

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

VUSURA TECHNOLOGY LLC,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

NO. 2:25-CV-00871-JRG

**DEFENDANT CISCO SYSTEMS, INC.'S
INVALIDITY CONTENTIONS**

Pursuant to Local Patent Rules 3-3 and 3-4, Defendant Cisco Systems, Inc. (“Defendant” or “Cisco”) hereby provides these P.R. 3-3 Invalidity Contentions (“Invalidity Contentions”) to Plaintiff Vusura Technology LLC (“Plaintiff” or “Vusura”) regarding 7,418,092 (the “’092 Patent”); 10,198,741 (the “’741 Patent”); and 11,227,303 (the “’303 Patent”) (collectively, the “Patents-in-Suit” or “Asserted Patents”).

I. INTRODUCTORY STATEMENT

These Invalidity Contentions are directed to the asserted claims of the Asserted Patents (“Asserted Claims”), which are identified by Vusura in its November 10, 2025 Infringement Contentions (“Infringement Contentions”):

Patent	Asserted Claims
’092 Patent	1–15 (the “’092 Asserted Claims”)
’741 Patent	1, 4–8, 11–14, 17–21, 23 (the “’741 Asserted Claims”)
’303 Patent	1, 4–6, 8–11, 13–14, 17–19, 21–24 (the “’303 Asserted Claims”)

These contentions are presented in good faith by Cisco despite the deficiencies of Plaintiff’s

Infringement Contentions and are based on Cisco’s current knowledge and understanding of the

Asserted Patents and the prior art, along with Cisco's understanding of Plaintiff's infringement allegations and apparent claim interpretations based on those allegations, as set forth in Plaintiff's Infringement Contentions. Cisco expressly reserves the right to amend or supplement these contentions based on further investigation, discovery, evaluation of the scope and content of the prior art, admissions, the Court's claim construction, and any other reasonable basis, including in response to Vusura's amendments to its Infringement Contentions and clarification (if any) as to what it contends infringes the Asserted Patents.

Based on Cisco's investigation to date, Cisco hereby: (a) identifies each item of prior art that allegedly anticipates each Asserted Claim of the Asserted Patents or renders it obvious when considered alone or in combination with other prior art; (b) specifies whether each such item of prior art or combination of prior art anticipates or renders obvious one or more of the Asserted Claims of the Asserted Patents; (c) provides a chart identifying where specifically each item of prior art element of each Asserted Claim of the Asserted Patents is found when considered alone or in combination with other prior art (*see* Appendices 1-A – 3-F); and (d) identifies additional grounds of invalidity of the Asserted Claims under 35 U.S.C. § 112. P.R. 3-3(a)-(d). Cisco produces herewith a copy of each item of prior art identified in these Invalidity Contentions which does not appear in the file history of the Asserted Patents, reserving all rights as to prior art which may be uncovered through subsequent case discovery.

Cisco's Subject-Matter Eligibility Contentions for the Asserted Claims of the Asserted Patents are also submitted concurrently with these Invalidity Contentions.

II. RESERVATIONS

A. General Reservation of Rights

Cisco makes this disclosure based on their present understanding of the Asserted Patents and the prior art, and in view of Plaintiff's apparent construction and application of claims. Cisco's

investigation regarding the Asserted Patents and potential grounds for invalidity is ongoing, and Cisco reserves the right to supplement these Invalidity Contentions with prior art not included in these disclosures that may become relevant to invalidity as: (i) discovery progresses; (ii) additional research is conducted; (iii) claim construction positions are set forth or orders issued; (iv) changes, amendments, or clarifications to Plaintiff's infringement contentions are made; and/or (v) prior art is discovered. Cisco further reserves the right to supplement and/or modify these Invalidity Contentions to assert additional defenses under 35 U.S.C. §§ 101, 102, 103, and/or 112, including in response to Plaintiff's infringement theories, Plaintiff's contentions, or any findings as to the priority date or invention date of the Asserted Claims, claim construction positions taken or orders issued, fact discovery, expert discovery, or otherwise pursuant to the Federal Rules of Civil Procedure, Local Rules, Patent Rules, and/or court orders.

These Invalidity Contentions are based on information reasonably known and available to Cisco at this time. Cisco has not completed their investigation of the facts and documents relating to this action and has not completed their preparation for trial. Because Cisco's investigation, prior art search, and analysis are still ongoing, Cisco may identify additional prior art or contentions that will add meaning to already known prior art or contentions, or possibly lead to additions or changes to these contentions. Cisco reserves their rights to amend, modify, or supplement the contentions stated herein.

To the extent that these Invalidity Contentions rely on or otherwise suggest particular constructions of terms or phrases in the Asserted Claims, Cisco is not proposing such constructions as proper constructions for those terms and phrases. Nor does Cisco acquiesce to any such constructions. The Court has not yet issued a claim construction order. Accordingly, for purposes of these invalidity contentions, Cisco may set forth alternative, and even inconsistent, claim

construction positions or interpretations. Certain contentions, including those in the attached charts, may be used on claim constructions that appear to underlie Plaintiff's Infringement Contentions, the allegations made in Plaintiff's Complaint (Dkt. 1), or statements made by Plaintiff, which Cisco does not concede are correct constructions or interpretations.

Cisco does not concede that Plaintiff's apparent constructions or interpretations are proper and may contest any such constructions or interpretations at a future date. Moreover, Cisco does not admit that any accused product or service, or that any of Cisco's other products or services, infringes any of the Asserted Claims of the Asserted Patents. In fact, Cisco denies that each of the accused products and services, or other of Cisco's products and services, infringe any Asserted Claim of the Asserted Patents.

Nothing in these Invalidity Contentions should be interpreted as an admission that any Asserted Claim of the Asserted Patents satisfies the written description, enablement, or definiteness requirements, pursuant to 35 U.S.C. § 112. Similarly, nothing in these Invalidity Contentions concerning the failure of any Asserted Claim to satisfy 35 U.S.C. § 112 should be interpreted as an admission that any element in the prior art fails to disclose any element in the claimed inventions of the Asserted Claims of the Asserted Patents.

Each of the Asserted Claims of the Asserted Patents is invalid at least under 35 U.S.C. §§ 101, 102, 103, and/or 112. Cisco's claim charts cite to exemplary teachings and disclosures of the prior art as applied to features of the Asserted Claims of the Asserted Patents. However, persons having ordinary skill in the art ("POSITA") may view an item of prior art generally in the context of their experience, training, other publications, literature, products, and understanding. Accordingly, Cisco reserves the right to rely on portions of the prior art references that are not cited and on other publications and expert testimony as aids in understanding and interpreting the

cited portions, as providing context thereto, and as additional evidence that a claim limitation is known or disclosed. Cisco further reserves the right to rely on portions of the prior art references that are not cited, other publications, and testimony to establish bases for combinations of certain cited references that render the Asserted Claims of the Asserted Patents obvious.

The references discussed in the claim charts, or elsewhere identified, may disclose the limitations of the Asserted Claims of the Asserted Patents explicitly and/or inherently. The prior art references may also be relied upon to show the state of the art in the relevant time frame. The exemplary obviousness combinations are not to be construed to suggest that any reference is not itself anticipatory.

Further, Cisco may rely on inventor admissions concerning the scope of the prior art relevant to the Asserted Patents found in *inter alia*, the prosecution history corresponding to the Asserted Patents and any patents or patent applications related to the Asserted Patents; any deposition testimony of any named inventor on the Asserted Patents and any patents or patent applications related to the Asserted Patents in this action or any other action; and the papers filed and any evidence submitted by Plaintiff in connection with this action or any other actions.

Cisco reserves the right to further allege that the Asserted Claims of the Asserted Patents are invalid or unenforceable because the named inventors did not invent the claimed subject matter, Plaintiff and/or its representative(s) or predecessor(s) in interest in the Asserted Patents failed to identify the correct inventors of the claimed subject matter, and/or Plaintiff and/or its representative(s) or predecessor(s) in interest in the Asserted Patents committed inequitable conduct on the United States Patent and Trademark Office during prosecution of the Asserted Patents. Discovery is ongoing and, in the event that Cisco obtains evidence in support of such claims, it will provide the factual bases for such allegations within a reasonable time after

discovery.

During prosecution of the Asserted Patents and related patents, Plaintiff and/or its representative(s) or predecessor(s) in interest in the Asserted Patents made numerous admissions concerning prior art in the specification and/or the prosecution history, including admissions that certain claim elements of the Asserted Claims of the Asserted Patents were present in the prior art. Plaintiff is thus estopped from taking positions inconsistent with these admissions in the prosecution history of the Asserted Patents and related patents. Cisco reserves the right to assert that Plaintiff should be estopped from arguing that prior art does not disclose the claim elements that Plaintiff has already admitted are disclosed in the prior art should Plaintiff assert otherwise.

Cisco incorporates by reference, in full, all prior art references and related patents (e.g., any patent that issued from any parent or ancestral application related in any way to a given patent, and any continuing application, continuation-in-part application, divisional application, file-wrapper continuation, reexamination proceeding, reissue application, abandoned application or foreign counterpart application of any of the foregoing) cited in the Asserted Patents, its prosecution history, and all references cited therein.

Further, Plaintiff has not yet disclosed or provided any discovery on products embodying the Asserted Patents that may have been previously used, publicly disclosed, published, offered for sale, or sold by Plaintiff and/or its representative(s) or predecessor(s) in interest in the Asserted Patents prior to the alleged invention of the Asserted Patents. Cisco reserves the right to supplement or amend these contentions based on future discovery related to Plaintiff and/or its representative(s) or predecessor(s) products embodying the prior art.

B. Vusura's Infringement Contentions

Vusura's P.R. 3-1 and 3-2 disclosures are deficient in numerous respects and fail to describe the accused functionality and Plaintiff's interpretation of claim language in a manner that

would allow Cisco to fully respond. Vusura has not defined the Accused Instrumentalities in compliance with Patent Local Rule 3-1(b), which requires that the identification “be as specific as possible” and that “(e)ach apparatus shall be identified by name or model number, if known.” P.R. 3-1(b). In particular, the Infringement Contentions “must set forth particular theories of infringement with sufficient specificity to provide defendants with notice of infringement beyond that which is provided by the mere language of the patent [claims] themselves.” *Zix Corp. v. Echoworx Corp.*, 2:15-CV-1272-JRG, 2016 WL 3410367, at *1 (E.D. Tex. May 13, 2016) (internal quotations omitted).

Additionally, Vusura has presented no substantive contentions of any alleged infringement under the doctrine of equivalents in its infringement contentions. As a result, Vusura has waived any doctrine of equivalents infringement theory. If Vusura is permitted to provide this and other information relating to alleged infringement under the doctrine of equivalents, Cisco may amend and supplement these Invalidity Contentions as appropriate, including specifically to demonstrate that any potential expansion under the doctrine of equivalents would ensnare the prior art.

