

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

U.S. Patent No. 8,520,691
Issue Date: August 27, 2013

Title: PERSISTENT MESH FOR ISOLATED MOBILE AND TEMPORAL
NETWORKING

Inter Partes Review No. IPR2026-00008

**DECLARATION OF MR. FRANCIS DACOSTA IN SUPPORT OF PATENT
OWNER'S REQUEST FOR DISCRETIONARY DENIAL**

I, Francis daCosta, declare the following:

1. I am the founder of Dynamic Mesh Networks, Inc. d/b/a MeshDynamics (“MeshDynamics”), the assignee of the eight patents-at-issue in the district court litigations against Cisco Systems, Inc. (“Cisco”) (U.S. Patent Nos. 11,368,537, 7,885,243, 7,420,952, 7,894,385, 8,520,691,8,477,762, 8,514,852, and 9,049,000 (the “Patents-in-Suit”)) and *inter partes* review proceedings. I was previously the founder of Mesh Dynamics, Inc., the predecessor to MeshDynamics.

2. I provide this Declaration in connection with IPR2025-01303, IPR2025-01304, IPR2025-01523, IPR2025-01569, IPR2026-00008, and IPR2026-00127, and any additional *inter partes* review proceeding(s) related to the Patents-in-Suit. The facts contained in this Declaration are based on my personal knowledge. At the time of the events described below, I was serving as Chief Technology Officer (“CTO”) of Mesh Dynamics, Inc. (in 2009) and founder of MeshDynamics (in 2022), and this Declaration is based on my knowledge from those roles. If called upon to testify, I could and would testify competently as to the matter contained in this Declaration.

3. In August 2009, Mesh Dynamics, Inc. gave a presentation to Cisco’s Senior Director and CTO, Bob Friday, to propose a potential commercial collaboration between the parties for Mesh Dynamics, Inc.’s patented mesh networking technology. I attended and presented on behalf of Mesh Dynamics, Inc.

Exhibit 2005 is a true and correct copy of the presentation provided to Cisco in August 2009 by Mesh Dynamics, Inc.

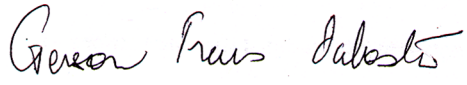
4. As shown in Exhibit 2005, I discussed with Cisco Mesh Dynamics, Inc.'s patent portfolio, including U.S. Patent No. 7,420,952 and patent applications pending at that time that led to the other Patents-in-Suit. *See Ex. 2005 at 4-6.* I also discussed Mesh Dynamics, Inc.'s commercial mesh networking technology and sales. *See Ex. 2005 at 2-3, 7-11.* At the time, Mesh Dynamics, Inc. was active in the market for mesh networking technology, with several customers, but was seeking a potential collaboration with Cisco to expand its market presence.

5. MeshDynamics remained active in the market for several years after the meeting with Cisco in 2009 and continued to commercialize its mesh networking technology. The implementation details discussed in 2009 became integral components in Cisco's wireless mesh networking devices and solutions, and Cisco never took a license to MeshDynamics' patented technology or collaborated.

6. On June 22, 2022, I sent a letter on behalf of MeshDynamics, addressed to Cisco's Chief Executive Officer, Charles H. Robbins, putting Cisco on notice of its infringement of the Patents-in-Suit and requesting Cisco take a license to the Patents-in-Suit. Exhibit 2004 is a true and correct copy of the letter I sent to Cisco on June 22, 2022. Cisco never responded to the letter.

7. I certify that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and that these statements were made with knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: December 1, 2025

By: 

Francis daCosta