

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.
Petitioner,

v.

QPRIVACY USA LLC,
Patent Owner.

IPR2025-00837
U.S. Patent No. 11,106,824

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
REQUEST FOR DISCRETIONARY DENIAL**

I. Introduction

Petitioner Cisco Systems, Inc. (“Cisco”) respectfully seeks PTAB review of the ’824 patent for the following reasons:

- **No Settled Expectations**: The ’824 patent issued less than four years ago. This early challenge thus favors institution.
- **Key Prior Art**: This IPR allows the Office to address new, relevant prior art that was submitted in an IDS in a later-filed continuation of the ’824 patent.
- **National Security and Economic Interests**: Cisco is a key supplier of critical networking infrastructure for government agencies—including the military—and the private sector at large. Efficiently and cost-effectively adjudicating the patentability of the ’824 patent at the PTAB protects these critical national security and economic interests.
- **The *Fintiv* factors favor institution**:

Factor	Weight	Reason
1 (stay)	neutral	The outcome of a motion to stay is speculative
2 (trial gap)	against denial	Trial is scheduled near the time of expected FWD and may be delayed
3 (investment)	against denial	Markman hearing set five months after institution; Petitioner’s diligent filing
4 (overlap)	against denial	<i>Sotera</i> stipulation
5 (same party)	neutral	Petitioner is defendant
6 (merits)	against denial	Strength of the patentability challenge is strong

II. Patent Owner has no settled expectations for the ’824 patent.

The ’824 patent issued on August 31, 2021—less than four years ago. Instituting this IPR is thus consistent with the Office’s goal of providing predictable patent rights. *Micron Tech. Inc. v. Yangtze Memory Techs. Co.*, IPR2025-00190, Paper 21 at 3 (June 25, 2025) (“The challenged patents were issued recently, from 2021 through 2024. Early challenges favor robust, predictable patent rights and weigh against discretionary denial.”). Patent Owner cannot claim to have settled expectations that the ’824 patent be immune from *inter partes* review. And Patent Owner notably does not even allege that it has tried commercializing the ’824 patent’s technology during the patent’s short life.

In contrast, Cisco has expectations that its technology will not be accused of infringing patents that were filed *after* the development and commercialization of that technology. Patent Owner accuses Cisco’s Encrypted Traffic Analytics (ETA) technology of infringement.¹ *See* Ex.1008. However, Cisco’s Encrypted Traffic Analytics functionality pre-dates the earliest priority date of the ’824 patent. As Cisco has presented to the district court, Cisco publicly disclosed and presented on Encrypted Traffic Analytics functionality and showed that it was in commercial

¹ Cisco does not concede that the ’824 patent reads on its Encrypted Traffic Analysis technology.

use in early 2016. Ex.1062, 12. Cisco also has numerous patents and publications related to its Encrypted Traffic Analytics functionality that pre-date the earliest priority date of the '824 patent. Ex.1062, 12-15.

This dispute can most effectively be resolved by the PTAB reviewing and cancelling the challenged claims as unpatentable. Accordingly, settled expectations should not be a reason for discretionary denial here.

III. This IPR presents new prior art that the Examiner did not consider.

The *Advanced Bionics* framework favors institution because the cited references (Burns, Yang, Wittenberg) were not considered by the Examiner during prosecution. During prosecution of the '824 child patent (now U.S. Patent No. 12,013,971) the applicant submitted a child patent of the Burns reference in an IDS. Ex.2019. The applicant thus recognized that the Burns reference was relevant to the '824 patent family. The Burns reference—effectively submitted during prosecution of the continuation but not the '824 patent—should have been considered by the Examiner.

With respect to the first prong of *Advanced Bionics*, none of Burns, Yang, or Wittenberg were cited or considered during prosecution of the '824 patent. Nor are these references cumulative of those cited during prosecution. The claims of the '824 patent were allowed after the Applicant added the following limitation:
“*wherein the content of the at least one data packet is not read by the remote*

server for continued operation by the user's device in real time during communication between the remote server and the user's device." Ex.1002, 151.

