

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,  
Petitioner

v.

QUICKER CONNECTIONS LLC,  
Patent Owner

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IPR2025-01088  
U.S. Patent No. 7,061,859

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**PATENT OWNER'S REPLY  
IN SUPPORT OF DISCRETIONARY DENIAL**

**TABLE OF AUTHORITIES**

| <b>Cases</b>                                                                                                                            | <b>Page(s)</b> |
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| <i>Kahoot! AS v. Interstellar Inc.</i> ,<br>IPR2025-00696, Paper 12 (Acting Director Stewart July 31, 2025) .....                       | 2              |
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| <i>Samsung Elecs. Co., Ltd. v. Mobile Data Technologies, LLC</i> ,<br>IPR2025-00537, Paper 15 (Director’s Delegate Aug. 14, 2025) ..... | 2              |

**EXHIBIT LIST**

| <b>Ex.</b> | <b>Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2001       | Complaint for Copyright and Patent Infringement in <i>Cisco Systems, Inc. v. Arista Networks, Inc.</i> , No. 5:14-cv-05344-BLF (N.D. Cal.)                                                                                                                                                                                                                                                                                                                                          |
| 2002       | Email from Petitioner's counsel providing Orckit's 2005 SEC Form 20-F filing, dated Apr. 25, 2025                                                                                                                                                                                                                                                                                                                                                                                   |
| 2003       | Orckit's 2005 SEC Form 20-F filing                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 2004       | Petitioner's U.S. Patent No. 7,349,348                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2005       | Prosecution History for Petitioner's U.S. Patent No. 7,349,348                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2006       | Petitioner's U.S. Patent No. 6,965,558                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2007       | Prosecution History for Petitioner's U.S. Patent No. 6,965,558                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2008       | Petitioner's U.S. Patent No. 7,602,706                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2009       | Prosecution History for Petitioner's U.S. Patent No. 7,602,706                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2010       | Petitioner's U.S. Patent No. 8,886,831                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2011       | Prosecution History for Petitioner's U.S. Patent No. 8,886,831                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2012       | Petitioner's U.S. Patent No. 8,300,523                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2013       | Prosecution History for Petitioner's U.S. Patent No. 8,300,523                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2014       | IPWatchdog article, <i>Stewart Says USPTO Wants Early Validity Challenges, Not Late IPRs</i> , dated June 10, 2025 (available at <a href="https://ipwatchdog.com/2025/06/10/189554/id=189554/">https://ipwatchdog.com/2025/06/10/189554/id=189554/</a> )                                                                                                                                                                                                                            |
| 2015       | Cisco's Partial Motion to Dismiss Quicker Connections' Complaint in EDTX-Litigation, dated Mar. 3, 2025                                                                                                                                                                                                                                                                                                                                                                             |
| 2016       | Google Patents Assignee Search Results                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2017       | Google Patents Assignee Search Results                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2018       | Quicker Connections' First Amended Complaint in EDTX-Litigation, dated Mar. 31, 2025                                                                                                                                                                                                                                                                                                                                                                                                |
| 2019       | L. Spencer letter to E. Robinson RE: Deficiencies in P.R. 3-1 and 3-2 Disclosures, dated Apr. 29, 2025                                                                                                                                                                                                                                                                                                                                                                              |
| 2020       | RTT News article, <i>Corrigent Signs 15-Yr Agreement With Media Broadcast For Deutsche Telekom's Customer In Germany - Quick Facts</i> , Feb. 6, 2008 (available at <a href="https://www.rttnews.com/472822/corrigent-signs-15-yr-agreement-with-media-broadcast-for-deutsche-telekom-s-customer-in-germany-quick-facts.aspx">https://www.rttnews.com/472822/corrigent-signs-15-yr-agreement-with-media-broadcast-for-deutsche-telekom-s-customer-in-germany-quick-facts.aspx</a> ) |
| 2021       | Forbes article, <i>The silicon spin</i> , Feb. 10, 2000 (updated June 6, 2013) (available at <a href="https://www.forbes.com/2000/02/10/mu3.html">https://www.forbes.com/2000/02/10/mu3.html</a> )                                                                                                                                                                                                                                                                                  |
| 2022       | Cisco's Answer to First Amended Complaint in EDTX-Litigation                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 2023       | <i>Ex Parte</i> Reexamination Filing Data - September 30, 2024                                                                                                                                                                                                                                                                                                                                                                                                                      |

