

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.
Petitioner,

v.

QUICKER CONNECTIONS LLC,
Patent Owner

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

**PETITIONER'S SUR-REPLY OPPOSING PATENT OWNER'S
REQUEST FOR DISCRETIONARY DENIAL**

Patent Owner's reply does not change the fact that the '859 patent was not asserted until after expiration. And absent from Patent Owner's reply is any identification of the alleged contradictory, unsupported, or inconsistent-with-the-law statements that supposedly justified this bonus round of discretionary denial briefing. Instead, Patent Owner presents an unauthorized new argument for discretionary denial: that the assertion of unrelated patents in litigation means this proceeding "will not resolve the invalidity issues." Reply, 1. To the contrary, a decision holding the '859 patent claims unpatentable will simplify that proceeding, consistent with Congressional intent. *See* H.R. Rep. No. 112-98, at 39–40 (2011) (stating Congress's intent to create a "more efficient system for challenging patents that should not have issued" and thereby "reduc[e] unwarranted litigation costs.").

There was no reason for Cisco to file this IPR before it did. PO argues that Cisco should have filed "years ago"—either because it names a common inventor with a previously asserted patent, or because it was part of a 59-patent portfolio where only a handful of patents (*not* "more than half") have been asserted against Cisco. Ex.1011; Reply, 1. The first Orckit-portfolio assertion against Cisco appears to be a five-patent case filed in 2022. Ex.1022, 1, 34. Was Cisco supposed to immediately pursue IPRs on the other 54 patents in the Orckit portfolio? PO's suggestion that Cisco should have done so is both unreasonable and utterly contrary to the cost-reduction purpose of IPRs.

Patent Owner's accusation that Cisco filed a petition against a non-asserted patent is also incredible. Another acquirer of Orkit-portfolio patents sued Cisco on U.S. 7,596,088. Ex.1019, 1. The patent was later withdrawn, and then the whole litigation was dismissed *without prejudice to refiling*. Ex.1023, 1; Ex.1020, 1; Ex.1021, 1. Facing the one-year bar date (Sept. 26, 2024) and with the '088 patent dispute not definitively concluded, Cisco filed its IPR challenge. It is inconsistent with the record to argue that the '088 patent has not been asserted against Cisco.

Patent Owner further asserts discrepancies where there are none. Patent Owner cites to Cisco's denial of its request for admission in district court. That request for admission asked Cisco if it was "aware of the existence of U.S. Patent No. 7,061,859." Ex.2063, 6-7. Cisco replied that it had no "awareness" sufficient to be relevant to any issue in the case. *Id.* That answer is consistent with the marketing materials sent to Cisco in 2011 with most pages marked "FOR DISCUSSION PURPOSES ONLY." Ex.1011, *passim*.

Patent Owner's arguments regarding the Examiner's efforts miss the point. The meager amount of attention that was given to examination before issuance does not warrant immunity from IPR review. And having acquired the '859 patent just three years ago, PO has not accrued sufficient settled expectations to avoid IPR.

Petitioner's Sur-reply Opposing Patent Owner's Request for Discretionary Denial
IPR2025-01088 (U.S. Patent 7,061,859)

Respectfully submitted,

Date: October 3, 2025

/Theodore M. Foster/

HAYNES AND BOONE, LLP
2801 N. Harwood Street, Ste 2300
Dallas, Texas 75201
Customer No. 27683

Theodore M. Foster
Lead Counsel for Petitioner
Registration No. 57,456

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PETITIONER'S EXHIBIT LIST

Ex.1001	U.S. Patent No. 7,061,859
Ex.1002	Prosecution History of U.S. Patent No. 7,061,859.
Ex.1003	Declaration of Dr. Paul Min under 37 C.F.R. § 1.68.
Ex.1004	<i>Curriculum Vitae</i> of Dr. Min
Ex.1005	Japanese Patent Publication No. JP2001053772A to Omichi ("Omichi")
Ex.1006	The Authoritative Dictionary of IEEE Standards Terms: Seventh Edition (2000)
Ex.1007	U.S. Patent No. 7,500,016 to Kao ("Kao")
Ex.1008	U.S. Patent No. 5,515,376 to Murthy ("Murthy")
Ex.1009	U.S. Patent No. 5,768,526 to Fawcett ("Fawcett")
Ex.1010	Japanese Patent Publication No. JP2001053772A (Japanese original), obtained from https://worldwide.espacenet.com/patent/search/family/016857525/publication/JP2001053772A
Ex.1011	Orckit Patent Portfolio Marketing Material
Ex.1012	Complaint, <i>Quicker Connections LLC v. Cisco Systems, Inc.</i> , No. 2-24-cv-01074 (E.D. Tex. Dec. 24, 2024).
Ex.1013	Cisco Systems, Inc. Form 10-k
Ex.1014	Cisco Networking Academy Impact
Ex.1015	Cisco GEMMS Contract Details
Ex.1016	Public Sector Highlights – Cisco Blog
Ex.1017	IPR Economic Impact Study
Ex.1018	EDTX Docket Report – Oct 19, 2026

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Ex.1019 (New)	Complaint, <i>Portsmouth Network Corporation v. Cisco Systems, Inc.</i>, No. 2-23-cv-00441 (EDTX Sept. 23, 2024).
Ex.1020 (New)	Amended Complaint, <i>Portsmouth Network Corporation v. Cisco Systems, Inc.</i>, No. 2-23-cv-00441 (EDTX Dec. 22, 2024).
Ex.1021 (New)	Order, <i>Portsmouth Network Corporation v. Cisco Systems, Inc.</i>, No. 2-23-cv-00441, Dkt. 96 (EDTX Dec. 26, 2024)
Ex.1022 (New)	Complaint, <i>Corrigent Corporation v. Cisco Systems, Inc.</i>, No. 6:22-cv-396 (WDTX Aril 19, 2022).
Ex.1023 (New)	Notice of Mootness, <i>Portsmouth Network Corporation v. Cisco Systems, Inc.</i>, No. 2-23-cv-00441, Dkt. 42 (EDTX Dec. 22, 2024).

CERTIFICATE OF SERVICE

The undersigned certifies, under 37 C.F.R. § 42.6, that service was made on the Patent Owner as detailed below.

Date of service October 3, 2025

Manner of service Electronic Email: erobinson@brownrudnick.com; idibernardo@brownrudnick.com; hlaidlaw@brownrudnick.com; jpartridge@brownrudnick.com; jpiana@brownrudnick.com; hrafatijo@brownrudnick.com; pdunn@brownrudnick.com; and QC-Cisco@brownrudnick.com

Documents served **Petitioner's Sur-Reply Opposing Patent Owner's Request for Discretionary Denial; Exhibits Ex.1019-1023.**

Persons served Erick S. Robinson
Jayme Partridge
Jayne C. Piana
Patrick M. Dunn
BROWN RUDNICK LLP
609 Main Street, Suite 3550
Houston, TX 77002

Homayoon Rafatijo
BROWN RUDNICK LLP
1900 N Street NW
Washington, D.C. 20036

Ian G. DiBernardo
Harold S. Laidlaw (*Pro Hac Vice filed*)
BROWN RUDNICK LLP
Times Square Tower, 47th Fl.
7 Times Square
New York, NY 10036

/Theodore M. Foster/
Theodore M. Foster
Lead Counsel for Petitioner
Registration No. 57,456