

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.
Petitioner

v.

DYNAMIC MESH NETWORKS, INC.
D/B/A MESH DYNAMICS
Patent Owner

Case No. IPR2026-00008
U.S. Patent No. 8,520,691

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

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Ex.1004	<i>Curriculum Vitae</i> of Christopher Hansen, Ph.D.
Ex.1005	U.S. Patent Publication No. 2006/0215581 to Castagnoli
Ex.1006	U.S. Patent Publication No. 2007/0140239 to Bauer
Ex.1007	U.S. Patent Publication No. 2009/0213730 to Zeng et al.
Ex.1008	U.S. Patent No. 7,852,819 to Gil et al.
Ex.1009	U.S. Patent Publication No. 2008/0214175 to Papadoglou et al.
Ex.1010	U.S. Provisional App. No. 61/148,803
Ex.1011	IEEE Standard 802.11-1999
Ex.1012	Complaint, <i>Dynamic Mesh Networks, Inc. d/b/a MeshDynamics v. Cisco Systems, Inc.</i> , No. 2:25-cv-00472, Dkt. no. 1 (E.D. Tex. May 5, 2025).
Ex.1013	Infringement Contentions for U.S. Patent No. 8,520,691, <i>Dynamic Mesh Networks, Inc. d/b/a MeshDynamics v. Cisco Systems, Inc.</i> , No. 2:25-cv-00472 (E.D. Tex.).
Ex.1014	A. S. Tanenbaum, <i>Computer Networks</i> , 4th ed. (Prentice Hall PTR) (selected pages)
Ex.1015	J. Henry, 802.11s Mesh Networking (White paper) (The Certified Wireless Network Professional (CWNP) Program)
Ex.1016	U.S. Patent Publication No. 2006/0047835 to Greaux
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I. INTRODUCTION

Petitioner Cisco respectfully requests institution of this IPR. The balance of discretionary considerations weighs strongly in Petitioner's favor: (1) Dynamic Mesh's ("DM") failure to show any efforts to commercialize the challenged patent—U.S. Patent No. 8,520,691 ("'691 patent")—for nearly a decade after issuance; (2) the Examiner's material error during prosecution; (3) DM's exceedingly broad accusations in the parallel district court litigation; (4) the lack of effort expended in the district court litigation, which is still in its early stages; and (5) the strength of the Petition all overwhelmingly favor institution. Conversely, none of the factors DM relies on—primarily settled expectations—counsel in favor of discretionary denial.

First, Cisco—not DM—has stronger settled expectations with respect to the '691 patent. DM neglected the '691 patent, letting it **lapse** for failing to pay maintenance fees. Besides the '691 patent's predecessor provisional application being listed in a presentation in 2009, DM has provided no evidence that the '691 patent was licensed, commercialized, or used in any way until 2022. DM has shown a similar indifference to related patents. Like the '691 patent, DM also let U.S. Patent No. 7,420,952 ("'952 patent") lapse for failing to pay maintenance fees. DM recently filed a statutory disclaimer for U.S. Patent No. 11,368,537

(“’537 patent”) after an IPR challenging it was referred for merits evaluation.¹

These decisions—to abandon its patents, rather than maintain and defend them—belie DM’s purported settled expectations of validity. *See infra* Section II.

Second, the ’691 patent would not have issued but for material examiner error. The Examiner failed to appreciate the scope of the recited limitations with respect to the state of the technology at the time. The Examiner’s search queries focused on technical jargon and terms tied to specific implementations rather than on the underlying concepts. This material examination error warrants Board review as an efficient use of Office resources. *See infra* Section III.

Third, the Patent Office is uniquely suited to address the diverse range of subject matter of seven patents asserted across two cases by DM. The asserted patents span a total of four families, with subject matter ranging from wireless network structure to forward error correction. The PTAB is the most efficient adjudicator of patent validity in such cases. *See infra* Section IV.

Lastly, the *Fintiv* factors overwhelmingly favor institution. The district court proceedings remain at an early stage. Cisco filed the instant Petition just over five months after receiving an original (now-dismissed) complaint, and less than two months after receiving DM’s refiled complaint. Cisco has provided a *Sotera*

¹ *See* IPR2025-01303, Paper 10 & Exhibit 2011.

stipulation to reduce risk of issue overlap. The Petition’s merits are strong, and DM’s counterarguments do not identify any specific gap in the Petition’s obviousness grounds. *See infra* Section V.

