

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTELLIGENT PROTECTION MANAGEMENT CORP.,
Petitioner,

v.

CISCO TECHNOLOGY, INC.,
Patent Owner.

Case IPR2025-01588
U.S. Patent No. 8,830,293

**REPLY TO PATENT OWNER'S BRIEFING
ON IMPACT OF *REVVO* DECISION**

PETITIONER'S EXHIBIT LIST

Exh. No.	Description
1001	U.S. Patent No. 8,830,293 (“the ’293 patent”)
1002	File History of U.S. Patent No. 8,830,293
1003	Expert Declaration of Omid Kia, Ph. D.
1004	U.S. Patent No. 8,345,082 (“Tysso”)
1005	U.S. Patent Application No. 61/103,588 (“Tysso Provisional”)
1006	User Manual for GNU Image Manipulation Program (dated May 1, 2007) (“GIMP”)
1007	Printout of https://web.archive.org/web/20070521020845/http://docs.gimp.org/download.html , captured by Internet Archive on May 21, 2007
1008	Screenshot of https://web.archive.org/web/20070512113240/http://docs.gimp.org/en.pdf , captured by Internet Archive on May 12, 2007
1009	Printout of https://archive.org/legal/affidavit
1010	Recorded Assignment of Tysso (Ex. 1004) to Patent Owner
1011	Record of ’293 Patent Case Activity
1012	Docket Navigator Patent Health Report on ’293 Patent
1013	District Court Scheduling Order

Petitioner respectfully submits this authorized Reply in response to “Patent Owner’s Briefing on Impact of *Revvo* Decision” (Auth. Br.) submitted on February 19, 2026. The Director referred this proceeding on January 27, 2026, and authorized this additional briefing on February 17, 2026. *See* Ex. 3101.

Despite its best attempts to terminate this proceeding pre-institution, Patent Owner’s *Revvo* briefing fails to establish any basis for relief. Patent Owner fails to acknowledge that *Revvo* applies when a petitioner takes ***inconsistent*** claim construction positions in different forums. No such situation exists here because Petitioner does not seek to present a broader construction in this proceeding and a narrower construction in district court. While Patent Owner complains that Petitioner identifies proposed constructions in District Court, Patent Owner fails to tell the Board that the constructions advanced by Petitioner in District Court ***are the plain and ordinary meanings*** of the terms presented to help the factfinder understand those terms. Indeed, ***neither Petitioner’s invalidity analysis nor Patent Owner’s infringement assertions change under Petitioner’s plain and ordinary construction.***

Further, as Patent Owner knows, the District of Delaware—where Patent Owner’s litigation is pending against Petitioner—requires parties to explain what the “plain and ordinary meanings” of the claim terms are, and cannot simply rely on “plain and ordinary meaning” as a construction. This requirement exists

precisely because jury members without technical backgrounds may serve as factfinders in district court, while the factfinders before the Board are educated judges with extensive technical backgrounds. Recognizing these differences, there is nothing inconsistent about providing a construction to help the district court factfinders understand the plain and ordinary meaning of “video frame” in a manner that the technical members of the PTAB do not require.

For each of the two constructions complained of by Patent Owner, as well as any other construction from the district court proceeding, Patent Owner fails to identify any inconsistency that would trigger *Revvo*, namely a broader construction in this proceeding and a narrower construction in district court.

The “video frame” limitations

Patent Owner argues that the proposed construction for “video frame” is broader in District Court than in this IPR because Petitioner interprets a “video frame” as “one of a series of *discrete* images forming a realtime video stream.” Auth. Br., 1 (emphasis in original). But this construction is a plain meaning explanation of a “video frame” as used in the '293 patent and does not raise issues of broad-versus-narrow interpretations. Patent Owner complains that the Petition “never even attempts to explain how the proposed construction is consistent with the ordinary meaning of the term or how the prior art references include a disclosure of ‘discrete’ images.” Auth. Br., 2. This is clearly wrong.

