringement contentions and asserted claims based on any proceedings before the United States Patent and Trademark Office regarding Quicker Connections' patents.

Herein, the terms "Accused Products" or "Accused Instrumentalities" refers to the definition as stated in the original complaint at ¶ 29:

"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."

PATENT INITIAL DISCLOSURES 3-1.

Disclosure of Asserted Claims and Infringement Contentions

(a) Each claim of each Patent-in-Suit that is allegedly infringed by each opposing party.

The asserted claims of the Patents-in-Suit are identified in the attached infringement charts (Exs. 1-5). 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. Rather than create identical charts for each of the Accused Cisco Instrumentalities, Plaintiff represents that each of the Accused Cisco Instrumentalities is equivalent

for the purposes of infringement such that each infringement chart applies to all Accused Cisco Instrumentalities. For clarity, the claims asserted against Defendants are listed below:

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					

At this time, without access to non-public Cisco technical information, for each of the Patents-in-Suit, the following claims from each of the specified Patents-in-Suit are alleged against each of the above-referenced Cisco products:

Patent-in-Suit	Claim Number(s)
6822943	1
6834038	1, 2, 4, 5
7054264	21
7061859	1
7483399	1, 2, 3

Quicker Connections reserves the right to amend and/or add to this list once it has received the necessary technical information from Cisco.

(b) Separately for each asserted claim, each accused apparatus, product, device, process, method, act, or other instrumentality ("Accused Instrumentality") of each opposing party of which the party is aware. This identification shall be as specific as possible. Each product, device, and apparatus must be identified by name or model number, if known. Each method or process must be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process.

Herein, the terms "Accused Products" or "Accused Instrumentalities" refers to the definition as stated in the original complaint at ¶ 29:

“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.”

Further, the asserted claims of the Patents-in-Suit are identified in the attached infringement charts (Exs. 1-5). 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. Rather than create identical charts for each of the Accused Cisco Instrumentalities, Plaintiff represents that each of the Accused Cisco Instrumentalities is equivalent for the purposes of infringement such that each infringement chart applies to all Accused Cisco Instrumentalities. For clarity, the claims asserted against both Defendants are listed below:

Patent-in-Suit	Accused Cisco Products (Model Numbers)						
	CGP-OLT-8T	CGP-OLT-16T	CGP-ONT-1P	CGP-ONT-4P	CGP-ONT-4PV	CGP-ONT-4PVC	CGP-ONT-4TVCW
6822943							
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					

Quicker Connections reserves the right to amend and/or add to this list once it has received the necessary technical and additional relevant information from Cisco in this lawsuit.

Each of the referenced Accused Cisco Instrumentalities has been made, used, tested, designed, distributed, offered for sale, or sold in the United States or imported into the United States by Cisco and each of the Accused Cisco Instrumentalities is accused in this lawsuit. The attached infringement charts show infringement by each of the Accused Cisco Instrumentalities.

Subject to ongoing discovery and investigation, Quicker Connections provides the attached infringement charts (Exs. 1-5) setting forth where in the Accused Instrumentalities each element of the asserted claim(s) are found. These infringement contentions serve a notice function and are not required to—and therefore do not—present every possible permutation or theory of Plaintiff’s case.

With respect to system claims, if certain of the system claims are interpreted as requiring ‘use’ of elements by more than one actor, to be held a direct infringer, “a party must put the invention into service, i.e., control the system as a whole and obtain benefit from it.” *Centillion Data Sys., LLC v. Qwest Commc'ns Int'l, Inc.*, 631 F.3d 1279, 1284 (Fed. Cir. 2011).

With respect to method claims, in *Akamai Technologies Inc. v. Limelight Networks, Inc.*, 797 F.3d 1020 (Fed. Cir. 2015), the Federal Circuit held that the acts of multiple parties can be combined for the purposes of direct infringement, and the requisite direction and control, when the first party: (1) “conditions participation in an activity or receipt of a benefit upon performance of a step,” and (2) “establishes the manner or timing of that performance.” *Akamai*, 797 F.3d at 1023. Applying these principles set forth by the Federal Circuit, Cisco is directly infringing each of the asserted claims of the Patents-in-Suit. Cisco is, *inter alia*, placing the Accused Instrumentalities into service, exercising control over the systems, and obtaining beneficial use of the infringing

systems and methods, and is thus liable for direct infringement under 35 U.S.C. § 271(a) based on making, having made and using systems and methods covered by the Patents-in-Suit.