As demonstrated in the Petition, Burns teaches what the Examiner found lacking in the prior art considered during prosecution. Burns explains that packets are "encrypted... by one party and decrypted by the other party to a communication session." Ex.1005, 2:1-3; Petition, 37. But "Burns's IDS would not have the key information needed to decrypt encrypted packets passing through." Petition, 37. And Burns' IDS employing Yang's techniques "allows an IDS to 'monitor[] network traffic' and 'analyze the traffic in real-time prior to forwarding.'" Ex.1006, 11:63-12:3; Petition, 39. Because the cited references teach what the Examiner found lacking in the considered art, Burns and Yang are not cumulative of the art considered by the Examiner.

This IPR thus presents new prior art that was never considered during prosecution of the '824 patent. This IPR allows the Office to review key prior art that was not available during prosecution of the '824 patent and only later provided to the Office by the Applicant in an IDS.

IV. National economic and security interests favor institution.

Cisco is a key supplier of critical networking infrastructure for government agencies and the military. Cisco also provides significant support to the nation's network security and artificial intelligence endeavors. Resolving the patentability

of the '824 patent *in an efficient and cost-effective manner* before the PTAB frees up more of Cisco's resources to be spent on critical national security and economic interests.

Cisco plays a multifaceted role in supporting the federal government and the U.S. economy at large. Cisco is an American company headquartered in San Jose, California, that prides itself on its dedication to innovation. The company grew from a small business, founded by two Stanford University computer scientists in 1984, to a company that invests extensively in the U.S. economy by employing over 43,000 US-based employees today. Ex.1057. Cisco supports many more indirectly through its supply chain, partners, and service providers. It invests in workforce development through initiatives like the Cisco Networking Academy, which has trained millions globally, including a large U.S. cohort. Ex.1058.

Cisco provides support for the military and the public sector more broadly. Cisco provides network equipment to all four branches of the military through Cisco "Gold Partners." Ex.1059. Cisco's technology is also used heavily by the public sector more generally. *See* Ex.1060. Using Cisco's products, "public sector agencies now have new ways to safeguard sensitive data, critical infrastructure, and constituent services." Ex.1060.

Cisco is also a key supplier to the private sector. Cisco's priorities are to "build modern and resilient infrastructure; protect against the cyber threats of today

and tomorrow; and harness the power of AI and data.” Ex.1057. Cisco also provides “the underlying network connectivity for [their] customers, whether they are connecting traditional branch offices, data centers, smart grids, video devices, electric vehicles, or other devices.” Ex.1057.

Given Cisco's significant contribution to the economy and national security, the U.S. government has compelling economic and national security interests in affording Petitioner Cisco the opportunity to challenge the '824 patent under the more efficient IPR framework. Indeed, Congress created the AIA for this purpose. 77 F. Reg. No. 157, 48612 (Aug. 14, 2012) (“The purpose of the AIA ... is to establish a more efficient and streamlined patent system that will improve patent quality and limit unnecessary and counterproductive litigation costs.”); *see also General Plastic Industrial Co., Ltd. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 at 16-17 (Sept. 6, 2017) (“[W]e recognize that an objective of the AIA is to provide an effective and efficient alternative to district court litigation.”).

Instituted AIA proceedings have resulted in Congress' intended effect. IPRs create cost savings for their participants via “reductions in legal fees incurred and the greater probability of a settlement or early-stage resolution.” Ex.1061, 2, 8 (“[T]he total economic benefits of inter partes reviews resulting in stay of litigation in district court included an increase in US business activity of \$1.87 billion in gross product and 8,530 job-years of employment ...”; “In situations where an

inter partes review was conducted parallel to a district court proceeding, the economic benefits of [inter partes reviews] include estimated increases of \$135.4 million in US gross product and 617 person-years of employment”).

Accordingly, national and economic security interests favor institution.

V. Patent Owner does not present valid reasons for denial.

Despite Patent Owner's arguments, (1) the Board has sufficient resources to handle IPRs along with the pending *ex parte* appeals, (2) the existence of an *ex parte* reexamination filed by a *different* party with *different* art has little bearing on this case, and (3) the Petition cites to the combination references for each and every limitation of the challenged claims, without relying on expert testimony to fill gaps.

