

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE  
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

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CISCO SYSTEMS, INC.,  
Petitioner,

v.

QPRIVACY USA LLC,  
Patent Owner.

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IPR2025-00836 (Patent 11,816,249 B2)  
IPR2025-00837 (Patent 11,106,824 B2)

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

DECISION  
Denying Institution of *Inter Partes* Review

IPR2025-00836 (Patent 11,816,249 B2)

IPR2025-00837 (Patent 11,106,824 B2)

QPrivacy USA LLC (“Patent Owner”) filed a request for discretionary denial (Paper 8, “DD Req.”) in the above-captioned cases, and Cisco Systems Inc. (“Petitioner”) filed an opposition (Paper 9, “DD Opp.”).<sup>1</sup>

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

Some factors counsel against discretionary denial. For example, the challenged patents have not been in force for a significant period of time (issued in 2021 and 2023). Accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial as to these patents.

Other considerations favor discretionary denial. In particular, the projected final written decision due date in the Board proceeding is November 12, 2026. DD Req. 8; DD Opp. 12. The district court’s scheduled trial date is October 19, 2026, and the time-to-trial statistics suggest trial will begin in October 2026. DD Req. 8. As such, it is unlikely that a final written decision in this proceeding will issue before district court trial occurs, resulting in significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions. Additionally, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial. Furthermore, an *ex parte* reexamination request for one of the challenged patents is before the Office. *Id.* at 32. Under these circumstances, the considerations in favor of discretionary denial outweigh those that counsel against it.

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<sup>1</sup> Citations are to papers in IPR2025-00836. The parties filed similar papers in IPR2025-00837.

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Petitioner argues that national security interests counsel against discretionary denial because it is a “key supplier of critical networking infrastructure for government agencies and the military.” DD Opp. 5–7. Petitioner, however, does not explain in sufficient detail why review of the challenged patents is in the interest of national security. For example, Petitioner argues that it “provides network equipment to all four branches of the military.” *Id.* at 6. But Petitioner does not provide sufficient explanation as to how review of the challenged patents implicates national security interests beyond identifying that *inter partes* review of the challenged patents “frees up more of Cisco’s resources to be spent on critical national security and economic interests.” *Id.* at 5. Absent more, Petitioner’s argument does not tip the balance against discretionary denial.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petitions are denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner’s request for discretionary denial is *granted*; and

FURTHER ORDERED that the Petitions are *denied*, and no trials are instituted.

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