II. SETTLED EXPECTATIONS WEIGH *IN FAVOR* OF INSTITUTION.

Contrary to DM’s assertions, Cisco—not DM—possesses the stronger settled expectations relevant to the Director’s discretionary analysis. The ’691 patent issued more than twelve years ago, and for nearly nine years, sat idle, eventually lapsing for DM’s failure to pay a maintenance fee. DM recently disclaimed one of the other patents it asserted against Cisco, despite its claim—just weeks earlier—that it had “strong settled expectations.”

A. Cisco Had Reasonable Expectations of Non-Enforcement: DM Has Shown no Effort to Commercialize, License, or Use the ’691 Patent for More Than a Decade After Issuance.

For the majority of the ’691 patent’s life, the record indicates that it was not only idle, but neglected. Its assignee failed to pay the 7.5-year maintenance fee, allowing the ’691 patent to expire on October 4, 2021. Ex.1002, 3-7; Ex.1037, 2. Despite being notified multiple times of these lapses, DM did not petition to file the late maintenance fee and revive the ’691 patent until **nearly a year after it was due**. Ex.1002, 3-7; Ex.1037, 2.

This was not DM’s first time receiving a notice of abandonment. The ’952 patent—also asserted against Cisco—expired a year earlier for failure to pay the

11.5-year maintenance fee. Ex.1040, 1-5; Ex.1041, 2. DM waited nearly **two years** after that maintenance fee was due before petitioning to revive it. Ex.1040, 1-5; Ex.1041, 2.

Aside from the '691 patent's predecessor provisional application being listed in a slide deck for an alleged 2009 presentation to Cisco, DM has provided no evidence that it commercialized, licensed, or otherwise used the '691 patent until 2022. DM nevertheless claims that it “continued to commercialize its mesh networks for years.” Paper 6 (“DD Br.”), 6. DM's carefully chosen language notably avoids any reference to commercializing the subject matter *claimed in the '691 patent*, or in any of DM's other asserted patents. Even if DM had alleged commercialization of the '691 patent, that attorney argument would deserve no weight because DM provided no supporting evidence. The only evidence submitted by DM contains a similarly vague statement: “MeshDynamics remained active in the market for several years after the meeting with Cisco in 2009 and continued to commercialize its mesh networking technology.” Ex.2003, ¶5.

From the public's perspective, the '691 patent sat dormant in a filing cabinet from its issuance until being listed in a letter to Cisco in 2022. DM's neglect of its patents created strong settled expectations that the '691 patent—and its other patents—would never be enforced. *See Ford Motor Co. v. Autoconnect Holdings LLC*, IPR2025-01342, Paper 11, 3 (Dir. Dec. 5, 2025) (“**Patent Owner's own**

actions, or lack thereof, cut against any settled expectations that Patent Owner had developed as to at least one of the challenged patents. By **failing to timely pay maintenance fees**, Patent Owner itself allowed at least one of the challenged patents to lapse.”)

Meanwhile, starting well before the '691 patent issued, Cisco was marketing, developing, and improving the products DM now accuses of infringing the '691 patent. With each year that passed, DM's lack of demonstrable commercial activity with respect to the '691 patent strengthened Cisco's settled expectations of non-enforcement.

DM has shown a similar indifference to preserving the other patents asserted against Cisco. Recently, DM disclaimed the entire term of the '537 patent, which was also asserted against Cisco. IPR2025-01303, Paper 9 at 5; Ex.1043 (Statutory Disclaimer for the '537 patent). DM alleges that the disclaimer was intended to “streamline” the district court proceedings. DD Br., 9 n.3. But DM had already agreed to dismiss the '537 patent from the litigation with prejudice. DD Br., 9 n.3. DM does not explain how the disclaimer of an already-withdrawn patent would streamline the copending litigation.

Further, DM's disclaimer came mere weeks after alleging that it had “strong settled expectations” for the '537 patent. DM's disclaimer shows that to DM, “strong settled expectations” are empty words to be casually tossed about, and if

convenient, cast aside. If DM shows no convictions in its supposed beliefs about patent validity, the Office should not give them weight either. The invalidity arguments raised by the Petition in this proceeding deserve consideration on their merits.

