

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.

QUICKER CONNECTIONS LLC,
Patent Owner.

IPR2025-01088
Patent 7,061,859 B2

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

DECISION
Denying Institution of *Inter Partes* Review

Quicker Connections LLC (“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.”). With authorization, Patent Owner filed a Reply (Paper 12, “DD Reply”) and Petitioner filed a Sur-reply (Paper 13, “DD Sur-reply”).

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 December 25, 2026. DD Req. 32. The district court’s scheduled trial date is October 19, 2026, and the time-to-trial statistics suggest trial will begin in November 2026. *Id.* at 32–33; Ex. 2032. As such, it is unlikely that a final written decision in this proceeding will issue before district court trial occurs, resulting in significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions. Additionally, the challenged patent has been in force for more than seventeen years, creating strong settled expectations for Patent Owner. DD Req. 4.

Petitioner contends that Patent Owner delayed in asserting the challenged patent, thereby creating settled expectations for Petitioner. DD Opp. 2–3 (citing *Apple Inc. v. Ferid Allani*, IPR2025-00856, Paper 11, 3 (Director Sept. 5, 2025)). In particular, Petitioner contends that the challenged patent was first marketed for sale in 2011 as part of a patent portfolio, but was not asserted until 2024. DD Opp. 3; Ex. 1011. Petitioner contends that it “did not expect enforcement” of the challenged patent

because Patent Owner previously asserted several other patents from the same patent portfolio against Petitioner in 2022, and Patent Owner did not assert the challenged patent against Petitioner until after the challenged patent expired. *Id.* at 3–4. The facts in this proceeding are distinguishable from those in *Apple*. Among other reasons, here, Patent Owner provides evidence that the challenged patent was marked and applied in the relevant technology space during the life of the patent. DD Req. 12–14; *see Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12, 2–3 (Director June 26, 2025).

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*, and no trial is instituted.

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