Vusura’s deficient contentions have severely prejudiced Cisco’s ability to prepare its invalidity contentions and continues to prejudice Cisco’s ability to participate in meaningful claim construction proceedings. To the extent that Vusura attempts to cure such deficiencies, Cisco specifically reserves the right to object to such attempts to cure, as well as to modify, amend, or supplement its Invalidity Contentions.

Based on Vusura’s November 10, 2025 Infringement Contentions, Cisco understands that Vusura is asserting March 8, 2004 as the priority date for the ’092 Patent, April 6, 2009 as the priority date for the ’741 Patent, and April 6, 2009 as the priority date for the ’303 Patent. Cisco does not concede that Vusura’s claimed priority dates are correct. Cisco expressly contends that,

at a minimum, the '741 Patent is not entitled to rely on the filing date of its provisional application as it does not provide written description support for the asserted claims. Vusura bears the burden of establishing the priority date of each Asserted Claim.

C. The Intrinsic Record

Cisco further reserves the right to rely on applicable industry standards and prior art cited in the file histories of the Asserted Patents and any related U.S. and foreign patent applications as invalidating references or to show the state of the art. Cisco further reserves the right to rely on the patent applicants' admissions concerning the scope of the prior art relevant to the Asserted Patents found in, *inter alia*: the patent prosecution history for the Asserted Patents and any related patents and/or patent applications or reexaminations (or *inter partes* review proceedings); any deposition testimony of the named inventors on the Asserted Patents; and the papers filed and any evidence submitted by Vusura in connection with this or any other litigation.

D. Rebuttal Evidence

Prior art not included in these Invalidity Contentions, whether known or not known to Cisco, may become relevant. In particular, Cisco is currently unaware of the extent, if any, to which Vusura will contend that limitations of the Asserted Claims of the Asserted Patents are not disclosed in the prior art identified herein. To the extent that such an issue arises, Cisco reserves the right to identify other references that would disclose or render obvious the allegedly missing limitation(s), or otherwise rebut Vusura's argument.

Discovery is ongoing, and Cisco anticipates that additional prior art may be found through additional investigation or discovery. Thus, Cisco reserves the right to revise, amend, and/or supplement the information provided herein, including identifying, charting, and relying on additional references, should such art be found.

Additionally, as third-party discovery may occur, Cisco reserves the right to present

additional items of prior art under 35 U.S.C. §§ 102(a), (b), (e), and/or (g), and/or § 103 located or produced during discovery or further investigation, and to assert contentions of invalidity under 35 U.S.C. §§ 102(c), (d), or (f). For example, Cisco may issue subpoenas to third parties believed to have knowledge, documentation and/or corroborating evidence concerning the validity of the asserted claims. In addition to the prior art identified below and the accompanying invalidity claim charts, Cisco also incorporates by reference any additional invalidity contentions, identified prior art, or invalidity claim charts disclosed at any time by any party to any other litigation or U.S. Patent and Trademark Office proceeding involving the Asserted Patents.

E. Incorrect Inventorship

Cisco has not yet taken depositions of the named inventors and reserves the right to assert that the Asserted Claims of the Asserted Patents are invalid under 35 U.S.C. § 115(a) in the event Cisco obtains evidence that any of the inventors named on the Asserted Patents or related patents, did not themselves “invent” the subject matter claimed. Should Cisco obtain additional evidence, it will provide the name(s) of the person(s) from whom and the circumstances under which the claimed subject matter or any part of it was derived.

III. PATENT RULE 3-3 INVALIDITY CONTENTIONS

As discussed in greater detail below and in the accompanying claim charts, each of the Asserted Claims is invalid because it is anticipated and/or rendered obvious under 35 U.S.C. §§ 102 and 103, because it fails to satisfy the written description or enablement requirements under 35 U.S.C. § 112 ¶ 1, because it is indefinite under 35 U.S.C. § 112 ¶ 2, and/or because it does not claim patent-eligible subject matter under 35 U.S.C. § 101. For example, each of the Asserted Claims is anticipated by and/or obvious in view of one or more items of prior art identified in these contentions, alone and in combination. The prior art identified in these contentions discloses the elements of the Asserted Claims either explicitly or inherently, and Cisco also may rely upon that

art to show the state of the art in the relevant timeframe. In addition to the prior art identified in these contentions, Cisco plans to rely on the “Background of the Invention” and other relevant portions of the Asserted Patents and related patents, the prosecution history of the Asserted Patents and related patents (including all cited references), and fact and expert testimony about the prior art to prove that the Asserted Claims are invalid. Cisco also may rely upon other material to show the state of the art in the relevant timeframe.

Cisco bases these contentions on the understanding of a person of ordinary skill in the art at the time of the claimed priority date and on Vusura’s apparent view as to the scope of the Asserted Claims as reflected in its November 10, 2025 Infringement Contentions, to the extent that view can be inferred from Vusura’s Infringement Contentions, which suffer serious deficiencies, as Cisco has detailed herein.

Cisco not only relies upon the prior art disclosed herein, but also relies on any commercial embodiments and accompanying literature of the various assignees that correspond to the respective disclosures found within the prior art disclosed herein. The assignees’ various and respective commercial embodiments and/or corresponding literature anticipate and/or render obvious the claims of the Asserted Patents for at least the reasons disclosed in these Invalidity Contentions and claim charts, as well as for other independent reasons found within the commercial embodiments and corresponding literature. Cisco also reserves the right to rely on related patents, published applications, foreign patents or publications, and other patent documents as necessary to establish prior art status or clarify the disclosures cited. Cisco further reserves the right to rely on the earliest publication or priority dates to which each of the prior art references are entitled, including dates on which a claim of priority may be based for patent references that are any of a divisional, continuation, or continuation-in-part of an earlier filed patent application.

A. Identification of Prior Art

Pursuant to P.R. 3-3(a), Cisco identifies the following prior art references that anticipate under 35 U.S.C. § 102 and/or render obvious under 35 U.S.C. § 103 the Asserted Claims. The numbers, countries of origin, dates of issue, titles, dates of publication, authors, and publishers of these prior art references are based upon the best information that Cisco currently has and upon Cisco's good faith belief.

Cisco incorporates by reference the attached claim charts, all prior art references cited in the attached claim charts, and all prior art references cited on the face of the Asserted Patents and/or related patents and/or applications. Cisco reserves the right to prove the invalidity of the Asserted Claims on bases other than those required to be disclosed in these contentions. Cisco further intends to rely on admissions of the named inventor, Vusura, and Vusura's expert witnesses concerning the prior art, including statements found in the Asserted Patents, prosecution histories of the Asserted Patents, related patents and/or patent applications, any deposition testimony, and the papers filed and any evidence submitted by Vusura in connection with this litigation. Cisco may rely on testimony from the authors or named inventor listed on the identified prior art references as well as from individuals involved in the planning, development, and marketing and sale of the identified prior art systems. Cisco further may rely on arguments, disclosures and evidence set forth in any petitions for *inter partes* review of the Asserted Patents before the U.S. Patent Trial and Appeals Board, including statements made by Vusura about the meaning and import of the disclosures contained in the Asserted Patents.

Cisco reserves the right to revise its claim charts to rely on any of these references to prove the invalidity of the claims of the Asserted Patents in a manner consistent with the Federal Rules of Civil Procedure, the Court's Local Rules, and this Court's Orders. References for which Appendix Numbers do not appear are additional prior art references that are either included as

secondary references in charts contained in the Appendices, or are otherwise pertinent to the invalidity of the Asserted Patents, either alone or in combination with other references, or to show the state of the art. At this time, Cisco is not providing claim charts for each of these additional references, either because they are cited in conjunction with primary references for which charts have already been provided and are cited therein, and/or because these references have similar disclosures to the prior art references for which invalidity charts have been provided and/or may be used to show the state of the art.

1. Standards Background – Separation of Call Signaling and Voice Media

Long before the asserted priority dates, telecommunications standards defined and required a clear separation between call signaling (control) and voice or media transport (bearer). This separation was fundamental to both circuit-switched and packet-switched telephony systems and was widely implemented in public switched telephone networks (PSTN), enterprise telephony, and Voice over IP (VoIP) systems.

a. Session Initiation Protocol (SIP)

The Session Initiation Protocol (SIP), standardized in RFC 3261 (June 2002) by the Internet Engineering Task Force (IETF), defines an application-layer protocol used exclusively for establishing, modifying, and terminating communication sessions. SIP signaling messages (e.g., INVITE, ACK, BYE) are used to negotiate session parameters and manage call state, but do not carry voice or media content.

Instead, SIP signaling operates independently of the media stream. Session parameters describing the media—such as codecs, ports, and addresses—are exchanged during call setup, after which the media flows separately from the signaling channel. RFC 3261 expressly contemplates that media transport occurs outside of SIP signaling and may be carried by other

protocols.

b. Real-time Transport Protocol (RTP)

The Real-time Transport Protocol (RTP), standardized in RFC 3550 (July 2003), defines a protocol for the end-to-end transport of real-time data such as audio and video. RTP is designed solely to carry media streams and does not perform call control, routing decisions, or session management.

In SIP-based systems, RTP operates as the voice (bearer) channel, while SIP operates as the signaling channel. The two protocols are intentionally distinct, serving different functions within a communication system.

c. Session Description Protocol (SDP)

The Session Description Protocol (SDP), standardized in RFC 2327 (1998) and later updated in RFC 4566 (2006), further reinforces this separation by defining a mechanism for describing media sessions during call setup. SDP conveys information about the media to be exchanged but does not transport the media itself. SDP descriptions are carried within signaling messages, while the actual voice data flows separately using RTP.

d. Industry-Wide Adoption

By the early 2000s, the separation of signaling and voice media was ubiquitous and mandatory in SIP-based and VoIP systems. This architectural separation was not an optional design choice but a core requirement imposed by the standards themselves. Enterprise contact center platforms, including systems deployed by major vendors, implemented these standards as a matter of course.

Key standards that were well known to persons of ordinary skill in the art prior to the earliest priority date of any of the asserted patents that would have been part of any of the prior art

disclosed below and/or obvious to have used in conjunction with it, include:

- RFC 3261 — Session Initiation Protocol (SIP) (IETF, June 2002)
- RFC 3550 — RTP: A Transport Protocol for Real-Time Applications (IETF, July 2003)
- RFC 2327 / RFC 4566 — Session Description Protocol (SDP) (IETF, 1998 / 2006)

As a result, any system compliant with SIP/RTP standards necessarily implemented:

- a signaling channel used for call notification, routing, and control; and
- a separate voice (media) channel used to carry the audio stream after call setup.

