

Belnap, Paul H.

From: Powers, Joseph A.
Sent: Thursday, July 2, 2026 9:28 PM
To: rak_optimnet@raklaw.com; Bradley Hyde
Cc: Sanford, Elissa; Gaudet, Matt; Fenton, Tia D.; Jameson, Woody; Kuzemchak, Hayden; Klein, Willem; McPherson, Patrick D.; Belnap, Paul H.; Muldoon, Patrick C.
Subject: OptimNet v. Cisco (EDTX Case No. 25-cv-935)
Categories: Red Category

Counsel,

As you are aware, Cisco recently filed Petitions for IPR against the following claims and patents:

- Claims 1-10 of 8,780,887 (IPR2026-00320)
- Claims 1-6 of 9,131,101 (IPR2026-00321)
- Claims 1-13 of 10,020,961 (IPR2026-00322)

I write to inform you that, given Director Squires' new guidance in his decisions that he designated as informative on May 13, 2026, Cisco hereby stipulates that it will not pursue in the district court litigation any indefiniteness ground under 35 U.S.C. § 112 against any claims of the '887, '101 and '961 Patents.

Cisco also hereby stipulates that, if the PTAB institutes a given IPR, Cisco will not pursue in the district court litigation the specific invalidity grounds that it raised in the IPR petition against that patent, nor any other invalidity ground that Cisco raised or could have reasonably raised in the IPR petition under §§ 102 or 103 against the asserted claims of the patent. *Sotera Wireless, Inc. v. Masimo Corp.*, Case IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential). Moreover, Cisco stipulates that, if the PTAB institutes a given IPR, Cisco will not pursue in the district court litigation any invalidity ground based on system prior art corresponding to the printed publication asserted in the specific invalidity grounds that it raised in the IPR petition.

In so stipulating, Cisco seeks to avoid a situation in which multiple proceedings address the validity of the asserted claims of the challenged patents based on the same or overlapping prior-art grounds, and to minimize the potential for inconsistent outcomes in the parallel IPR(s) and district court proceedings. Instead, through this stipulation, Cisco expresses its preference that only the PTAB address the grounds of §§ 102 or 103 invalidity raised or that could have reasonably been raised in the IPR petition(s) for the challenged claims of the patents.

Regards,

Joe

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Partner

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