| <b>Ex.</b> | <b>Description</b>                                                                                                        |
|------------|---------------------------------------------------------------------------------------------------------------------------|
| 2024       | <i>Inter Partes</i> Reexamination Filing Data - September 30, 2017                                                        |
| 2025       | PTAB Trial Statistics – Fiscal Year 2024                                                                                  |
| 2026       | PTAB Trial Statistics – Fiscal Year 2023                                                                                  |
| 2027       | PTAB Trial Statistics – Fiscal Year 2022                                                                                  |
| 2028       | PTAB Trial Statistics – Fiscal Year 2021                                                                                  |
| 2029       | PTAB Trial Statistics – Fiscal Year 2020                                                                                  |
| 2030       | PTAB Trial Statistics – Fiscal Year 2019                                                                                  |
| 2031       | PTAB Motion to Amend (MTA) Study – Update through Mar. 31, 2025                                                           |
| 2032       | Second Amended Docket Control Order in EDTX-Litigation                                                                    |
| 2033       | Letter accompanying Cisco’s first production volume, dated May 2, 2025                                                    |
| 2034       | Letter accompanying Cisco’s second production volume, dated May 6, 2025                                                   |
| 2035       | Letter accompanying Cisco’s third production volume, dated May 7, 2025                                                    |
| 2036       | Letter accompanying Cisco’s fourth production volume, dated July 31, 2025                                                 |
| 2037       | Service email accompanying Quicker Connections’ Infringement Contentions and first production volume, dated Mar. 12, 2025 |
| 2038       | Service email accompanying Quicker Connections’ second production volume, dated July 31, 2025                             |
| 2039       | Reserved                                                                                                                  |
| 2040       | Cisco’s notice of third-party subpoena to Nokia of America Corporation, dated Apr. 14, 2025                               |
| 2041       | Service email accompanying Nokia’s third-party production, dated June 3, 2025                                             |
| 2042       | Letter accompanying Orckit Communications’ third-party production, dated Aug. 1, 2025                                     |
| 2043       | Quicker Connections’ PR 3-1 and 3-2 Disclosures, dated Mar. 12, 2025                                                      |
| 2044       | Service email accompanying Cisco’s Invalidity Contentions, dated May 7, 2025                                              |
| 2045       | Quicker Connections’ First Set of RFAs to Cisco (Nos. 1-9), dated July 11, 2025                                           |
| 2046       | Quicker Connections’ First Set of ROGs to Cisco (Nos. 1-8), dated June 5, 2025                                            |

| Ex.  | Description                                                                                                                                                                                                                   |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2047 | Cisco's First Set of ROGs to Quicker Connections (Nos. 1-18), dated June 5, 2025                                                                                                                                              |
| 2048 | Cisco's Invalidity Contentions, dated May 7, 2025                                                                                                                                                                             |
| 2049 | Exhibit D-3 to Cisco's Invalidity Contentions (GR-1230 - '859 Claim Chart)                                                                                                                                                    |
| 2050 | Exhibit D-9 to Cisco's Invalidity Contentions (Lucent 2000 Product Family - '859 Claim Chart)                                                                                                                                 |
| 2051 | First Amended Answer and Second Amended Counterclaims in <i>Multiven, Inc. v. Cisco Systems, Inc.</i> , et al, No. 5:08-cv-05391-JW-RS (N.D. Cal.)                                                                            |
| 2052 | Lex Machina Search Results                                                                                                                                                                                                    |
| 2053 | National Judicial Caseload Profile                                                                                                                                                                                            |
| 2054 | Lex Machina Search Results                                                                                                                                                                                                    |
| 2055 | Summary of verbatim (or nearly verbatim) matches between the 1088 IPR petition to the Min Declaration (Ex.1003)                                                                                                               |
| 2056 | H. Laidlaw letter to L. Spencer RE: Document Categories, dated June 13, 2025                                                                                                                                                  |
| 2057 | E. Weber letter to E. Robinson RE: Document Categories, dated June 16, 2025                                                                                                                                                   |
| 2058 | Declaration of Dr. Nenad Medvidović in Support of Patent Owner's Preliminary Response                                                                                                                                         |
| 2059 | Curriculum Vitae of Dr. Medvidović                                                                                                                                                                                            |
| 2060 | Declaration of Harold S. Laidlaw in Support of <i>Pro Hac Vice</i> Admission                                                                                                                                                  |
| 2061 | Webster's Third New International Dictionary, Unabridged (1981) (Excerpted)                                                                                                                                                   |
| 2062 | Merriam-Webster's Dictionary, definition of "Superimpose."<br><a href="https://www.merriam-webster.com/dictionary/superimpose">https://www.merriam-webster.com/dictionary/superimpose</a><br>(last viewed September 24, 2025) |
| 2063 | Cisco's Responses & Objections to Quicker Connections' 1st Set of Requests for Admission (Nos. 1-9), dated August 11, 2025                                                                                                    |
| 2064 | Petition for <i>Inter Partes</i> Review in IPR2024-01450, dated September 23, 2024                                                                                                                                            |