This standards-mandated architecture predated the asserted claims and formed the baseline upon which contact center and call-routing systems were built.

2. Prior Art Patents and Applications - '092 Patent

Patent / Publication No.	Inventor(s)	Filing Date	Issue/Publication Date
US 5,073,890 (“Danielsen”)	Peter J. Danielsen	December 30, 1988	December 17, 1991
US 2004/0047302 (“Dezonno”)	Anthony Dezonno, Robert Eitel	September 5, 2002	March 11, 2004
US 6,697,858 (“Ezerzer”)	Ran Ezerzer, Roberto Armando Portillo Jarquin, Ali Aljane, Eli Ben Borodow, Gerald Augustin Holly, Jr., Edwin Kenneth Margulies	August 14, 2000	February 24, 2004
US 2002/0076031 (“Falcon”)	Roland Falcon, Richard Cherry	November 20, 2001	June 20, 2002
US 5,923,745 (“Hurd”)	Michael D. Hurd	February 28, 1997	July 13, 1999
US 5,999,965 (“Kelly”)	Keith C. Kelly	August 19, 1997	December 7, 1999
US 5,742,675 (“Kilander”)	Sven G.J. Kilander, Christopher G. Sheahan	September 26, 1995	April 21, 1998

Patent / Publication No.	Inventor(s)	Filing Date	Issue/Publication Date
US 7,016,343 (“Mermel”)	Adam Mermel, David McDonell	December 28, 2001	March 21, 2006
US 6,359,981 (“Neyman”)	Igor Neyman, Myhailo Barskyy, Alec Miloslavsky, Oleg Bondarenko, Valeriy Issayev, Andrei Petrov, Pavel Karpenko	October 14, 1997	March 19, 2002
US 2003/0009530 (“Philonenko”)	Laurent Philonenko, Yevgeniy Petrovykh, Oleg Bondarenko	September 3, 2002	January 9, 2003
US 2005/0047579 (“Salame”)	Mansour Salame	August 27, 2004	March 3, 2005

3. Prior Art Patents and Applications - '741 Patent

Patent / Publication No.	Inventor(s)	Filing Date	Issue/Publication Date
US 2008/0120176 (“Batni”)	Ramachendra P. Batni, Robert Brunetti, Sanjoy Paul, Michael J. Rudolph	November 20, 2006	May 22, 2008
US 7,418,092 (“Brown”)	Wendell D. Brown	March 8, 2004	August 26, 2008
US 2009/0109957 (“Caradec”)	Jean-Philippe Caradec, Adam Franks	July 12, 2005	April 30, 2009
US 5,073,890 (“Danielsen”)	Peter J. Danielsen	December 30, 1988	December 17, 1991
US 2004/0047302 (“Dezonno”)	Anthony Dezonno, Robert T. Eitel	September 5, 2002	March 11, 2004
US 6,697,858 (“Ezerzer”)	Ran Ezerzer, Roberto Armando Portillo Jarquin, Ali Aljane, Eli Ben Borodow, Gerald Augustin Holly, Jr., Edwin Kenneth Margulies	August 14, 2000	February 24, 2004
US 2002/0076031 (“Falcon”)	Roland Falcon, Richard Cherry	November 20, 2001	June 20, 2002
US 6,731,609 (“Hirni”)	James Hirni, Michael Ely, Bruce Cottle, Christopher Gindel, Robert D’Angelo	August 31, 1999	May 4, 2004

Patent / Publication No.	Inventor(s)	Filing Date	Issue/Publication Date
US 5,923,745 (“Hurd”)	Michael D. Hurd	February 28, 1997	July 13, 1999
US 5,999,965 (“Kelly”)	Keith C. Kelly	August 19, 1997	December 7, 1999
US 2008/0152097 (“Kent”)	Carl Earnest Kent	December 21, 2007	June 26, 2008
US 5,742,675 (“Kilander”)	Sven G.J. Kilander, Christopher G. Sheahan	September 26, 1995	April 21, 1998
US 2007/0058637 (“Lo”)	Tun Han Felix Lo	September 14, 2005	March 15, 2007
US 6,628,763 (“Mani”)	Babu V. Mani	May 31, 2001	September 30, 2003
US 7,016,343 (“Mermel”)	Adam Mermel, David McDonell	December 28, 2001	March 21, 2006
US 8,611,334 (“Naqvi”)	Shamim A. Naqvi	March 18, 2008	December 17, 2013
US 6,359,981 (“Neyman”)	Igor Neyman, Myhailo Barsky, Alec Miloslavsky, Oleg Bondarenko, Valeriy Issayev, Andrei Petrov, Pavel Karpenko	October 14, 1997	March 19, 2002
US 2003/0009530 (“Philonenko”)	Laurent Philonenko, Yevgeniy Petrovykh, Oleg Bondarenko	September 3, 2002	January 9, 2003
US 2005/0047579 (“Salame”)	Mansour Salame	August 27, 2004	March 3, 2005
US 2004/0062382 (“Sylvain”)	Dany Sylvain	October 1, 2002	April 1, 2004
US 7,184,529 (“Taylor ’529”)	William Scott Taylor, David E. Massengill	September 24, 2002	February 27, 2007
US 7,136,470 (“Taylor ’470”)	William Scott Taylor, David E. Massengill	September 24, 2002	November 14, 2006
US 2007/0160185 (“Taylor ’185”)	William Scott Taylor, David E. Massengill	February 27, 2007	July 12, 2007

4. **Prior Art Patents and Applications – '303**

Patent / Publication No.	Inventor(s)	Filing Date	Issue/Publication Date
US 5,912,952 ("Brendzel")	Henry Tzvi Brendzel	June 27, 1996	June 15, 1999
US 6,856,673 ("Banks")	Diane Banks, Charles Douglas Blewett, Donnie Henderson, David Millen	March 13, 2002	February 15, 2005
US 2009/0110162 ("Chatterjee")	Koushik Chatterjee	October 25, 2007	April 30, 2009
WO 2006/130783 ("Jiang")	Yue Jun Jiang	May 31, 2006	December 7, 2006
US 2007/0116227 ("Vitenson")	Mikhael Vitenson, Blair Wallace	October 11, 2005	May 24, 2007

5. **Prior Art Publications - '092 Patent**

Publication Title	Date of Publication	Author / Publisher
ITU-T Q.931 – ISDN User-Network Interface Layer 3 Specification	May 1998	ITU
ITU-T Q.932 – ISDN Generic Functional Protocol	May 1998	ITU
RFC 2327 — SDP	1998	The Internet Society
RFC 3261 — SIP: Session Initiation Protocol	2002	The Internet Society
RFC 3550 — RTP	2003	The Internet Society
Cisco – Recommended ICM Configuration Order	Dec. 20, 2002	Cisco
Cisco and Continental Airline Case Study	2002	Cisco
Cisco ICM Enterprise Edition Administration Guide	May 2004	Cisco
Cisco ICM Web Option Overview	2000	Cisco
Cisco IP Contact Center Brochure	2002	Cisco
Cisco IP Contact Center Enterprise Edition	2003	Cisco

Publication Title	Date of Publication	Author / Publisher
Cisco ICM Software: IP Contact Center Administrator Guide	2003	Cisco
Cisco ICM Software IP Contact Center Installation and Configuration Guide	2003	Cisco
Cisco ICM Product - Cisco ICM Software for the Enterprise Contact Center	2000	Cisco
IP Contact Center White Paper	2001	Cisco
Siebel Call Center User Guide	2003	Siebel

6. Prior Art Publications - '741 & '303 Patents

Publication Title	Date of Publication	Author / Publisher
CIC EnterpriseIP	2007	ININ
ITU-T Q.931 – ISDN User-Network Interface Layer 3 Specification	May 1998	ITU
ITU-T Q.932 – ISDN Generic Functional Protocol	May 1998	ITU
RFC 2327 — SDP	1998	The Internet Society
RFC 3261 — SIP: Session Initiation Protocol	2002	The Internet Society
RFC 3550 — RTP	2003	The Internet Society
Cisco – Recommended ICM Configuration Order	Dec. 20, 2002	Cisco
Cisco and Continental Airline Case Study	2002	Cisco
Cisco ICM Enterprise Edition Administration Guide	May 2004	Cisco
Cisco ICM Web Option Overview	2000	Cisco
Cisco IP Contact Center Brochure	2002	Cisco
Cisco IP Contact Center Enterprise Edition	2003	Cisco

Publication Title	Date of Publication	Author / Publisher
Cisco ICM Software: IP Contact Center Administrator Guide	2003	Cisco
Cisco ICM Software IP Contact Center Installation and Configuration Guide	2003	Cisco
Cisco ICM Product - Cisco ICM Software for the Enterprise Contact Center	2000	Cisco
IP Contact Center White Paper	2001	Cisco
Cisco Unified Border Element for Contact Center Solutions	2010	Cisco
Cisco Unified Communications Manager XML Developers Guide	2009	Cisco
Cisco Unified Communications SRND	2008	Cisco
ICM Administration Guide for Cisco Unified	2008	Cisco
ICM Scripting and Media Routing Guide	2009	Cisco
Siebel 7.8 with IBM DB2 UDB V8.2 Handbook	2005	Siebel
Siebel Business Process Framework Workflow Guide	2008	Siebel/Oracle
Siebel Call Center – An Overview	2009	Siebel/Oracle
Siebel Call Center User Guide	2003	Siebel
Siebel CRM Call Center on Demand Integration Pack Installation Guide	2006	Siebel/Oracle
Siebel eCommunications Guide	2003	Siebel
Siebel Order Management – An Overview	2009	Siebel/Oracle

Publication Title	Date of Publication	Author / Publisher
Siebel Order Management Guide	2009	Siebel/Oracle

7. **Prior Art Systems - '092 Patent**

System Title	Release Date No Later Than	Author / Publisher
Alcatel OmniTouch Contact Center	2001	Alcatel
Aspect ACD / Aspect CallCenter	2000	Aspect
Aspect eWorkforce Management	2000	Aspect
Aspect Multimedia / Email / Chat	2001-2003	Aspect
Aspect Predictive Dialer	2000	Aspect
Aspect Unified IP	2002	Aspect
Avaya Application Enablement Services (AES)	2004	Avaya
Avaya Call Center Elite	2000	Avaya
Avaya CMS (Call Management System)	1999	Avaya
Avaya Communications Manager (including Avaya Definity / MultiVantage with ACD and vectoring)	2002	Avaya
Avaya Interaction Center	2001	Avaya
Avaya IP Contact Center / Avaya IP Agent	2004	Avaya
Avaya SIP Enablement Services	2005	Avaya
Cisco Call Manager	1997	Cisco
Cisco CTI OS / Cisco Agent Desktop	2001	Cisco
Cisco Customer Voice Portal (CVP)	2004	Cisco
Cisco ICM (including Cisco ICM Enterprise / Hosted Editions)	1999	Cisco
Cisco IP Contact Center (IPCC) Enterprise	2001	Cisco
Cisco IP Contact Center (IPCC) Express	2004	Cisco
Cisco IP IVR	2002	Cisco
Cisco Unified Communications Manager	2006	Cisco
Cisco Unified Contact Center Enterprise (UCCE)	2004	Cisco