A. The Board has sufficient resources to handle this proceeding along with the pending *ex parte* appeals.

The Board's statutorily defined tasks of handling both *ex parte* appeals and post-grant proceedings should not be a reason for discretionary denial. Patent Owner argues that the Board's resources "would be better spent reducing pendency for *ex parte* appeals." PO Brief, 31. But the Board has recently publicly acknowledged that "[w]e do have enough staff so we can handle both the appeals and the trials with the judges and staff on board." Ex.1064. Accordingly, the existence of an *ex parte* appeal docket (increasing or not) is not a reason to discretionarily deny this specific case.

B. The existence of a reexamination filed by a different party using different art and challenging a different patent does not warrant denial.

The *ex parte* reexamination of the related 11,816,249 patent presents entirely different art than Cisco's petition. The additional evidence of unpatentability in a different proceeding provides further indication that the '824 patent was granted in error.

The Board's efforts are not duplicative because the art being considered by the CRU is entirely different—apart from being conducted on a different patent. As the Examiner noted, “there are no common prior art references the two challenges. Further, each of the prior art references presented in the reexam request has different disclosures from the prior art presented in the IPR and the arguments in the Request assert different teachings relative the claims of the '249 patent.” Ex.1065, 15. There is thus no risk of “duplicative efforts and inconsistent decisions” as Patent Owner asserts. PO Brief, 32. Furthermore, to the extent that effort-duplication becomes a concern in the future, the Board has the authority to resolve that concern by exercising its authority to stay the reexamination proceeding. 35 U.S.C. § 315(d); 37 C.F.R. 42.3(a).

C. The Petition properly relies on expert testimony

Because the Petition, supported by Dr. Mir's analysis, relies on the cited patent references for each and every limitation of the claims, reliance on expert testimony should not be a reason for discretionary denial here. Dr. Mir's opinions

are fully supported by the evidence of record. Dr. Mir bases his analysis on evidence in the form of references relied upon in the unpatentability grounds (e.g., Ex.1005, Ex.1006, Ex.1007) and several tertiary references (e.g., Ex.1011-Ex.1056). *See generally*, Ex.1003. Further still, Dr. Mir repeatedly provides technical reasoning to support his statements and understandings of the references. *See generally*, Ex.1003.

Patent Owner's allegations of gap-filling are unfounded. *See* PO Brief, 21. Patent Owner contends that there is no support for an IDS analyzing traffic "in real time" in the combination of Burns and Yang. PO Brief, 21. But the Petition does not rely on expert say-so for this limitation. Rather, the Petition cites to Yang's teaching of an approach that "is used to analyze the traffic **in real-time prior** to forwarding." Ex.1006, 11:63-12:3; Petition, 39.

Dr. Mir also supports his reasons to combine Burns and Yang with citations to evidence. For example, it was known to employ an IDS for detecting and preventing unknown or possibly malicious activity on a network. Ex.1003, ¶¶40-45; Ex.1017, 225-29. A POSITA would have recognized that the IDS described in Burns and Yang operates in real-time, as this was a known feature of IDS's, as the currently unrebutted evidence demonstrates. *See e.g.*, Ex.1003, ¶ 41; *see also* Ex.1017 at 229.

Patent Owner's allegations of gap-filling regarding the "modifying" and

“sharing” limitations are similarly unfounded. PO Brief, 23. The petition explicitly cites to Burns’ teachings of “dropping the packets” and “throttl[ing] down (i.e. bandwidth limit) the communicating session.” Petition, 44; Ex.1005, 7:47-51; 10:6-9. The Petition further explains why dropping packets, closing a session, or throttling a session are within the scope of “modifying” packets. Petition, 24. With respect to the “sharing” limitation, the Petition explicitly cites to Burns’ teachings of forwarding the packet. Petition, 39; Ex.1005, 7:53-55.

Institution is favored because the Petition relies on the cited patent references—not merely Dr. Mir’s opinions—for each and every limitation of the claims.

D. Petitioner’s proposed district court constructions of indefiniteness are consistent with this IPR.

The PTAB may still determine the patentability of claims even if they are indefinite. *See Zillow Grp., Inc. v. Int’l Bus. Machs. Corp.*, IPR2020-01656, Paper 8 at 11 (Mar. 15, 2021) (The Board stated that they were not “aware of any authority for the proposition that we may not assess the patentability of claims in an *inter partes* review because the Petitioner also challenges those claims as indefinite in District Court.”). The scope of the ’824 claims—while unclear as to the metes and bounds—at least includes the prior art teachings as outlined in the Petition. Petitioner’s arguments of indefiniteness in the district court are not a reason for discretionary denial.