**TABLE OF ABBREVIATIONS**

| <b>Abbr.</b> | <b>Description</b>                                         |
|--------------|------------------------------------------------------------|
| PO           | Patent Owner                                               |
| DD           | Discretionary Denial Brief                                 |
| Opp.         | Petitioner's Opposition to PO's Discretionary Denial Brief |
| DC           | District Court                                             |

Instituting this IPR—when **Petitioner has not challenged four other Asserted Patents with IPR**—wastes the Board’s resources and will not resolve the validity issues. PO nonetheless addresses Petitioner’s red herring arguments.

*First*, seeking to frame this case like *Apple*, IPR2025-00856, Petitioner claims that the “entire Orckit patent portfolio,” including the ‘859 Patent, was marketed to it years before the litigation. Opp. 3 (citing Ex.1011). This claim deserves no weight, as Petitioner denied any knowledge of the ‘859 Patent before the suit in the parallel DC proceeding. Ex.2063, 6-7. Regardless, Petitioner’s admission confirms PO’s settled expectations. As Petitioner admits, since 2021 more than half of Orckit’s portfolio has been litigated, mostly against Petitioner, including a patent sharing the ‘859 Patent’s inventor. DD, 9-10; Opp. 4. When those cases began, the ‘859 Patent was not expired. With Orckit’s portfolio routinely enforced against Petitioner, and Petitioner’s actual knowledge of the ‘859 Patent, Petitioner should have anticipated its assertion and could have filed an IPR years ago. Petitioner even filed an IPR on an Orckit patent (issued to the ‘859’s inventor) not asserted against it. Ex.2064, 78.

Petitioner’s delay in seeking IPR is not excused; a petitioner need not wait for a lawsuit. *iRhythm*, IPR2025-00363, P.10. Indeed, Petitioner’s “no reason to challenge” argument (Opp. 3) was rejected by the Director: “Petitioner’s argument that [PO] does not have settled expectations because [PO] did not previously assert the challenged patent against Petitioner does not defeat [PO]’s settled expectations.”

*Kahoot! AS*, IPR2025-00696, P.12. Moreover, Petitioner’s reliance on recent decisions is misplaced. Opp. 2-4. In *Apple*, the parties had discussions about the challenged patent, and patent owner waited years before asserting it. Here, there was no discussion between the parties, and Petitioner offers no evidence that Orkit directly communicated with or provided Ex.1011 to Petitioner. In *Google*, IPR2025-00806, P.13, and *Globus*, IPR2025-00226, P.8, the parallel proceeding was stayed. Here, there is no stay, and the trial date is two months before any FWD. The ‘859 Patent’s expired status is insufficient to outweigh PO’s strong settled expectations. *See MDT*, IPR2025-00537, P.15, 2 (granting discretionary denial despite patents expired when asserted); P.11, 18 (arguing patents expired when asserted).

**Second**, Petitioner cites no authority that the Examiner’s inability to locate a reference constitutes material error. Opp. 4-6. Faulting the Examiner for not locating Omichi (**a Japanese reference**) in 2005—when machine translations were not readily available—strains credulity. Petitioner’s claim that the Examiner did not perform a thorough search is baseless, as Petitioner concedes the Examiner conducted multiple prior art searches. Petitioner’s claim that Omichi “describes the exact same techniques claimed in the ’859 patent” is unfounded. *See DD*, 46-50.

**Third**, Petitioner raises the same “national security” claim rejected by the Director in *Cisco*, IPR2025-00836, P.11: “Petitioner [] does not explain in sufficient detail why review of the challenged patents is in the interest of national security.”

Date: October 1, 2025

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2025, I caused a true and correct copy of the foregoing Patent Owner's Reply in Support of Discretionary Denial to be served via electronic mail upon the following attorneys of record for the Petitioner:

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