System Title	Release Date No Later Than	Author / Publisher
Customer Interaction Center (CIC)	1998	Interactive Intelligence
Genesys CIM Platform (multichannel)	2004	Genesys
Genesys Routing Server / Universal Routing Server	1999	Genesys
Genesys T-Server / Genesys Framework	1995	Genesys
Genesys Voice Platform (GVP)	2002	Genesys
GeoTel Intelligent Call Manager	1997	GeoTel
ININ Multimedia Interaction Handling (email/chat)	2000	Interactive Intelligence
ININ SIP-based Contact Center Architecture	2001	Interactive Intelligence
Lucent / Avaya DEFINITY ACD with CTI Integration	1996	Lucent Technologies
Microsoft TAPI-based Call Center Systems (TAPI 1.x / 2.x with CTI screen-pop)	1996	Microsoft Corp.
Nortel Contact Center	2001	Nortel
Nortel Meridian / CS 1000 (IP Evolution)	2000	Nortel
Nortel Multimedia Contact Center	2002	Nortel
Nortel Symposium Call Center	1999	Nortel
Siebel Call Center	1998	Siebel
Siebel CTI	1999	Siebel
Siebel Email Response / Multimedia Contact Center	2001	Siebel
Siemens HiPath 3000/4000 (IP Evolution)	2001	Siemens
SS7 / Intelligent Network (AIN) Call Routing System	1995	AT&T, Bellcore/Telcordia

8. **Prior Art Systems - '741 Patent and 303 Patents**

System Title	Release Date No Later Than	Author / Publisher
Alcatel OmniTouch Contact Center	2001	Alcatel
Aspect ACD / Aspect CallCenter	2000	Aspect Software

System Title	Release Date No Later Than	Author / Publisher
Aspect eWorkforce Management	2000	Aspect Software
Aspect Multimedia / Email / Chat	2001-2003	Aspect Software
Aspect Predictive Dialer	2000	Aspect Software
Aspect Unified IP	2002	Aspect Software
Aspect Unified IP / Aspect Workforce Optimization Platforms	2006	Aspect Software
Avaya Application Enablement Services (AES)	2004	Avaya
Avaya Aura / Avaya Communication Manager with ACD & Vectoring	2006	Avaya
Avaya Call Center Elite	2000	Avaya
Avaya CMS (Call Management System)	1999	Avaya
Avaya Communications Manager (including Avaya Definity / MultiVantage with ACD and vectoring)	2002	Avaya
Avaya Interaction Center	2001	Avaya
Avaya IP Contact Center / Avaya IP Agent	2004	Avaya
Avaya SIP Enablement Services	2005	Avaya
Cisco Call Manager	1997	Cisco
Cisco CTI OS / Cisco Agent Desktop	2001	Cisco
Cisco Customer Voice Portal (CVP)	2004	Cisco
Cisco ICM (including Cisco ICM Enterprise / Hosted Editions)	1999	Cisco
Cisco IP Contact Center (IPCC) Enterprise	2001	Cisco
Cisco IP Contact Center (IPCC) Express	2004	Cisco
Cisco IP IVR	2002	Cisco
Cisco Unifed Communications Manager (CUCM) with Contact Center Integration	2006	Cisco

System Title	Release Date No Later Than	Author / Publisher
Cisco Unified Communications Manager	2006	Cisco
Cisco Unified Contact Center Enterprise (UCCE)	2004	Cisco
Customer Interaction Center (CIC)	1998	Interactive Intelligence
Genesys CIM Platform (multichannel)	2004	Genesys
Genesys Contact Center Platform (Framework + Routing Scripts)	2005	Genesys
Genesys Routing Server / Universal Routing Server	1999	Genesys
Genesys T-Server / Genesys Framework	1995	Genesys
Genesys Voice Platform (GVP)	2002	Genesys
GeoTel Intelligent Call Manager	1997	GeoTel
ININ Multimedia Interaction Handling (email/chat)	2000	Interactive Intelligence
ININ SIP-based Contact Center Architecture	2001	Interactive Intelligence
Lucent / Avaya DEFINITY ACD with CTI Integration	1996	Lucent Technologies
Microsoft TAPI-based Call Center Systems (TAPI 1.x / 2.x with CTI screen-pop)	1996	Microsoft Corp.
Nortel Contact Center	2001	Nortel
Nortel Contact Center (IP-enabled Symposium / Contact Center 6.x)	2005	Nortel
Nortel Meridian / CS 1000 (IP Evolution)	2000	Nortel
Nortel Multimedia Contact Center	2002	Nortel
Nortel Symposium Call Center	1999	Nortel
Siebel Call Center	1998	Siebel
Siebel CTI	1999	Siebel
Siebel Email Response / Multimedia Contact Center	2001	Siebel
Siemens HiPath 3000/4000 (IP Evolution)	2001	Siemens

System Title	Release Date No Later Than	Author / Publisher
SS7 / Intelligent Network (AIN) Call Routing System	1995	AT&T, Bellcore/Telcordia

B. Identification of Prior Art–Vusura

Discovery is ongoing, and evidence of prior art and/or one or more prior art systems relevant to the Asserted Patents may be in the possession, custody, and control of one of Vusura. Cisco reserves the right to amend these contentions to the extent that additional prior art and system prior art is identified throughout discovery. Cisco further incorporates by reference any other charts and contentions related to the issue of validity of the Asserted Patents that Vusura has received (and will receive) from any third party.

C. Prior Art Systems

Each prior art system identified in Sections III.A.7 and III.A.8 and further described in the identified related charts should be understood to disclose both the system’s capabilities generally, and also examples of specific deployments of the system for specific customers. These contentions also demonstrate how these prior art systems are prior art at least because they were made, publicly used, offered for sale, sold, or otherwise made available to the public at least as early as the date disclosed, and are evidence that the inventions contained in the identified prior art systems were conceived of and reduced to practice, thereby demonstrating prior invention under 35 U.S.C. § 102(g). To the extent these contentions describe various implementations of the same underlying system, that underlying system is a single piece of prior art under 35 U.S.C. § 102. Cisco also identifies systems (as identified and described in the related publications listed above and in the attached Appendices 1-A – 3-F) as prior art under 35 U.S.C. §§ 102(a), (b), and/or (g)(2).

Cisco cites to exemplary evidence providing Vusura notice of the nature of these prior art systems and Cisco’s contentions regarding how these systems relate to the Asserted Claims. To

avoid duplication and cumulative excerpts, exemplary quotations and citations from certain prior art references are included in the attached claim charts. Similar quotes and citations can be found in other listed prior art references. Further, Cisco reserves the right to rely on additional evidence to further prove the nature of these systems. Because discovery is ongoing, Cisco reserves the right to revise, amend, and/or supplement the information provided herein, including identifying and relying on additional evidence, following any production of documents by Vusura or third parties, or should Cisco's further search and analysis yield additional information or evidence, consistent with the Federal Rules of Civil Procedure.

IV. STATE OF THE ART AND OBVIOUSNESS

The references identified above, as further described in the Appendices, each disclose, either expressly or inherently, every element of the Asserted Claims of the identified Asserted Patents, thereby anticipating those claims and/or rendering obvious such Asserted Claims (including in combination with the knowledge of a POSITA). To the extent Vusura contends that any reference does not anticipate or render obvious the Asserted Claims as set forth above, it would have been obvious to combine or modify that reference with concepts from other prior art, as explained throughout these Invalidity Contentions. In particular, for each limitation of the Asserted Claims that Vusura contends is not met by a particular reference, Cisco contends that the limitation (and claim as a whole) is obvious based on a combination of that particular reference with (1) any other primary reference disclosing that limitation, (2) the references identified in Section III.A above, (3) any statements made in the intrinsic record of such Asserted Patent, and/or (4) the knowledge of one of ordinary skill in the art (as explained in additional detail below).

Cisco does not yet have the benefit of Vusura's positions regarding the prior art in the current litigation, including what element(s), if any, Vusura contends are not disclosed by each

prior art reference, whether Vusura contends that a reference is not in fact prior art, and whether Vusura contends that a POSITA would not be motivated to combine specific references. Cisco reserves the right to supplement these obviousness positions (including identifying additional prior art combinations and the associated reasons to combine) in view of such positions and/or as discovery in the case, including expert discovery, progresses and/or depending upon the Court's claim construction.

While Cisco has identified at least one citation per element or limitation for each reference identified in the attached claim charts, each and every disclosure of the same element or limitation in the same reference is not necessarily identified.¹ To focus the issues, Cisco has cited exemplary relevant portions of identified references even where a reference may contain additional disclosures for a particular claim element or limitation. Cisco reserves all rights to rely on other portions of the identified references to support its claims and defenses. POSITAs would have read a prior art reference as a whole and in the context of other publications and literature. Cisco may rely on uncited portions of the prior art references and on other publications and expert testimony to provide context and as aids to understanding and interpreting the portions of the prior art references that are cited and as additional support for its contentions of anticipation or obviousness. Disclosures relating to initial elements of dependent claims or that refer back to terms in a claim from which the dependent claim depends are disclosed in connection with the independent claims or other claim from which they depend.

The information discussed in the prior art raised in these Invalidity Contentions

¹ Cisco's identification may include a simplified identification where the same element in a reference identifies a particular element, or variations on a particular element by different numbers. Cisco reserves the right to rely on any descriptions of variations of similar elements within the same reference.

(including all references listed in Section III.A) forms part of the background knowledge of a person of ordinary skill in the art at the time each of the Asserted Patents was filed and would have been used in determining whether and how to combine references to achieve the claimed invention(s), as discussed herein.² Indeed, the existence, nature, and content of each prior art reference, including the prior art references cited here, provide further evidence regarding the knowledge of a person of ordinary skill in the art at the relevant time. Cisco expressly reserves the right to rely on each of the prior art references, systems, concepts, and technologies discussed in these Invalidity Contentions, including to demonstrate that a particular claim element was known at the time of the Asserted Patents to a person of ordinary skill in the art, to show that the differences between a claimed invention and a prior art reference would have been obvious to a person of ordinary skill in the art, and to establish that a person of ordinary skill in the art would have been motivated to combine teachings of one or more references to achieve a claimed invention.