Neither of DM's alleged "notices" weakens Cisco's settled expectation of non-enforcement. With respect to the August 2009 meeting, DM does not allege that it informed Cisco that the '691 patent potentially covered any of Cisco's products at that time. *See* DD Br., 5-6. But DM's list of "Accused Products" includes products that were commercially available well before that meeting occurred. Ex.1038, ¶¶9, 11 (Complaint defining "Accused Products" to include "Aironet 1500" series access points); Ex.1042 (Aironet 1500 series launched in 2005); Ex.2013, 573, 578 (infringement contentions accusing "Cisco 5500 Series Controllers," including model 5508); Ex.1048, 1 (Cisco 5500 Series Controllers released May 18, 2009). The only mention of the '691 patent in DM's 2022 letter to Cisco was to list it as one of 19 patents assigned to DM. *See* DD Br., 7; Ex.2004, 1, Exhibit A. Even if the letter had alleged infringement of the '691 patent—which it did not—notice would have accrued only three years ago, which does not create settled expectations. *See Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Papers 9 & 12 (Dir. July 16, 2025) (finding concerns of material error weighed in favor of institution, despite Patent Owner's allegation that Petitioner "almost

certainly has known of the patent for years.”).

III. THE '691 PATENT WOULD NOT HAVE ISSUED BUT FOR MATERIAL ERROR COMMITTED DURING EXAMINATION.

As explained in the Petition, the '691 patent recites well-known concepts, including wireless network topology of “mesh nodes” that maintains its structure when it disconnects from, and reconnects with, an external network. Paper 2 at 5; Ex.1001, Abstract, claim 1. But the Examiner’s search and examination failed to appreciate the scope of the claim terms relative to the state of wireless technology as of the '691 patent’s priority date.

The Examiner’s search queries focused on specific technical jargon and implementations, requiring terms like “ad hoc,” “cluster,” and “isolated.” Ex.1002, 34-36, 113-117. Those narrow search terms would have excluded many relevant prior art references. For instance, the Petition demonstrates that Castagnoli, which is the primary reference relied on in the Petition for all grounds, discloses many of the recited limitations without using any of the searched terms listed above. *See* Paper 2. Additionally, the Petition shows that Bauer discloses the claimed “*second isolated configuration*” features without using the term “isolated,” which is what the Examiner searched. Paper 2 at 59-60 (explaining that Bauer discloses wireless devices continuing communications with each other “when the mesh network is ‘disconnected from an Internet Infrastructure.’”); Ex.1006, [0023]; Ex.1002, 34-36,

113-117.

The Examiner’s search queries never included a competent search for disclosures relevant to the ideas recited in the claims. This was material error that led to allowance. The Director should refer the Petition for consideration on the merits to correct this error.

IV. THE PTAB IS THE PREFERRED AND MOST EFFICIENT FORUM TO REVIEW THE INVALIDITY OF THE ’691 PATENT.

The PTAB—not a district court—is the best and most efficient forum to adjudicate the validity of the large and complex group of patents asserted by DM. The dispute spans numerous patents from multiple families that cover a diverse range of technologies. The PTAB can efficiently ensure more uniform, technically informed resolution of these invalidity disputes.

Case No.	Patents At Issue	Status
<i>Dynamic Mesh Networks, Inc. d/b/a MeshDynamics v. Cisco Systems, Inc. et al.</i> , 2-25-cv-00472, (E.D. Tex. May 5, 2025) (“ <i>Dynamic Mesh I</i> ”)	11,368,537 ² ; 7,420,952; 7,885,243; 7,894,385; 8,520,691;	DM voluntarily dismissed the case
<i>Dynamic Mesh Networks, Inc. d/b/a MeshDynamics v. Cisco Systems, Inc. et al.</i> , 2-25-cv-00606, (E.D. Tex. June 6, 2025) (“ <i>Dynamic Mesh II</i> ”)	8,477,762; 9,049,000; 8,514,852	DM voluntarily dismissed the case

² The ’537 Patent was disclaimed by DM on December 12. Ex.1043.