E. Disputes between experts cannot be a reason for discretionary denial where Patent Owner has provided no expert testimony.

Without opposing expert testimony, discretionary denial cannot be based on a dispute between experts. To the extent Patent Owner submits expert testimony in its POPR and alleges disputes, such disputes are highly fact-specific and are best resolved through an instituted IPR. Accordingly, any dispute between experts should not be a reason for discretionary denial here.

VI. Discretionary denial under *Fintiv* is not warranted.

The *Fintiv* factors, considered as a whole, do not warrant denial. *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (Mar. 20, 2020) (precedential). Every factor either favors institution or is neutral.

A. Factor 1 is neutral: No evidence regarding a stay.

No motion to stay has been filed, so the Board should not infer the outcome of such a motion. *Sand Revolution II, LLC v. Continental Intermodal Grp. Trucking LLC*, IPR2019-01393, Paper 24 at 7 (June 16, 2020) (informative). Because the granting of a stay is speculative, this factor is at least neutral.

B. Factor 2 favors institution: trial is around the same time as the projected statutory deadline.

Factor 2 favors institution. Trial is currently set for October 19, 2026, which is 24 days before the projected due date for the Final Written Decision on November 12, 2026. Ex.2001, p.1. Under *Fintiv*, “[i]f the court’s trial date is at or

around the same time as the projected statutory deadline... the decision whether to institute will likely implicate other factors.” *Fintiv* at 9. Because the trial date is around the same time as the Final Written Decision, other factors should be taken into consideration, including the fact that the Markman hearing will occur five months after institution (Factor 3 below) and Petitioner has filed a *Sotera* stipulation (Factor 4 below).

Additionally, it is uncertain that the district court trial will actually begin on October 19, 2026. Seven other cases are scheduled for jury selection on October 19, 2026, making it unlikely that the trial in this case will start the same day. Ex. 1066, 16 (October 19, 2026 Schedule). This delay could cause the start of trial to be postponed until after the FWD is set to issue in this IPR. *See Boe Tech. Grp. Co., Ltd. v. Optronics Sci. LLC*, IPR2024-01130, Paper 16 at 10 (Jan. 27, 2025) (“Because a number of cases are scheduled for jury selection on January 5, 2026 in addition to the parallel proceeding, there is some uncertainty whether the trial in that proceeding would actually begin on that date. ... even a brief postponement of the trial ... may delay trial in the parallel proceeding until after a final decision would issue in an *inter partes* review.”).

Accordingly, Factor 2 weighs against denial.

C. Factor 3 weighs against denial: Minimal relevant investment and diligent filing.

Factor 3 weighs against discretionary denial because the co-pending

litigation is in its early stages, and Petitioner acted with diligence to prepare and file its petition.

Investment in the related proceeding has been minimal, as the Markman hearing is scheduled for five months after institution. Ex.2001, 3. Per *Fintiv*, “[i]f, at the time of the institution decision, the district court has not issued orders related to the patent at issue in the petition, this fact weighs against exercising discretion to deny institution.” *Fintiv*, 10. In the district court, preliminary claim constructions are not due until January 6, 2026, and Markman is not until April 21, 2026. Ex.2001, p.3. The court will therefore not issue an order related to claim construction until long after the institution decision is set to occur. The lack of an order addressing a dispute related to the '824 patent thus weighs against discretionary denial.

This factor also weighs against denial because the Petitioner worked diligently to file the instant petition after receiving Patent Owner's infringement contentions. *Fintiv*, 11. Petitioner received infringement contentions on January 7, 2025, and worked diligently to file two IPR petitions, including the instant petition, in just over three months. The Board has recently agreed that similar diligence is reasonable and weighs against denial. See *Samsung Elecs. Co., Ltd. v. Mullen Industries LLC*, IPR2024-01472, Paper 9 at 10 (Mar. 31, 2025) (“Petitioner's diligence in filing its Petition (a) less than five months after receiving Patent

Owner's infringement contentions and (b) prior to the parties briefing claim construction issues weighs against exercising discretionary denial."); *see also Samsung Elecs. Co., Ltd. v. Headwater Research LLC*, IPR2024-01396, Paper 13 at 7 (Apr. 1, 2025) ("[W]e find Petitioner's diligence in filing its Petition approximately 4 months before it was statutorily required to do so, and while litigation is in its early stages, weighs against denial, not for it.").