Cisco may also rely upon uncited portions of the prior art references, other publications, and the testimony of experts to establish that a POSITA would have been motivated to modify or combine certain of the cited references or to have applied his or her general knowledge and common sense so as to render the claims obvious. Where Defendants cite a particular figure in a prior art reference, the citation should be understood to encompass, in addition to the figure itself, the caption and description of the figure, and any text relating to the figure. Similarly, where a cited portion of text refers to a figure, the citation should be understood to also include the figure. Further, citations necessarily include any contextual descriptions and disclosures in

² See *Randall Mfg. v. Rea*, 733 F.3d 1355, 1362 (Fed. Cir. 2013) (stating that “the knowledge [of a person of ordinary skill in the art] is part of the store of public knowledge that must be consulted when considering whether a claimed invention would have been obvious”).

the reference.

The evidence is merely exemplary and intended to provide notice of where each element of the Asserted Claims may be found in the prior art and why a POSITA would have been motivated to combine any of the references. These disclosures and evidence are not limiting; they are merely examples of where certain claim elements may be found in the references. Discovery is ongoing and Defendants continues to investigate and analyze the prior art. Defendants reserves the right to supplement or amend these contentions based on the results of such investigation and analysis.

A. Motivations for Making Combinations of Prior Art

To the extent Plaintiff argues that a piece of prior art does not disclose a limitation, Cisco reserves the right to rely on any combination of the prior art disclosed in these Invalidity Contentions, including the invalidity claim charts attached hereto and identified in Section III.A, the knowledge of those skilled in the art, and/or other prior art to show that it would have been obvious to include the allegedly missing limitation. Cisco believes that no showing of a specific motivation to combine prior art is required to combine the references disclosed in the attached charts; there was a reason to make each combination, each combination of art would have produced no unexpected results, and each combination at most would simply represent a known alternative to one of ordinary skill in the art. *See KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 414–18 (2007) (rejecting the Federal Circuit’s “rigid” application of the teaching, suggestion, or motivation to combine test instead espousing an “expansive and flexible” approach). As the Supreme Court has held, a person of ordinary skill in the art is “a person of ordinary creativity, not an automaton” and “in many cases a person of ordinary skill in the art will be able to fit the teachings of multiple patents together like a pieces of a puzzle.” *Id.* at 420–21.

Nevertheless, in keeping with the Local Patent Rules, in addition to the information contained elsewhere in these contentions, Cisco identifies additional combinations, motivations, and reasons to combine the cited art. Multiple teachings, suggestions, and/or reasons to modify any of the references and/or to combine any two or more of the references come from many sources, including the prior art (specific and as a whole), common knowledge, common sense, predictability, expectations, industry trends, design incentives or need, market demand or pressure, market forces, obvious to try, the nature of the problem faced, and/or knowledge possessed by one of ordinary skill in the art.³ In addition, the patentee admits in the intrinsic record, including the specification and prosecution history of the Asserted Patents, that many of the claimed features were conventional and known in the art.

In general, a claimed invention is unpatentable if the differences between it and the prior art “are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art.” 35 U.S.C. § 103(a); *Graham v. John Deere Co.*, 383 U.S. 1, 13–14 (1966). The ultimate determination of whether an invention is or is not obvious is a legal conclusion based on underlying factual inquiries including: “(1) the scope and content of the prior art; (2) the differences between the prior art and the claims; (3) the level of ordinary skill in the art at the time of invention; and (4) objective evidence of nonobviousness.” *Miles Labs., Inc. v. Shandon, Inc.*, 997 F.2d 870, 877 (Fed. Cir. 1993).

KSR International Co. v. Teleflex Inc., et al., 550 U.S. 398 (2007) (“KSR”), reaffirmed *Graham*, holding that a claimed invention can be obvious even if there is no teaching, suggestion, or motivation for combining the prior art to produce that invention. In determining whether a claim is obvious, “[o]ften, it will be necessary for a court to look to interrelated teachings of

³ Defendant reserves the right to present qualified expert testimony on any or all of these items.

multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *Id.* at 418. In determining whether a claim is obvious, “a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *Id.* When prior art elements are combined according to known methods to yield predictable results, the claimed invention is obvious. *Id.* at 417. In addition, “[o]ne of the ways in which a patent’s subject matter can be proved obvious is by noting that there existed at the time of the invention a known problem for which there was an obvious solution encompassed by the patent’s claims.” *Id.* at 419–20. “Under the correct analysis, any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed.” *Id.* at 420.

Any suggested obviousness combinations set forth herein are in the alternative to Cisco’s anticipation contentions and are not to be construed to suggest that any reference included in any combination is not anticipatory in its own right or is not the basis for a single-reference obviousness defense. In particular, Cisco is currently unaware of the extent, if any, to which Plaintiff will contend that certain limitations of the Asserted Claims are not disclosed in the art identified by Cisco as anticipatory. To the extent an issue arises with respect to any such claim limitation, Cisco reserves the right to identify other references and combinations, which may make obvious the allegedly missing limitation in the disclosed system or method.

The rationale to combine or modify prior art references is significantly stronger when the references seek to solve the same problem, come from the same field, and correspond well. *In re Inland Steel Co.*, 265 F.3d 1354, 1362–64 (Fed. Cir. 2001). In view of the Supreme Court’s *KSR* decision, the PTO issued, and updated, a set of Examination Guidelines. *See Examination*

Guidelines for Determining Obviousness Under 35 U.S.C. § 103 in view of the Supreme Court Decision in *KSR International Co. v. Teleflex, Inc.*, 72 Fed. Reg. 57526 (October 10, 2007); Examination Guidelines Update: Development in the Obviousness Inquiry After *KSR v. Teleflex*, 75 Fed. Reg. 53643-60 (September 2010); *see also* MPEP § 2141 (<https://www.uspto.gov/web/offices/pac/mpep/s2141.html>) (accessed July 6, 2022). These Guidelines summarized the *KSR* decision and subsequent case law, as well as identified various rationales for finding a claim obvious, including those based on other precedents. Those rationales include:

- (1) Combining prior art elements according to known methods to yield predictable results;
- (2) Simple substitution of one known element for another to obtain predictable results;
- (3) Use of known technique to improve similar devices (methods, or products) in the same way;
- (4) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (5) “Obvious to try” – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- (6) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; and
- (7) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

Cisco contends that one or more of these rationales apply in considering the obviousness of the Asserted Claims of the Asserted Patents.

To the extent that prior art identified by Cisco as anticipatory are found not to anticipate the Asserted Claims: (1) the prior art establishes that the claimed subject matter was obvious to a person of ordinary skill in the art at the time of the alleged invention; (2) the claims are nevertheless unpatentable because the Asserted Claims contain nothing that goes beyond “ordinary innovation”;

(3) no Asserted Claim goes beyond combining known elements to achieve predictable results (particularly in the predictable art(s) of the Asserted Patent) or does more than choose between clear alternatives known to those of skill in the art; and/or (4) the prior art renders the Asserted Claims obvious either alone or in combination with each other or one or more of the other references identified in these Invalidity Contentions.

The Asserted Claims are obvious, in part, because it merely arranges old elements, with each performing the same function that had been known and yield no more than what one of ordinary skill would expect from such an arrangement. Because there were a finite number of predictable solutions in the art of call routing and presenting content in a call center environment, it would have been obvious to a person of ordinary skill in the art to pursue the known options. The identified prior art references merely use those familiar elements for their primary or well-known purposes and in a manner well within the ordinary level of skill in the art. Accordingly, common sense and the knowledge of the prior art renders the Asserted Claims invalid as well.

Additionally, a person having ordinary skill in the art would have been motivated to combine these references because these references are related to common objectives and subject matter. The references also share commonalities in terms of their general subject matter as well as the types of equipment, products, and approaches used. Further, the references, and any products, devices, or processes described in the references, existed or were invented in the same time period, providing further motivation to combine.

B. Specific Motivations to Combine

As explained above, Cisco contends that a POSITA would have been motivated to combine any of the primary references in these Invalidity Contentions with (1) any other primary reference, (2) the references identified below, (3) any statements made in the intrinsic record of the Asserted Patents, and/or (4) the knowledge of one of ordinary skill in the art. By way of example only, Cisco

provides the following exemplary combinations and some of the reasons a POSITA would be motivated to combine references.

The specific combinations described below render the Asserted Claims of the Asserted Patents invalid as obvious under 35 U.S.C. § 103. Cisco's contention that these combinations render these claims obvious under § 103 are in no way an admission or suggestion that any reference or system/product does not independently anticipate the Asserted Claims under 35 U.S.C. § 102. Nor does the inclusion of the exemplary combinations below exclude other combinations of prior art. To the extent that any prior art reference or system/product described in these contentions is found not to disclose a limitation of these claims, it would have been obvious to a POSITA to combine that reference or system/product with any other reference or system/product in these contentions to meet the limitation, and such persons would have been motivated to do so. Cisco incorporates by reference any statements and reasons set forth by the Examiner during prosecution of the Asserted patents and related patent applications as to why it would have been obvious to modify or combine references or systems/products to achieve the limitations of these claims. As discussed above, the list below is a non-exhaustive subset of combinations. Cisco reserves the right to use any reference or system/product described in these contentions in combination with any other reference or system/product described in these contentions. A POSITA at the time of the alleged invention also would have had a reasonable expectation of success in implementing the combinations.

