

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner

v.

DYNAMIC MESH NETWORKS, INC.
D/B/A MESHDYNAMICS,
Patent Owner

Inter Partes Review No. IPR2025-01303
U.S. Patent No. 11,368,537

PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW

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TABLE OF AUTHORITIES

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37 C.F.R. §1.321(a).....	3, 5
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37 C.F.R. §42.107(e).....	3, 4, 5, 6

I. INTRODUCTION

Pursuant to 37 C.F.R. §§ 42.71(d) and 42.75, Patent Owner Dynamic Mesh Networks, Inc. d/b/a MeshDynamics (“MeshDynamics” or “Patent Owner”) requests Director Review of the decision granting institution of this *inter partes* review (“IPR”) proceeding. *See* Paper 11.

On December 12, 2025, MeshDynamics filed a statutory disclaimer disclaiming the entire term of the challenged U.S. Patent No. 11,368,537 (“’537 Patent”). Ex. 2011. Thus, each claim of the ’537 Patent has been disclaimed.

On February 3, 2026, a Notice issued granting institution of this IPR. Paper 11, 2. 37 C.F.R. §42.107(e) provides that “[n]o *inter partes* review will be instituted based on disclaimed claims.” Because each claim of the challenged patent has been disclaimed in its entirety, no IPR may be instituted. *Id.* MeshDynamics therefore requests the Director reverse the Decision on Institution and deny institution of this IPR.

II. FACTUAL BACKGROUND

On Friday, December 12, 2025, MeshDynamics filed a statutory disclaimer at the USPTO under 37 C.F.R. §1.321(a) disclaiming the entire term of the challenged ’537 Patent. Ex. 2011. On Monday, December 15, 2025, MeshDynamics emailed the PTAB, alerting the PTAB to the disclaimer and requested leave to file the disclaimer as an exhibit in the record. The email stated “[a]s none of the claims of the ’537

patent remain in force, institution is prohibited under 37 C.F.R. § 42.107(e).” The email was unopposed by Petitioner.

The PTAB responded on December 15, granting leave to enter the disclaimer as an exhibit. Ex. 2011. The correspondence between MeshDynamics and the PTAB regarding the disclaimer was omitted from the record in this IPR.¹ Based on the disclaimer, the ’537 Patent has been dismissed with prejudice from all district court actions pending between the parties. *See* Plaintiff Cisco Systems, Inc.’s Stipulation of Voluntary Dismissal of Claims Relating to U.S. Pat. No. 11,368,537, *Cisco Systems, Inc. v. Dynamic Mesh Networks, Inc. d/b/a MeshDynamics et al.*, Case No. 5:25-cv-06441-NW, Dkt. No. 67 (NDCA, Dec. 17, 2025); Order, *Dynamic Mesh Networks, Inc. d/b/a MeshDynamics v. Cisco Systems, Inc.*, Case No. 2:25-cv-00781-JRG, Dkt. No. 47 (EDTX, Dec. 30, 2025).

Pursuant to the Board’s authorization, on December 16, 2025, MeshDynamics filed the disclaimer as Exhibit 2011. The disclaimer occurred after the deadlines for filing Patent Owner’s Discretionary Denial brief (October 22, 2025) and Preliminary

¹ MeshDynamics understand that the Board typically files correspondence with the parties as exhibits in the 3000 series. *See, e.g.*, Exhibit 3101 (correspondence authorizing Petitioner to file a *Sotera* stipulation.)

Response (November 24, 2025).² Thus, the disclaimer was not addressed in the preliminary briefing. Because the disclaimer was not part of the pre-institution briefing and because MeshDynamics' correspondence with the PTAB was not part of the record, it appears the Decision on Institution may have overlooked the disclaimer.

III. *INTER PARTES* REVIEW MAY NOT BE INSTITUTED BASED ON DISCLAIMED CLAIMS

The Director should reverse the Decision on Institution and decline to institute this IPR because every claim of the '537 Patent was disclaimed in its entirety prior to the Decision on Institution. Exhibit 2011.

Director Review is appropriate where there have been erroneous findings of material fact or erroneous conclusions of law.³ 37 C.F.R. §42.107(e) states “the patent owner may file a statutory disclaimer under 35 U.S.C. 253(a) in compliance with § 1.321(a) of this chapter, disclaiming one or more claims in the patent.” Section 107(e) further provides that “[n]o *inter partes* review will be instituted based on disclaimed claims.” *See also General Elec. Co. v. United Techs. Corp.*, IPR2017-00491, Paper 9, 2-3 (PTAB July 6, 2017) (precedential) (denying institution under 37 C.F.R. § 42.107(e) where Patent Owner had disclaimed all challenged claims).

² MeshDynamics did not file a Preliminary Response in this IPR.

³ *See* <https://www.uspto.gov/patents/ptab/decisions/director-review-process>, §2.B.

Here, the Institution Decision appears to be based on an incomplete understanding of the material facts, as the Director appears to have been unaware of the disclaimer before issuing the Decision on Institution. Ex. 2011. Because all challenged claims have been disclaimed, no *inter partes* review may be instituted. 37 C.F.R. §42.107(e). MeshDynamics respectfully requests the Director reverse the Institution Decision and deny institution of this IPR.

IV. CONCLUSION

For at least the foregoing reasons, the Director should reverse the institution of this IPR.

Dated: February 13, 2026

Respectfully submitted,

By: /s/ Elizabeth Bernard

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CERTIFICATE OF COMPLIANCE

This paper contains five pages, excluding table of contents, table of authorities, certificate of service, this certificate, or table of exhibits. This paper complies with the type-volume limitation of 15 pages as mandated in 37 C.F.R. § 42.24(a)(1)(v).

Dated: February 13, 2026

Respectfully Submitted,

By: /s/ Elizabeth Bernard
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Patent Owner Preliminary Response was served electronically via email on February 13, 2026, on the following counsel of record for Petitioner:

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