Case No.	Patents At Issue	Status
<i>Cisco Systems Inc. v. Dynamic Mesh Networks, Inc. d/b/a MeshDynamics et al.</i> , 5-25-cv-06441, (N.D. Cal. July 31, 2025) (“ <i>Dynamic Mesh III</i> ”)	11,368,537; 7,420,952; 7,885,243; 7,894,385; 8,477,762; 8,514,852; 8,520,691; 9,049,000	Dismissed
<i>Dynamic Mesh Networks, Inc. d/b/a MeshDynamics v. Cisco Systems, Inc. et al.</i> , 2-25-cv-00781, (E.D. Tex. Aug. 12, 2025) (“ <i>Dynamic Mesh IV</i> ”)	11,368,537; 7,420,952; 7,885,243; 7,894,385; 8,520,691;	Jury Selection scheduled for March 15, 2027.
<i>Dynamic Mesh Networks, Inc. d/b/a MeshDynamics v. Cisco Systems, Inc. et al.</i> , 2-25-cv-00783, (E.D. Tex. Aug. 12, 2025) (“ <i>Dynamic Mesh V</i> ”)	8,477,762; 9,049,000; 8,514,852	Consolidated with <i>Dynamic Mesh IV</i> for pretrial issues.

More specifically, DM’s assertions now span *seven* patents from *four* patent families encompassing a wide range of technologies—for example, from distributed control of wireless networks (U.S. 7,420,952, Ex.1045), real time network packet transforms (U.S. 8,514,852, Ex.1044), mobility extensions for wireless multiple radio mesh (U.S. 7,894,385, Ex.1047), self-forming VOIP networks (U.S. 8,477,762, Ex.1046), to persistent mesh for isolated networking (U.S. 8,520,691, Ex.1001). “The large number and wide scope of the patents asserted in the district court litigation weighs against discretionary denial, as the Board is better suited to review a large number of patents involving diverse subject

matter.” *Samsung v. Wilus Inst.*, IPR2025-00933, Paper 11, 3 (Dir. Oct. 10, 2025); *see also Shenzhen Tuozhu Tech. Co. v. Stratasys, Inc.*, IPR2025-00438, Paper 10, 3 (Dir. July 17, 2025) (referring petition to the Board where the “parallel district court proceeding involve[d] nine different patents spanning six families that involve[d] a diverse range of subject matter.”). And the Office’s unique ability to effectively address broad, diverse assertions overcomes any of DM’s alleged expectations. *See Am. Airlines Inc. v. Intellectual Ventures I LLC*, IPR2025-00785, Paper 11, 3 (Dir. Aug. 29, 2025) (finding “large number and wide scope of the patents asserted in the district court litigation weighs against discretionary denial” even though challenged patents were in effect for 14 and 18 years).

Thus, contrary to DM’s allegations (DD Br., 9-10, 18), the PTAB is the more efficient and appropriate forum to resolve invalidity issues arising from the sprawling district court proceedings.

V. THE FINTIV FACTORS FAVOR INSTITUTION.

As explained further below, all six *Fintiv* factors weigh in favor of institution, because the Final Written Decision in this IPR will likely issue before any district court trial.

A. Fintiv Factor 1 Is Neutral: There Has Been No Motion to Stay Requested.

Contrary to DM’s assertions (DD Br., 11–13), the absence of a stay motion to

date reflects only that the district court case is still in a nascent stage. Because no motion to stay has been requested, this factor is neutral. *See Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 12 (PTAB May 13, 2020) (finding that *Fintiv* factor 1 “does not weigh for or against discretionary denial” where neither party had requested a stay of the district court case); *Sand Rev’n II LLC v. Cont’l Intermodal Grp. – Trucking LLC*, IPR2019-01393, Paper 24 at 7 (PTAB June 16, 2020) (finding *Fintiv* factor 1 neutral where “no stay [had] been requested or ordered in the related district court litigation.”).

B. Fintiv Factor 2 Favors Institution: The Final Written Decision Will Likely Issue Before a Trial in E.D. Tex.

Factor 2 favors institution. The Board’s Final Written Decision is expected by April 20, 2027. DD Br., 13. The E.D. Tex. Court has currently set trial in *Dynamic Mesh IV* and *V* to begin on March 15, 2027. However, that court’s judicial statistics show a median time-to-trial of 24.5 months. Ex.1039. That timing gives *Dynamic Mesh IV* and *Dynamic Mesh V* an expected trial date in late September 2027—more than ***four months after*** the Final Written Decision.