1. '092 Patent

a. Combinations Based on Dezonno

To the extent Dezonno does not anticipate and/or render obvious on its own any of the Asserted Claims of the '092 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more

specifically, Kelly, Ezerzer, Salame, and/or Hurd, with Dezonno because all identified references are in the same field of art (e.g., routing calls in a call center environment) and address similar problems, such as the high costs and inefficiencies associated with on-premise contact centers and suboptimal call handling. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that distributing the architecture of a call center to enable dynamic resource provisioning and call routing would be a logical and advantageous development, reducing operational costs and improving the user experience.

b. Combinations Based on Ezerzer

To the extent Ezerzer does not anticipate and/or render obvious on its own any of the '092 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically Kelly, Dezonno, Salame, and/or Falcon, with Ezerzer because all identified references are in the same field of art (e.g., routing calls in a call center environment and remote agent connectivity) and address similar problems, such as the high costs and inefficiencies associated with on-premise contact centers and suboptimal call handling. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that distributing the architecture of a call center to enable dynamic resource provisioning and call routing would be a logical and advantageous development, reducing operational costs and improving the user experience.

c. Combinations Based on Falcon

To the extent Falcon does not anticipate and/or render obvious on its own any of the '092 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically Salame, Ezerzer, Dezonno,

and/or Hurd, with Falcon because all identified references are in the same field of art (e.g., routing calls in a call center environment and remote agent connectivity) and address similar problems, such as the high costs and inefficiencies associated with on-premise contact centers and suboptimal call handling. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that distributing the architecture of a call center to enable remote agent connectivity, assigning dedicated remote agents to multiple contact centers, and implementing dynamic resource provisioning and call routing would be logical advancements, resulting in reduced operational costs and improved user experience.

d. Combinations Based on Hurd

To the extent Hurd does not anticipate and/or render obvious on its own any of the '092 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically Kelly, Neyman, Falcon, Dezonno, and/or Salame, with Hurd because all identified references are in the same field of art (e.g., routing calls in a call center environment and remote agent connectivity) and address similar problems, such as the high costs and inefficiencies associated with on-premise contact centers and suboptimal call handling. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that intelligent call routing based on caller identification and customer profile information in a distributed call center architecture with remote agents would be logical advancements, resulting in reduced operational costs and improved user experience.

e. Combinations Based on Kelly

To the extent Kelly does not anticipate and/or render obvious on its own any of the '092 Patent, a person of ordinary skill in the art would have been motivated to combine any of the

references identified in Section III.A above, and more specifically Ezerzer, Mermel, Neyman, Dezonno, and/or Salame, with Kelly because all identified references are in the same field of art (e.g., routing calls in a call center environment and remote agent connectivity) and address similar problems, such as the high costs and inefficiencies associated with on-premise contact centers and suboptimal call handling. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that distributing the architecture of a call center to enable dynamic resource provisioning and call routing would be a logical and advantageous development, reducing operational costs and improving the user experience.

f. Combinations Based on Kilander

To the extent that Kilander does not anticipate and/or render obvious on its own any of the '092 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Kelly, Neyman, Salame, Falcon, and/or Dezonno, with Kilander because all identified references are in the same field of art (e.g., routing calls in a call center environment and remote agent connectivity) and address similar problems (e.g., suboptimal call handling due to off-premises agents). The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that an automatic call distribution system that distributes calls to remote agents and a distributed call center architecture would be a logical and advantageous development, reducing operational costs and improving the user experience.

g. Combinations Based on Mermel

To the extent Mermel does not anticipate and/or render obvious on its own any of the '092 Patent, a person of ordinary skill in the art would have been motivated to combine any of

the references identified in Section III.A above, and more specifically Salame, Ezerzer, Kelly and/or Dezonno, with Mermel because all identified references are in the same field of art (e.g., routing calls in a call center environment, including over the internet, and remote agent connectivity) and address similar problems, such as the high costs and inefficiencies associated with on-premise contact centers and suboptimal call handling. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that digitizing voice calls and improved intelligent call routing for multiple environments, such as voice-over-IP, in a distributed call center architecture would be logical advancements, resulting in increased efficiency, reduced operational costs, and improved user experience.

h. Combinations Based on Neyman

To the extent Neyman does not anticipate and/or render obvious on its own any of the '092 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically Salame, Ezerzer, Dezonno, and/or Falcon, with Neyman because all identified references are in the same field of art (e.g., routing calls in a call center environment and remote agent connectivity) and address similar problems, such as the high costs and inefficiencies associated with on-premise contact centers and suboptimal call handling. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that intelligent call routing based on caller identification and customer profile information in a distributed call center architecture with remote agents would be logical advancements, resulting in reduced operational costs and improved user experience.

i. Combinations Based on Philonenko

To the extent Philonenko does not anticipate and/or render obvious on its own any of the

Asserted Claims of the '092 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Ezerzer, Mermel, Neyman, and/or Dezonno, with Philonenko because all identified references are in the same field of art (e.g., routing calls in a call center environment) and address similar problems, such as the high costs and inefficiencies associated with on-premises contact centers and suboptimal call handling. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have appreciated that distributing the architecture of a call center to enable dynamic resource provisioning, intelligent call routing, and robust inter-agent communication would be a logical and advantageous development, reducing operational costs and improving both system scalability and the user experience.

j. Combinations Based on Salame

To the extent Salame does not anticipate and/or render obvious on its own any of the Asserted Claims of the '092 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Ezerzer, Neyman, Mermel, and/or Dezonno, with Salame because all identified references are in the same field of art (e.g., dynamic routing of calls in a call center environment) and address similar problems, such as the high costs and inefficiencies associated with on-premise contact centers and suboptimal call handling. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that distributing the architecture of a call center to enable dynamic resource provisioning and call routing would be a logical and advantageous development, reducing operational costs and improving the user experience.

2. '741 Patent

a. Combinations Based on Brown

To the extent Brown does not anticipate and/or render obvious on its own any of the Asserted Claims of the '741 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Caradec, Naqvi, and/or Ezerzer, with Brown because all identified references are in the same field of art (e.g., distributed contact center systems and methods for managing and routing multimedia communications) and address similar problems, such as coordinating agent availability and session assignment across geographically dispersed or cloud-based contact center environments and ensuring high availability and scalability in communication sessions. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that integrating distributed agent management, dynamic session routing, and real-time resource allocation would enhance the flexibility and performance of contact center systems, and facilitate the scaling of contact center operations across multiple sites or cloud-based infrastructures.

b. Combinations Based on Danielsén

To the extent Danielsén does not anticipate and/or render obvious on its own any of the Asserted Claims of the '741 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Naqvi, Ezerzer, Philonenko, and/or Caradec, with Danielsén because all identified references are in the same field of art (e.g., distributed contact center systems and methods for managing and routing multimedia communications) and address similar problems, such as providing real-time monitoring and reporting of session queues, agent performance, and system health to optimize resource allocation and maintain service quality. The combination of these

references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that integrating distributed session management and presentation mechanisms with the dynamic routing and agent resource allocation features would facilitate the seamless presentation of multiple communication types to agents.

c. Combinations Based on Dezonno

To the extent Dezonno does not anticipate and/or render obvious on its own any of the Asserted Claims of the '741 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Naqvi, Ezerzer, Philonenko, and/or Caradec, with Dezonno because all identified references are in the same field of art (e.g., distributed contact center systems and methods for managing and routing multimedia communications) and address similar problems, such as coordinating agent availability and session assignment across distributed or cloud-based environments. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that real-time monitoring and session management with dynamic routing and agent resource allocation features would enhance overall efficiency and reliability of contact center operations.

d. Combinations Based on Ezerzer

To the extent Ezerzer does not anticipate and/or render obvious on its own any of the Asserted Claims of the '741 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Brown, Naqvi, and/or Kelly, with Ezerzer because all identified references are in the same field of art (e.g., distributed contact center systems and methods for managing and routing multimedia communications) and address similar problems, such as improving the efficiency and scalability of contact center operations by leveraging distributed resource management and

session presentation techniques. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that integrating distributed session management and presentation mechanisms with the dynamic routing and agent resource allocation features would facilitate the seamless presentation of multiple communication types to agents.

e. Combinations Based on Hurd

To the extent Hurd does not anticipate and/or render obvious on its own any of the Asserted Claims of the '741 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Naqvi, Ezerzer, Philonenko, and/or Caradec, with Hurd because all identified references are in the same field of art (e.g., distributed contact center systems and methods for managing and routing multimedia communications) and address similar problems, such as dynamic routing of communication sessions to agents based on real-time status, skill set, and workload. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that agent coordination and session management with dynamic routing and agent resource allocation features would enhance overall efficiency and reliability of contact center operations.

f. Combinations Based on Kelly

To the extent Kelly does not anticipate and/or render obvious on its own any of the Asserted Claims of the '741 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Naqvi, Ezerzer, Philonenko, and/or Caradec, with Kelly because all identified references are in the same field of art (e.g., distributed contact center systems and methods for managing and routing multimedia communications) and address similar problems, such as

coordinating agent availability and session assignment across distributed or cloud-based contact center environments. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that dynamic session routing and agent management with real-time monitoring would enhance overall efficiency and reliability of contact center operations.

g. Combinations Based on Kilander

To the extent Kilander does not anticipate and/or render obvious on its own any of the Asserted Claims of the '741 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Naqvi, Ezerzer, Philonenko, and/or Caradec, with Kilander because all identified references are in the same field of art (e.g., distributed contact center systems and methods for managing and routing multimedia communications) and address similar problems, such as providing real-time monitoring and reporting of session queues, agent performance, and system health to optimize resource allocation and maintain service quality. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that agent management with dynamic session routing features would enhance overall efficiency and reliability of contact center operations.

h. Combinations Based on Naqvi

To the extent Naqvi does not anticipate and/or render obvious on its own any of the Asserted Claims of the '741 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Brown, Hurd, and/or Kelly, with Naqvi because all identified references are in the same field of art (e.g., distributed contact center systems and methods for managing and routing multimedia communications) and address similar problems, such as presenting communication

types to agents through a unified interface, improving agent efficiency. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that agent management with dynamic session routing features would enhance overall efficiency and maintain high service quality.

i. Combinations Based on Philonenko

To the extent Philonenko does not anticipate and/or render obvious on its own any of the Asserted Claims of the '741 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Caradec, Ezerzer, and/or Naqvi, with Philonenko because all identified references are in the same field of art (e.g., distributed contact center systems and methods for managing and routing multimedia communications) and address similar problems, such as providing real-time monitoring and reporting of session queues, agent performance, and system health to optimize resource allocation and maintain high service quality. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that unified agent interface and session management with dynamic session routing and real-time monitoring would enhance overall efficiency and reliability of distributed contact center operations.

j. Combinations Based on Salame

To the extent Salame does not anticipate and/or render obvious on its own any of the Asserted Claims of the '741 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Caradec, Ezerzer, Philonenko and/or Naqvi, with Salame because all identified references are in the same field of art (e.g., distributed contact center systems and methods for managing and routing multimedia communications) and address similar problems, such as

coordinating agent availability and session assignment across distributed or cloud-based contact center environments, supporting flexible and scalable operations. The combination of these references would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that unified agent interface and session management with dynamic session routing and real-time monitoring would enhance overall efficiency and reliability of distributed contact center operations.