Patent Owner's argument that Petitioner was aware of the Burns and Yang references back in 2019 and 2020 (because Petitioner cited them in their own patents) has no bearing on Petitioner's diligence here. PO Brief, at 14. Notably, at that time (in 2019-2020), Petitioner could not possibly have acted on that awareness (e.g., filed an earlier challenge to the '824 patent) because the '824 patent application had not been published or granted.

The date at which Petitioner was aware of the existence of Burns and Yang is different than the date when Petitioner identified them as being relevant to the patentability of the '824 patent. Again, Petitioner reasonably filed this Petition within four months of receiving Patent Owner's infringement contentions.

Because investment in the related proceeding has been relatively minimal, Factor 3 weighs strongly against denial.

D. Factor 4 weighs strongly against denial: Petitioner's "Sotera" stipulation.

Factor 4 weighs strongly against denial given that Petitioner has made a

Sotera stipulation. As stipulated in the Petition:

If the Board institutes an IPR, Petitioner hereby stipulates that Petitioner will not pursue in the co-pending district court litigation the specific grounds asserted here, or any other ground that could have been reasonably raised against the Challenged Claims in an IPR (i.e., grounds that could have been raised under §§102 or 103 on the basis of prior art patent or printed publications). *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-00109, Paper 12 at 18-19 (Dec. 1, 2020)

Petition, 76.

Patent Owner mischaracterizes a statement in the Petition as a “carve out” of *Sotera*. But, the supposed “carve-out” statement merely states Petitioner’s rights under Federal Circuit precedent:

Petitioner does not relinquish any rights or opportunities to challenge the Asserted Patents’ claims on any other ground (i.e., any ground that could not have been raised under §§102 or 103 on the basis of prior art patent or printed publications) or based on Cisco’s own prior art related to the functionality accused of infringement in the co-pending district court litigation, including any grounds that Cisco may use as a defense to infringement under 35 U.S.C. §273.

Petition, 76.

This statement merely reiterates Petitioner’s rights under the Congressionally established scope of estoppel under 35 U.S.C. § 315(e)(2), and is in line with the Federal Circuit’s recent ruling in *Ingenico*. *See Ingenico Inc. v. IOENGINE, LLC*, 136 F.4th 1354 (Fed. Cir. 2025).

Petitioner is entitled to defend itself in district court using system prior art in combination with patents and printed publications—including Cisco’s own patents. In *Ingenico*, the Federal Circuit held that “Congress intentionally limited an IPR’s scope to invalidity challenges based on ‘prior art consisting of patents or printed publications.’” *Ingenico*, 136 F.4th at 1365. Because the Board does not have the statutory authority to resolve so-called “combination” invalidity arguments which derive from system prior art and printed publications, petitioners are not estopped from such combinations by an IPR. Petitioner’s ability to present invalidity grounds relying on system art in district court is not an inefficiency issue as Patent Owner asserts. Rather it is consistent with the intent of the America Invents Act, which prohibits certain issues relating to invalidity from being address via an IPR challenge.

Petitioner’s *Sotera* stipulation thus weighs against denial.

E. Factor 5 is neutral: Petitioner is a defendant in the parallel litigation.

Petitioner Cisco Systems, Inc. is a defendant in the parallel litigation. That is true of most IPR petitioners, therefore, this factor is neutral. *See HP Inc. v. Slingshot Printing LLC*, IPR2020-01084, Paper 13 at 9 (Jan. 14, 2021); *see also NVIDIA Corp. v. Invensas Corp.*, IPR2020-00603, Paper 11 at 23 (Sept. 3, 2020) (this factor weighs against discretionary denial where the district court trial and IPR final written decision are expected “around the same time”).