DM confidently predicts that the March 2027 trial date “will ***not*** change,” and that the median time-to-trial statistics for E.D. Tex. should be ignored. DD Br., 14 (emphasis in original). This is so, DM argues, because DM asked the district court to reinstate the original trial date of February 26, 2027, and the district court

scheduled the trial for a different, but still “early” trial date of March 15, 2027. DD Br., 14. DM does not explain why this fact alone would make scheduling changes unlikely. Indeed, the district court always retains control over its docket and schedule; it can and will adjust trial dates as needed to accommodate its other obligations.

In any event, median time-to-trial statistics for E.D. Tex. strongly suggest that a trial will not occur until several months after the expected Final Written Decision.

C. Fintiv Factor 3 Strongly Favors Institution: The Parties and Court Have Minimal Investment in The Parallel Proceedings and Cisco Filed Expeditiously.

Fintiv Factor 3 weighs strongly against discretionary denial. The E.D. Tex. case is in the early stages, and Cisco filed this Petition promptly after DM’s complaint in the pending litigation.

As described above, neither the parties nor the courts have made significant investments in *Dynamic Mesh IV* or *V*. As of this filing, discovery has barely begun—neither party has responded to any discovery requests and no depositions have been noticed or taken. DM argues that Cisco’s preparation of invalidity contentions should weigh against institution. *See* Paper 8. While Cisco accepts that much of that work will have been for naught if this IPR is instituted (owing to Cisco’s *Sotera* stipulation), in any event, it is **the district court’s** investment in a

proceeding that is most relevant to Factor 3. *See* Ex.1021 (*Sotera* stipulation).

“If... 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.” *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11, 10 (PTAB Mar. 20, 2020)

(precedential). Here, the court has not addressed any substantive issues related to the patents-in-suit. In *Dynamic Mesh IV* and *V*, the Markman hearing is set for September 29, 2026, well after this case’s institution decision is due in February 2026. Ex.2016, 3.

These facts stand in sharp contrast to the record in *International Business Machines Corp. v. Digital Doors, Inc.*, IPR2023-00968, Paper 7 at 10–11 (PTAB Dec. 1, 2023), cited by DM, where multiple depositions had been completed and several discovery rounds concluded. Here, there has been no comparable effort or investment.

Where investment in parallel litigation is minimal, as here, the Office has regularly denied requests for discretionary denial. *See Cambridge Indus. USA, Inc. v. Applied Optoelectronics, Inc.*, IPR2025-00434, Paper 11, 2 (Dir. June 26, 2025) (referring decision to Board where no trial date was set and Markman was vacated); *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11, 10 (PTAB Mar. 20, 2020).

Cisco’s expeditious filing of the Petition further weighs against denial. After

addressing issues surrounding the '691 patent's ownership, DM filed its complaint in Dynamic Mesh IV on August 12, 2025. Cisco filed the instant Petition less than two months later, on October 10, 2025. Paper 2. The Office has found similar filing intervals to demonstrate "diligence." *Samsung Elecs. Co. v. Mullen Indus. LLC*, IPR2024-01472, Paper 9, 10 (PTAB 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.").

D. Fintiv Factor 4 Slightly Favors Institution: Petitioner's Sotera Stipulation Reduces the Risk of Overlap and Duplicative Efforts.

Factor 4 weighs against discretionary denial because Cisco made a *Sotera* stipulation (Ex.1021) to DM, reducing both overlap and duplicative efforts between the IPR and the district court proceedings. Such stipulations favor institution because they "mitigate concerns of duplicative efforts between the district court and the Board, as well as concerns of potentially conflicting decisions." *HP Inc. v. Universal Connectivity Tech., Inc.*, IPR2024-01428, Paper 12, 8 (PTAB Apr. 8, 2025); *Nikon Corp. v. Optimum Imaging Techs., LLC*, IPR2024-01373, Paper 17, 23 (PTAB Apr. 23, 2025). This factor weighs in Cisco's favor particularly given the strength of the Petition's merits. *MediaTek Inc. v. Daedalus Prime LLC*, IPR2025-00100, Paper 10, 34 (PTAB May 19, 2025) ("The

particularly strong merits of Petitioner’s case and the *Sotera* stipulation ... lead us to conclude that the trial date and other factors favoring denial are outweighed.”).