3. '303 Patent

a. Combinations Based on Vitenson

To the extent Vitenson does not anticipate and/or render obvious on its own any of the Asserted Claims of the '303 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Jiang and/or Chatterjee, with Vitenson because all identified references are in the same field of art (e.g., providing and displaying content to a user during a phone call) and address similar problems (such as improving user experience during a phone call) and would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that using a user's phone to provide personalized content during various phases of a phone call would be a logical and advantageous outcome and improve the user's experience.

b. Combinations Based on Jiang

To the extent Jiang does not anticipate and/or render obvious on its own any of the Asserted Claims of the '303 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A. above, and more specifically, Vitenson and Chatterjee, with Jiang to meet the limitations, and such persons would have been motivated to combine these references. For example, it would have been obvious to

combine Jiang with Vitenson and/or Chatterjee because the combination is merely the use of a known technique to improve a similar device, method, or product in the same way. Jiang discloses providing various types of content or personalized media experiences to a user during call setup. Vitenson discloses a system and method for providing personalized advertisements and providing interactive functionality to users during various phases of a phone call. Chatterjee teaches a system and method for presenting and displaying interactive user information on a communication device. It would have been obvious to a person of ordinary skill in the art to combine Jiang's method of providing content during call setup with the personalized content and user information methods during various phases of a phone call methods disclosed in Vitenson and Chatterjee because the fields were necessarily intertwined and would have yielded predictable and desirable results, e.g., enhancing the user's experience during various phases of a phone call.

c. Combinations Based on Chatterjee

To the extent Chatterjee does not anticipate and/or render obvious on its own any of the Asserted Claims of the '303 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Vitenson and/or Jiang, with Chatterjee because all identified references are in the same field of art (e.g., providing and displaying content to a user during a phone call) and address similar problems (such as improving user experience during a phone call) and would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that using a user's phone to provide personalized content during various phases of a phone call would be a logical and advantageous outcome and improve the user's experience.

d. Combinations Based on Banks

To the extent Banks does not anticipate and/or render obvious on its own any of the Asserted Claims of the '303 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically Jiang, Vitenson, and/or Chatterjee, with Banks because all identified references are in the same field of art (e.g., providing content to users during a phone call) and address similar problems (e.g., improve the ability to provide personalized content to a user during various phases of a phone call). Banks discloses providing targeted content to users before call setup is complete, while Jiang, Vitenson, and Chatterjee disclose providing and displaying personalized content to users during a call. It would have been obvious to combine Banks' teachings regarding pre-call content delivery with the display of content during various phases of a phone call, as taught by Jiang, Vitenson, and Chatterjee, because these fields are closely related and their combination would have yielded predictable and desirable results, such as enhancing the user's experience throughout the call.

e. Combinations Based on Brendzel

To the extent Brendzel does not anticipate and/or render obvious on its own any of the Asserted Claims of the '303 Patent, a person of ordinary skill in the art would have been motivated to combine any of the references identified in Section III.A above, and more specifically, Vitenson, Jiang, and/or Chatterjee, with Brendzel because all identified references are in the same field of art (e.g., providing and displaying content to a user during a phone call) and address similar problems (such as improving user experience during a phone call) and would have yielded predictable and desirable results. For example, a person of ordinary skill in the art would have recognized that using a user's phone to provide personalized content during various phases of a phone call would be a logical and advantageous outcome and improve the user's

experience.

C. Secondary Considerations

A patentee bears the burden of production with respect to evidence of secondary considerations of non-obviousness. *ZUP, LLC v. Nash Mfg., Inc.*, 896 F.3d 1365, 1373 (Fed. Cir. 2018). As of the date of these Invalidity Contentions, Plaintiff has not identified any secondary considerations of non-obviousness and, on information and belief, none exist. Cisco reserves all rights to respond to any secondary considerations of non-obviousness raised by Plaintiff, including by updating, modifying, and/or adding to these Invalidity Contentions. Cisco is not aware of any unexpected results (none is mentioned in the Asserted Patents or their file history), long felt need, commercial success (or any nexus to any allegedly successful commercial embodiment), or awards for the Asserted Patents. Indeed, as shown in these Invalidity Contentions, dozens of other companies, including Cisco, and individuals described, built, and/or patented the exact same concepts in the Asserted Patents before Plaintiff ever did—often many years before. Even where others’ inventions occurred at approximately the same time as the alleged invention in the Asserted Patents, such simultaneous invention further demonstrates the obviousness of the Asserted Patents.

V. P.R. 3-3(C) – EXEMPLARY INVALIDITY CLAIM CHARTS

Exemplary citations from the following prior art references, systems, and combinations thereof are presented in the attached Invalidity Claim Charts. Responsive to the discovery of additional information, as described above, Cisco may further revise the Invalidity Claim Charts, or add new invalidity claim charts, to assert that any such prior art, or other newly discovered prior art, anticipates or renders obvious the claims of the Asserted Patents in a manner consistent with the Federal Rules of Civil Procedure, the Court’s Local Rules, and this Court’s Orders.

1. '092 Patent

Appx.	Chart
1-A	Dezonno, alone or in combination with the knowledge of a POSITA and/or one or more of Kelly, Ezerzer, Salame, and/or Hurd.
1-B	Ezerzer, alone or in combination with the knowledge of a POSITA and/or one or more of Kelly, Dezonno, Salame, and/or Falcon.
1-C	Falcon, alone or in combination with the knowledge of a POSITA and/or one or more of Salame, Ezerzer, Dezonno, and/or Hurd.
1-D	Hurd, alone or in combination with the knowledge of a POSITA and/or one or more of Salame, Kelly, Neyman, Falcon, and/or Dezonno.
1-E	Kelly, alone or in combination with the knowledge of a POSITA and/or one or more of Ezerzer, Neyman, and/or Mermel.
1-F	Kilander, alone or in combination with the knowledge of a POSITA and/or one or more of Salame, Kelly, Neyman, Falcon, and/or Dezonno.
1-G	Mermel, alone or in combination with the knowledge of a POSITA and/or one or more of Salame, Ezerzer, and/or Kelly.
1-H	Neyman, alone or in combination with the knowledge of a POSITA and/or one or more of Salame, Dezonno, Ezerzer, and/or Falcon.
1-I	Philonenko, alone or in combination with the knowledge of a POSITA and/or one or more of Ezerzer, Mermel, and/or Neyman.
1-J	Salame, alone or in combination with the knowledge of a POSITA and/or one or more of Ezerzer, Dezonno, Neyman, and/or Mermel.
1-K	Cisco Intelligent Contact Management ("Cisco ICM") systems and related Cisco IP Contact Center functionality, alone or in combination with the knowledge of a POSITA.
1-L	Siebel Call Center and related Siebel CRM Functionality, alone or in combination with the knowledge of a POSITA.

2. '741 Patent

Appx.	Chart
2-A	Brown, alone or in combination with the knowledge of a POSITA and/or one or more of Caradec, Ezerzer, and/or Naqvi.
2-B	Danielsen, alone or in combination with the knowledge of a POSITA and/or one or more of Caradec, Ezerzer, Philenenko, and/or Naqvi.
2-C	Dezonno, alone or in combination with the knowledge of a POSITA and/or one or more of Caradec, Ezerzer, Philenenko, and/or Naqvi.

2-D	Ezerzer, alone or in combination with the knowledge of a POSITA and/or one or more of Brown, Kelly, and/or Naqvi.
2-E	Hurd, alone or in combination with the knowledge of a POSITA and/or one or more of Caradec, Ezerzer, Philenenko, and/or Naqvi.
2-F	Kelly, alone or in combination with the knowledge of a POSITA and/or one or more of Caradec, Ezerzer, Philenenko, and/or Naqvi.
2-G	Kilander, alone or in combination with the knowledge of a POSITA and/or one or more of Caradec, Ezerzer, Philenenko, and/or Naqvi.
2-H	Naqvi, alone or in combination with the knowledge of a POSITA and/or one or more of Brown, Hurd, and/or Kelly.
2-I	Philonenko, alone or in combination with the knowledge of a POSITA and/or one or more of Caradec, Ezerzer, and/or Naqvi.
2-J	Salame, alone or in combination with the knowledge of a POSITA and/or one or more of Caradec, Ezerzer, Philenenko, and/or Naqvi.
2-K	Cisco Intelligent Contact Management (“Cisco ICM”) systems and related Cisco IP Contact Center functionality, alone or in combination with the knowledge of a POSITA.
2-L	Siebel Call Center and related Siebel CRM Functionality, alone or in combination with the knowledge of a POSITA.

3. '303 Patent

Appx.	Chart
3-A	Vitenson, alone or in combination with the knowledge of a POSITA and/or one or more of Jiang and/or Chatterjee.
3-B	Jiang, alone or in combination with the knowledge of a POSITA and/or one or more of Vitenson and/or Chatterjee.
3-C	Chatterjee, alone or in combination with the knowledge of a POSITA and/or one or more of Vitenson and/or Jiang.
3-D	Banks, alone or in combination with the knowledge of a POSITA and/or one or more of Jiang, Vitenson, and/or Chatterjee.
3-E	Brendzel, alone or in combination with the knowledge of a POSITA and/or one or more of Jiang, Vitenson, and/or Chatterjee.
3-F	Interactive Information’s Customer Interaction Center (“ININ CIC”), alone or in combination with the knowledge of a POSITA.

B. Prior Art Under 35 U.S.C. § 102(f)

A patent is invalid if the alleged inventor “did not himself invent the subject matter sought to be patented.” 35 U.S.C. § 102(f). A patent is invalid under 102(f) if the invention was

previously conceived of by another and that conception was communicated to the named inventor. *See, e.g., Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573, 1576 (Fed. Cir. 1997); *see also Price v. Symsek*, 988 F.2d 1187, 1190 (Fed. Cir. 1993). Cisco's investigation into derivation by the named inventor of the Asserted Patents continues. Cisco reserves the right to amend these contentions as it becomes aware of additional evidence, including, for example after the deposition of the named inventors and other witnesses from Vusura. Moreover, by asserting the invalidity of the Asserted Patents, Cisco in no way waives or limits any non-infringement arguments it may make in this case.

VI. P.R. 3-3(D) – INVALIDITY UNDER 35 U.S.C. § 112

The Asserted Claims of the Asserted Patents are invalid due to the failure to satisfy the requirements of 35 U.S.C. § 112. As set forth below, Cisco provides the following grounds of invalidity of the Asserted Claims of the Asserted Patents for lack of written description and/or enablement under 35 U.S.C. § 112(a) and indefiniteness under 35 U.S.C. § 112(b). Cisco contends that the Asserted Claims of the '741 Patent do not have written description support from, at least, the earliest priority application for the '741 Patent (the "'105 provisional"). In particular, the '105 provisional does not provide written description support for the claimed separation of the call into a signaling channel and a voice channel as claimed in the Asserted Claims.

Cisco has nonetheless identified prior art disclosures that anticipate and/or render obvious each and every limitation of the Asserted Claims in the accompanying Invalidity Claim Charts based on an assumption that Plaintiff will contend that such claims are supported by an adequate written description, adequately enabled, and definite. Cisco's identification of prior art disclosures that anticipate and/or render obvious a particular claim limitation in the accompanying Invalidity Claim Charts is not an admission that the claim limitation satisfies the requirements of § 112, nor does it represent any agreement or view as to the meaning of the limitation.

These grounds are identified based on knowledge in Cisco's possession at the time of service of these Invalidity Contentions. Further investigation, discovery, or claim construction may uncover additional grounds for invalidity under § 112, and Cisco reserves the right to amend or supplement these disclosures to include all such additional grounds as appropriate and in a manner consistent with the Federal Rules of Civil Procedure, the Local Patent Rules for the Eastern District of Texas, and the Docket Control Order, or otherwise in accordance with any order or direction of this Court or agreement of the parties.