F. Factor 6 weighs against denial: The merits of the Petition are particularly strong.

Factor 6 favors institution because the Petition clearly shows that the '824 patent claims only well-known subject matter. As discussed in the petition, the '824 patent describes managing encrypted or private data communicated between a remote server and a user's device. Ex.1001, Abstract, Claim 1. The combination of Burns and Yang disclose management of encrypted data between a remote server and a user's device. Ex. 1005, 1:25-32, 2:42-54, 4:36-39; Ex. 1006, 4:17-45, 5:53-65. The combination of the prior art asserted in the Petition thus demonstrates that the claims of the '824 patent are unpatentable.

In summary, each *Fintiv* factor is either neutral or weighs against denial.

VII. Conclusion

For the above reasons, Petitioner respectfully requests that the Director refrain from exercising her discretion to deny this petition, and instead pass it to a merits panel for consideration.

Respectfully submitted,

Date: August 12, 2025

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

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

Opposition to Patent Owner’s Request for Discretionary Denial
IPR2025-00837 (U.S. Patent 11,106,824)

PETITIONER’S EXHIBIT LIST

Ex.1001	U.S. 11,816,249
Ex.1002	Prosecution History of U.S. 11,816,249
Ex.1003	Declaration of Nader Mir, Ph.D. under 37 C.F.R. §1.68
Ex.1004	<i>Curriculum Vitae</i> of Nader Mir, Ph.D.
Ex.1005	U.S. Patent No. 8,341,724 to Burns et al.
Ex.1006	U.S. Patent No. 8,291,495 to Burns et al. (“Yang”)
Ex.1007	U.S. Patent Publication No. 2005/0078668 to Wittenberg et al. (“Wittenberg”)
Ex.1008	Complaint, <i>QPrivacy USA LLC v. Cisco Systems, Inc.</i> , No. 2:24-cv-00855 (E.D. Tex. Oct. 21, 2024).
Ex.1009	Docket Control Order, <i>QPrivacy USA LLC v. Cisco Systems, Inc.</i> , No. 2:24-cv-00855 (E.D. Tex. Feb. 6, 2025).
Ex.1010	United States District Courts - National Judicial Caseload Profile (December 2024)
Ex.1011	Transmission Control Protocol, RFC 793 (Sept. 1981).
Ex.1012	Andrew Tanenbaum, “Computer Networks,” 3rd ed. (1996).
Ex.1013	U.S. Patent Publication No. 2006/0215695 to Olderdissen
Ex.1014	Perlman, Radia, “Interconnections: Bridges, Routers, Switches, and Internetworking Protocols,” 2d ed. (2000).
Ex.1015	<i>Reserved</i>
Ex.1016	Kozierok, Charles M., “The TCP/IP Guide: A Comprehensive, Illustrated Internet Protocols Reference,” 1st ed. (2005).
Ex.1017	Nayak, Umesh; Hodeghatta Rao, Umesh, “The InfoSec Handbook: An Introduction to Information Security,” 1st ed. (2014).
Ex.1018	U.S. Patent No. 7,406,522 to Riddle
Ex.1019	U.S. Patent Publication No. 2011/0106710 to Reed et al.
Ex.1020	U.S. Patent Publication No. 2011/0022835 to Schibuk et al.

Opposition to Patent Owner's Request for Discretionary Denial
IPR2025-00837 (U.S. Patent 11,106,824)