DM cites two PTAB decisions denying institution of IPR Petitions in which *Sotera* stipulations were filed. DD Br., 16. Neither of those decisions supports denial. In *Cisco Systems, Inc. v. Estech Systems, Inc.*, IPR2021-00333, Paper 12 at 6, 13 (PTAB July 7, 2021), the Office found that the *Sotera* stipulation was outweighed only because two district court trials were scheduled eleven and seven months before the expected Final Written Decision. Here, by contrast, the Final Written Decision is reasonably expected before any district court trial, and discovery has scarcely begun. Similarly, in *Motorola Solutions v. Stellar, LLC*, IPR2024-01205, Paper 11 at 11 (PTAB Feb. 13, 2025), the Office denied institution only after the district court had already appointed a technical advisor, conducted a Markman hearing, and ruled on sixteen claim terms—none of which has occurred here.

Finally, DM’s arguments regarding the availability of *ex parte* reexamination (EPR) are unavailing. DD Br., 17. In *Apotex Inc. v. Alkermes Pharma Ireland Ltd.*, the Director denied institution of an IPR because an EPR of the same patent **was already pending**. IPR2025-00514, Paper 10, 2 (Dir. July 2, 2025). No such co-pending proceeding exists here.

E. *Fintiv* Factor 5 Favors Institution: Any District Court Trial Will Likely Occur After the Final Written Decision.

“[F]actor 5 generally follows factor 2, such that this factor ‘favors denial if trial precedes the Board’s Final Written Decision and favors institution if the opposite is true.’” *Nikon*, IPR2024-01374, Paper 19, 23–24. As discussed in Section V.B, the district court case remains in the earliest stages, and the median time-to-trial statistics suggest that an FWD is reasonably expected before any trial occurs. Accordingly, like Factor 2, Factor 5 weighs in favor of institution.

DM’s citation to *Comcast Cable Communications, LLC v. Entropic Communications, LLC*, IPR2025-00183, Paper 11, 2-3 (Dir. June 25, 2025), is inapposite. In *Comcast*, the Board had already denied two earlier petitions related to a patent with similar claims on the merits, and the district court defendant had filed a notice disclaiming any intent to be bound by IPR estoppel—significantly limiting the potential for simplification. *See* IPR2025-00183, Ex.2015. Here, by contrast, no prior IPRs have been filed, Cisco is the sole petitioner, and Cisco has made a *Sotera* stipulation. Adjudicating invalidity on IPR-eligible prior art in this forum will simplify the district court proceedings and avoid potential inconsistencies.

F. *Fintiv* Factor 6 Favors Institution: The Merits and Other Circumstances Favor Institution.

Factor 6 weighs firmly in favor of institution. The Petition presents strong merits, addresses clear material error during prosecution, and was filed diligently.

Cisco's Petition presents compelling grounds for review. Cisco's Grounds rely on Castagnoli, Bauer, and Gil, which were not before the Examiner. Paper 2. Moreover, the Examiner's search and examination strategy was demonstrably deficient and failed to appreciate the scope of the recited limitations with respect to the state of the relevant technology as of the '691 patent's priority date.

DM does not present any arguments addressing the merits of the Petition, explaining that they are "forthcoming." DD Br., 19. DM's only arguments addressing the Petition's analysis of the claims are vague accusations that the primary reference *alone* does not explicitly disclose some of the claim features. DD Br., 19. DM's remaining arguments merely allege that the Petition cites references related to the background knowledge of a POSITA and that the Petition includes too many cites to the expert Declaration. DD Br., 19-20. These arguments do not identify any specific weakness in the Petition's obviousness grounds with respect to any claim limitation.

Evaluating DM's merits arguments is for the Board to evaluate at trial, once they have been sufficiently briefed. DM's inability to identify any overt weaknesses in the Petition counsels strongly in favor of institution.

VI. CONCLUSION

For the foregoing reasons, Cisco requests institution of this *inter partes* review.

Respectfully submitted,

Dated: January 20, 2026
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CERTIFICATE OF SERVICE

The undersigned certifies that on January 20, 2026, a complete copy of the foregoing **Petitioner's Opposition to Patent Owner's Discretionary Denial Brief and corresponding exhibits** were served on counsel of record for the Patent Owner by filing the documents through P-TACTS and by sending via electronic mail to the following addresses:

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