Petitioner addressed the “video frame” limitations throughout the Petition, including how Tyso satisfies those limitations by its operations on what is illustrated as three discrete video frames produced from three endpoints, as shown in Fig. 1 of Tyso. *See, e.g.*, Pet. 13 (citing Tyso, FIG. 1, 2:39-43; Tyso Prov., FIG. 1, 3:1-2). Fig. 1 of Tyso is reproduced below:

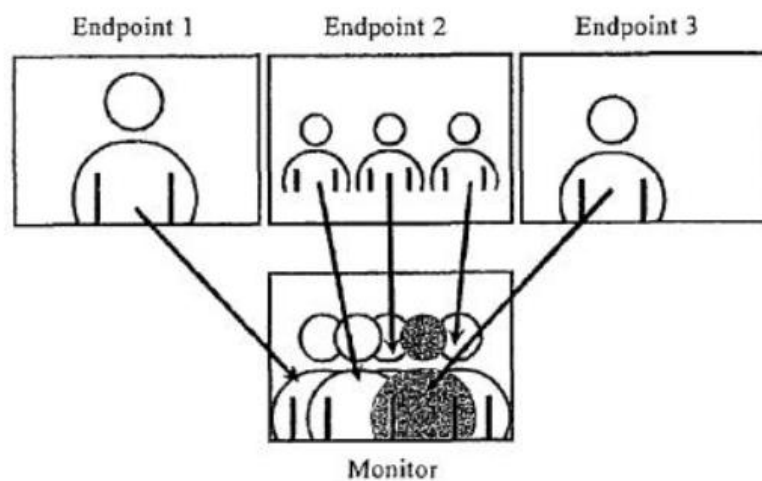


Fig. 1

Attempting to create some dispute about the narrowness of Petitioner's proposed district court construction, Patent Owner submits new evidence regarding the use of compression in video, and argues that the term “discrete” “*may* render the term significantly narrower ...” because this term may exclude videoconferencing systems using compression. Auth. Br., 2 (emphasis added). But Patent Owner's assertion of narrowness is couched in loose wording—*i.e.*, “may render”—and is accompanied by footnote 1, in which Patent Owner maintains that compression

schemes are still covered under Petitioner's "discrete" plain and ordinary construction. Patent Owner argues that Petitioner's construction somehow narrows the scope of the claims even though Patent Owner denies this. In essence, neither Petitioner's invalidity analysis nor Patent Owner's infringement assertions change under Petitioner's construction. That is not a *Revvo* situation.

Further adding to the oddity of this *Revvo* argument, Patent Owner is not questioning whether a newly-developed technology is covered by the '293 patent claims. PO's discussion of compression schemes is supported by a technical document (Ex. 2013) that pre-dates the filing of the '293 patent by years, and Patent Owner admits that compression was ubiquitous in video transmission long before the '293 patent was filed. Patent Owner also claims to be an expert in this field. Ex. 2004, 51 (holding over 700 patents covering Webex). Under these facts, Patent Owner tries to create a breadth disparity by hypothesizing that requiring video frames to be "discrete" may be enough to eliminate any videoconferencing solution using video compression from the scope of the claims. But this is a charade. Even Patent Owner does not believe this non-infringement strawman argument, and creates it for the Board as a reason to lean on *Revvo*. *See Auth. Br.*, 3 n.1 (denying that this construction changes its infringement theory).

Moreover, as explained in the Petition with expert support, a POSITA would understand Tyssso's disclosures of separate images sent from the endpoints to be

video frames (*see e.g.*, Pet., 20 (citing Ex. 1003, ¶ 49)), and it is hard to understand how citations to a document predating both Tyso and the '293 patent would impart patentability to the '293 by altering how Tyso should be understood.

Finally, the POPR's merits arguments did not include any dispute about whether Tyso discloses video frames, for good reason. Nothing about Petitioner's plain and ordinary meaning for "video frame" raises *Revvo* issues or otherwise creates disparity in the breath of its proposed construction here and in court.

The "Order of steps"

Again, there is no disparity created by an order of steps argument in district court. For dependent claims 5 and 17, Petitioner addressed the steps in those claims in the same order they were presented, fully consistent with the construction advanced in district court. Pet., 43-45, 60-61 (including references to claim 5). Given the consistent treatment of the step orders in these claims between the Petition and the District Court construction, it is impossible to understand what inconsistency Patent Owner is trying to point to.

Thus, Petitioner maintains that the *Revvo* decision does not warrant discretionary denial, and respectfully asks that the merits panel institute this proceeding for the reasons set forth in the Petition.

IPR2025-01588 Opposition to PO's Request for Discretionary Denial

Dated: February 23, 2026

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served via email on this date, by consent, to Patent Owner by serving the correspondence email addresses of record as follows:

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