Ex.1021	U.S. Patent No. 6,944,762 to Garrison
Ex.1022	U.S. Patent Publication No. 2005/0281192 to Nadeau et al.
Ex.1023	U.S. Patent Publication No. 2011/0110328 to Pradeep et al.
Ex.1024	U.S. Patent Publication No. 2013/0329578 to Groves et al.
Ex.1025	U.S. Patent Publication No. 2002/0046264 to Dillon et al.
Ex.1026	U.S. Patent Publication No. 2002/0059435 to Border et al.
Ex.1027	U.S. Patent No. 6,826,620 to Mawhinney et al.
Ex.1028	U.S. Patent Publication No. 2017/0230065 to Saraswathyama et al.
Ex.1029	U.S. Patent Publication No. 2014/0351106 to Furr et al.
Ex.1030	U.S. Patent Publication No. 2012/0230208 to Pyatkovskiy
Ex.1031	U.S. Patent Publication No. 2006/0248582 to Panjwani et al.
Ex.1032	U.S. Patent Publication No. 2004/0013112 to Goldberg et al.
Ex.1033	Transmission Control Protocol, RFC 1700 (1994).
Ex.1034	Transmission Control Protocol, RFC 791 (1981).
Ex.1035	Transmission Control Protocol, RFC 790 (1981).
Ex.1036	Proctor, Paul E., "The Practical Intrusion Detection Handbook," (2001).
Ex.1037	U.S. Patent Publication No. 2008/0159146 to Claudatos et al.
Ex.1038	U.S. Patent Publication No. 2007/0088845 to Memon et al.
Ex.1039	U.S. Patent Publication No. 2005/0047449 to Adolph et al.
Ex.1040	Transmission Control Protocol, RFC 5246 (2008).
Ex.1041	U.S. Patent Publication No. 2003/0038791 to Chou
Ex.1042	U.S. Patent No. 5,289,589 to Bingham et al.
Ex.1043	U.S. Patent Publication No. 2006/0040650 to Schepers et al.
Ex.1044	U.S. Patent Publication No. 2003/0014624 to Maturana et al.
Ex.1045	U.S. Patent Publication No. 2006/0209858 to Blum

Opposition to Patent Owner’s Request for Discretionary Denial
IPR2025-00837 (U.S. Patent 11,106,824)

Ex.1046	Transmission Control Protocol, RFC 4253 (2006).
Ex.1047	U.S. Patent Publication No. 2002/0143897 to Patil
Ex.1048	U.S. Patent Publication No. 2007/0248105 to Shinoda et al.
Ex.1049	U.S. Patent Publication No. 2008/0016570 to Capalik
Ex.1050	U.S. Patent No. 7,127,743 to Khanolkar et al.
Ex.1051	U.S. Patent Publication No. 2006/0179472 to Chang et al.
Ex.1052	U.S. Patent Publication No. 2004/0187028 to Perkins et al.
Ex.1053	U.S. Patent Publication No. 2009/0254970 to Agarwal et al.
Ex.1054	U.S. Patent Publication No. 2013/0179753 to Flynn et al.
Ex.1055	U.S. Patent Publication No. 2014/0207997 to Peterson et al.
Ex.1056	U.S. Patent Publication No. 2012/0303952 to Smith et al.
Ex.1057 (New)	Cisco Systems, Inc. Form 10-k
Ex.1058 (New)	Cisco Networking Academy Impact
Ex.1059 (New)	Cisco GEMMS Contract Details
Ex.1060 (New)	Public Sector Highlights – Cisco Blog
Ex.1061 (New)	IPR Economic Impact Study
Ex.1062 (New)	Cisco’s Invalidation Contentions, <i>QPrivacy USA LLC v. Cisco Systems, Inc.</i>, No. 2:24-cv-00855 (E.D. Tex. Mar. 31, 2024).
Ex.1063	Reserved
Ex.1064 (New)	Bloomberg Law – Chief Patent Board Judge Waves Off Workforce Attrition Concerns
Ex.1065 (New)	Reexamination Order 90/019,896
Ex.1066 (New)	EDTX Trial Schedule

CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), Petitioner hereby certifies, in accordance with and reliance on the word count provided by the word-processing system used to prepare this Opposition, that the number of words in this paper is 3,787. Pursuant to 37 C.F.R. § 42.24(d), this word count excludes the table of contents, table of authorities, mandatory notices under § 42.8, certificate of service, certificate of word count, appendix of exhibits, and any claim listing.

Date: August 12, 2025

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

/Theodore M. Foster/

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

CERTIFICATE OF SERVICE

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

Date of service August 12, 2025

Manner of service Electronic Email: tomd@cherianllp.com;
elizabetho@cherianllp.com

Documents served **Petitioner's Opposition to Patent Owner's Request for Discretionary Denial; Exhibits Ex.1057–Ex.1062 and Ex.1064–Ex.1066.**

Persons served Thomas M. Dunham
Elizabeth A. O'Brien
Cherian LLP
2001 L Street NW, Suite 650
Washington, D.C. 20036

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