A. Written Description and Enablement Under 35 U.S.C. § 112, ¶1

Pursuant to pre-AIA 35 U.S.C. § 112, a patent "specification shall contain a written description of the invention, and of the manner and process of making and using [the invention] in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same." 35 U.S.C. § 112, ¶1. To fulfill that written description requirement, "the patent specification must describe an invention in sufficient detail that one skilled in the art can clearly conclude that the inventor invented what is claimed." *Kao Corp. v. Unilever US, Inc.*, 441 F.3d 963, 967–68 (Fed. Cir. 2006); *see also LizardTech, Inc. v. Earth Resource Mapping, Inc.*, 424 F.3d 1336, 1345 (Fed. Cir. 2005) ("[E]nough [of the invention] must be included to convince a person of skill in the art that the inventor possessed the invention . . ."). Cisco contends that, at least under Vusura's actual and/or apparent application of the claims, the Asserted Patents do not include a sufficient written description supporting the Asserted Claims.

Section 112 likewise requires that the specification "enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the" claimed invention. 35 U.S.C. § 112, ¶1. A claim is not enabled if, "at the effective filing date of the patent, one of ordinary skill in the art could not practice their full scope without undue experimentation."

Wyeth and Cordis Corp. v. Abbott Labs., 720 F.3d 1380, 1384 (Fed. Cir. 2013). “This important doctrine prevents both inadequate disclosure of an invention and overbroad claiming that might otherwise attempt to cover more than was actually invented.” *MagSil Corp. v. Hitachi Global Storage Techs., Inc.*, 687 F.3d 1377, 1381 (Fed. Cir. 2012). Cisco contends that, at least under Vusura’s actual and/or apparent application of the claims, the Asserted Claims do not enable any person skilled in the relevant art to make and use the claimed invention without undue experimentation.

The following Asserted Claims, at least under Vusura’s actual and/or apparent application of the claims, are invalid under 35 U.S.C. § 112, ¶1, because the specification lacks an adequate written description of the following limitations and/or because the specification does not enable any person skilled in the art to make and use the invention claimed.

The '092 Patent

- “said call center being ***physically distributed***” (claim 1)
- “separating the call into components of a signaling channel (16) and a bearer channel (18)” (claim 1)
- “causing said an outgoing gateway (308) to connect to the incoming gateway (301) ***via a digital voice packet connection*** to carry content of said bearer channel (18)” (claim 1)
- “from information and availability of a ***qualified agent***” (claim 1)
- “***directing content of said bearer channel*** of said call from the outgoing gateway ***to said selected termination point.***” (claim 1)
- “dynamically redirecting the call from the termination point to a further termination point” (claim 14)

The '741 Patent

- “***delaying routing of the call without soliciting action by a first operator*** of the first communication device” (claims 1, 13, 14)
- “connecting the voice channel of the call to ***the second communication device after***

termination of the delay” (claims 1, 13, 14)

- “separating the call into a signaling channel and a voice channel” (claims 1, 13, 14)
- “non-transitory computer-readable medium” (claim 13)
- “apparatus” (claims 14, 17, 18, 19, 20, 21, 23)

The '303 Patent

- “*pausing/pause* establishment of the communication connection” (claims 1, 4, 5, 13, 14, 17, 18)
- “pausing establishment of the communication connection *without soliciting action by the first party*” (claims 1, 13, 14)
- “communication connection” (claims 1, 4, 5, 9, 11, 17, 18, 22, 24)
- “transmitting to a call server associated with the first device *a signal indicating that the communication connection should be paused*” (claims 4, 17)
- “prospective new transaction” (claims 10, 23)
- “terminates the communication connection” (claims 1, 13, 14)

These are merely examples and are not intended to be limiting. Cisco reserves all rights to amend its Invalidity Contentions under 35 U.S.C. § 112, ¶1, including after an Asserted Claim is ultimately construed by the Court, in response to any interpretation of an Asserted Claim embodied in Plaintiff’s infringement positions, and/or to account for any changes in the law concerning written description and/or enablement. Cisco additionally reserves the right to provide additional explanation and/or argument for its Invalidity Contentions under § 112, ¶1, including, for example, based on expert testimony. Plaintiff has not revealed its proposed constructions for the terms in these patents. Once Plaintiff has identified its proposed constructions, Plaintiff’s constructions may render certain terms unsupported by adequate written description and/or not enabled. Cisco further expressly reserves the right to raise and address, once the parties have exchanged claim terms and constructions, any written description and/or enablement issues arising out of those exchanges.

B. Indefiniteness Under 35 U.S.C. § 112, ¶ 2

The definiteness requirement is rooted in 35 U.S.C. § 112, ¶2 which provides that “the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.” *Personalized Media Comm., LLC v. Int’l Trade Comm’n*, 161 F.3d 696, 705 (Fed. Cir. 1998). In *Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898, 901 (2014), the Supreme Court held that the claims, read in light of the specification and prosecution history, must inform a person of skill in the art of the scope of the invention with reasonable certainty.

In evaluating indefiniteness, courts “look to the patent record—the claims, specification, and prosecution history—to ascertain if they convey to one of skill in the art with reasonable certainty the scope of the invention claimed.” *Teva Pharms. USA, Inc. v. Sandoz, Inc.*, 789 F.3d 1335, 1341 (Fed. Cir. 2015). Although “some modicum of uncertainty” is allowed to ensure “the appropriate incentives for innovation,” the claims nonetheless must be “precise enough to afford clear notice of what is claimed, thereby appris[ing] the public of what is still open to them.” *Nautilus*, 572 U.S. at 899 (alteration in original) (citations and internal quotation marks omitted). Ultimately, the indefiniteness inquiry is not whether “a court can ascribe *some* meaning to a patent’s claims,” but rather whether the claims provide “objective boundaries.” *Interval Licensing LLC v. AOL Inc.*, 766 F.3d 1364, 1371 (Fed. Cir. 2014) (quotation omitted) (discussing *Nautilus*). Claim scope cannot depend solely on the unrestrained, subjective opinion of a particular individual purported to be practicing the invention. *Datamize LLC v. Plumtree Software, Inc.*, 417 F.3d 1342, 1350 (Fed. Cir. 2005).

The following Asserted Claims of the Asserted Patents are invalid as indefinite under § 112, ¶2. The terms listed below, as applied by Vusura, to the extent understood, and as used in the Asserted Claims of the Asserted Patents, and when considered in the context of the intrinsic

evidence, including the patent specification, and extrinsic evidence, are indefinite and do not satisfy the requirements of patentability under § 112, ¶2.

Cisco contends that, at least under Vusura’s actual and/or apparent application of the claims, the Asserted Claims are invalid under 35 U.S.C. § 112, ¶2. Section 112 also requires that the specification “conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.” 35 U.S.C. § 112 (b). As the Supreme Court clarified, this provision requires that the “claims, viewed in light of the specification and the prosecution history, inform those skilled in the art about the scope of the invention with reasonable certainty.” *Nautilus, Inc. v. Biosig Instruments, Inc.*, 134 S.Ct. 2120, 2129 (2014). Cisco contends that, at least under Vusura’s actual and/or apparent application of the claims, the Asserted Claims fail to distinctly claim what the inventor claims as his invention.

The following terms or phrases of the Asserted Patents are indefinite. Each such term or phrase lacks adequate precision or objective boundaries to afford clear notice of what is claimed and/or requires the exercise of subjective judgment. The specification and prosecution history do not adequately describe the term or phrase such that a POSITA would understand with reasonable certainty the scope of the limitation(s) incorporating such term or phrase.

The '092 Patent

- “separating” (claim 1)
- “qualified agent” (claim 1)
- “control signals” (claim 1)
- “digital voice packet” (claims 1, 2, 12)
- “incoming gateway” (claims 1, 2, 7, 11, 12, 13)
- “outgoing gateway” (claims 1, 7, 11, 12)
- “physically distributed” (claim 1)

- “termination point” (claim 1, 4, 8, 9, 10, 14, 15)

The '741 Patent

- “notification” (claims 1, 4, 5, 6, 13, 14, 17, 18, 19)
- “delaying” (claims 1, 4, 13, 14, 17)
- “operator” (claims 1, 13, 14, 17, 18, 19, 20)
- “second operator” (claims 1, 6, 13, 14, 19)
- “soliciting action” (claims 1, 13, 14)
- “separating” (claims 1, 13, 14)

The '303 Patent

- “pausing establishment of the communication connection *without soliciting action by the first party*” (claims 1, 13, 14)
- “initiation” (claims 1, 13, 14)
- “pausing” (claims 1, 4, 5, 9, 13, 14, 17, 18, 22)
- “establishment” (claims 1, 5, 9, 13, 14, 17, 18, 22)
- “notification” (claims 1, 13, 14)
- “communication connection” (claims 1, 4, 5, 9, 11, 17, 18, 22, 24)
- “prospective new transaction” (claims 10, 23)
- “terminates the communication connection” (claims 1, 13, 14)
- “at the time of initiation of the communication connection” (claims 11, 24)

These are merely examples and are not intended to be limiting. Cisco reserves all rights to amend its Invalidity Contentions under § 112, ¶2, including after an Asserted Claim is ultimately construed by the Court, in response to any interpretation of an Asserted Claim embodied in Plaintiff’s infringement positions, and/or to account for any changes in the law concerning indefiniteness. Cisco additionally reserves the right to provide additional explanation and/or argument for its Invalidity Contentions under § 112, ¶2 including, for example, based on

expert testimony. Plaintiff has not yet revealed its proposed constructions for the terms in these patents. Once Plaintiff has identified its proposed constructions, Plaintiff's constructions may render certain terms indefinite. Cisco further expressly reserves the right to raise and address, once the parties have exchanged claim terms and constructions, any indefiniteness issues arising out of those exchanges.

VII. P.R. 3-4 – DOCUMENT PRODUCTION

A. P.R. 3-4(a) Disclosures

Pursuant to P.R. 3-4(a), Cisco has produced representative technical documentation within their possession, custody, and control that shows the operation of aspects or elements of the Accused Products identified by Plaintiff in their Infringement Contentions. Cisco reserves the right to supplement these disclosures with additional documentation. Cisco may produce relevant computer source code for inspection in accordance with the parties' Protective Order.

B. P.R. 3-4(b) Disclosures

In accordance with P.R. 3-4(b), copies of all prior art identified above is being produced by Cisco herewith.

Dated: January 9, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served January 9, 2026 to all counsel of record, via electronic mail.

/s/ Kate Rose

Kate Rose