To the extent that any component or step of an asserted claim is determined to have been supplied or practiced by an end-user of the Accused Instrumentalities, Cisco is nevertheless liable as a direct infringer under *Akamai*. To the extent that end-users are determined to have independently directly infringed the claims of the Patents-in-Suit, Cisco has induced such acts of direct infringement by the end-users pursuant to 35 U.S.C. § 271(b).

(c) A chart identifying specifically where each element of each asserted claim is found within each Accused Instrumentality, including for each element that such party contends is governed by 35 U.S.C. § 112 (¶ 6), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function.

Plaintiff does not contend that any element of any asserted claim of any of the Patents-in-Suit are governed by 35 U.S.C. § 112 (¶ 6).

(d) Whether each element of each asserted claim is claimed to be literally present or present under the doctrine of equivalents in the Accused Instrumentality.

Quicker Connections presently contends that the Accused Instrumentalities literally infringe the asserted claims of Patents-in-Suit as more specifically explained in the attached infringement charts. Quicker Connections asserts that to the extent the Court determines that any element of the asserted claims of the Patents-in-Suit are not literally infringed, each such element is infringed under the doctrine of equivalents because the difference between any component of any product or system and any step of any service or method and any claim element is insubstantial. The attached claim charts provide the claim elements for which Quicker Connections asserts infringement under the doctrine of equivalents. Quicker Connections explicitly avers here, as it does on each of the attached claim charts for each claim of each of the asserted patents (which are incorporated by reference), that each element of each asserted claim is claimed to be literally present, and that specified elements noted in the claim charts are present under the doctrine of

equivalents in the Accused Cisco Instrumentalities. Quicker Connections has provided significant detail regarding its exemplary literal infringement allegations, along with a statement that specific elements are met under the doctrine of equivalents. Those statements alleging the doctrine of equivalents for specific claims and claim elements are alleged to provide notice to Cisco that for such claims and elements, the accused functionality may be insubstantially different from or function in the same way to provide the same result as the relevant claim element. Specifically, Quicker Connections anticipates that relevant facts and evidence are uniquely within the possession, custody, or control of Cisco regarding the Accused Instrumentalities in this action which may reveal additional ways and manners in which the Accused Instrumentalities infringe the Patents-in-Suit. Additionally, Quicker Connections reserves the right to amend its infringement contentions to specifically assert or amend its assertion of infringement by the doctrine of equivalents in light of the Court's claim construction when the Court's order is provided.

(e) For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled.

Quicker Connections asserts that the asserted claims of each of the Patents-in-Suit have the following priority dates based on the face of each Patent-in-Suit:

Asserted Patent	Priority Date
US6822943	2000-11-08
US6834038	2000-08-11
US7054264	2001-07-24
US7061859	2001-08-30
US7483399	2002-06-05

- (f) If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party must identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim.**

Quicker Connections does not assert that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed inventions.

PATENT INITIAL DISCLOSURES 3-2.

Document Production Accompanying Disclosure.

- (a) Documents (e.g., contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third party or joint development agreements) sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the claimed invention prior to the date of application for the patent in suit. A party's production of a document as required herein shall not constitute an admission that such document evidences or is prior art under 35 U.S.C. §102.**

Quicker Connections represents that it has no such documents.

- (b) All 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 identified pursuant to P. R. 3-1(e), whichever is earlier.**

Quicker Connections represents that it has no such documents.

- (c) A copy of the file history for each patent in suit.**

The file histories of the Patents-in-Suit are being produced contemporaneously with service of these disclosures.

Served: March 12, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via email to all counsel of record for Defendant on the 12th day of March, 2025.

/s/ Erick S. Robinson
Erick S. Robinson