IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GOLDEN EYE TECHNOLOGIES LLC, *Plaintiff*, v. CISCO SYSTEMS, INC., *Defendant*.	CASE NO. 2:25-CV-00898-JRG

DEFENDANT CISCO SYSTEMS, INC.'S INVALIDITY CONTENTIONS

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Pursuant to the Local Patent Rule 3-3, Defendant Cisco Systems, Inc. ("Cisco" or "Defendant") provides these Invalidity Contentions ("Invalidity Contentions").

I. INTRODUCTION

On November 10, 2025, Plaintiff Golden Eye Technologies LLC ("Plaintiff" or "Golden Eye") served its Infringement Contentions ("Infringement Contentions") and asserted the following claims:

- Claims 9 and 11 of U.S. Patent No. 10,051,556 ("the '556 Patent");
- Claim 13 of U.S. Patent No. 9,717,037 ("the '037 Patent");
- Claims 1, 2, 4, and 11 of U.S. Patent No. 9,271,243 ("the '243 Patent");
- Claims 7 and 14 of U.S. Patent No. 9,344,978 ("the '978 Patent"); and
- Claims 1, 2, 3, and 6 of U.S. Patent No. 9,918,236 ("the '236 Patent");

(collectively, the "Asserted Patents" and the "Asserted Claims"). Cisco contends that each of the Asserted Claims is directed to ineligible subject matter under 35 U.S.C. § 101, and that each of the Asserted Claims is invalid under at least 35 U.S.C. §§ 102, 103, and/or 112.

These Invalidity Contentions address the claims identified in Golden Eye's Infringement Contentions. Cisco reserves the right to modify, amend, and/or supplement these Invalidity Contentions to the extent the Court permits Golden Eye to amend, supplement, and/or otherwise modify its Infringement Contentions, including by modifying the claims asserted, and to the full extent permitted by the Local Patent Rules. For the purposes of these Invalidity Contentions, Cisco addresses the '243, '978, and '236 Patents' claim language as if subject to the respective certificates of correction, consistent with Golden Eye's Infringement Contentions. Cisco does not concede that any of the certificates of correction are proper. Cisco expressly reserves the right to contend that any of the certificates of correction improperly modify the scope of the Asserted Claims.

Further, Golden Eye's Infringement Contentions are deficient and fail to provide allegations as to how the accused products infringe each and every claim limitation; rather, they simply parrot the claim language and then cite various documents—and in many circumstances, point to no evidence at all. Golden Eye therefore has prejudiced Cisco's ability to understand, for purposes of preparing these Invalidity Contentions, what Golden Eye alleges to be the scope of the Asserted Claims. Because curing such deficiencies may lead to further grounds for invalidity of the Asserted Claims, Cisco specifically reserves the right to modify, amend, and/or supplement these Invalidity Contentions if and when Golden Eye, to the extent permitted by the Court, amends or supplements its Infringement Contentions to address any deficiencies.

A. Priority Date

These Invalidity Contentions are based on the earliest priority dates as identified by Golden Eye in its Infringement Contentions, which is June 28, 2012, for the '556 and '037 Patents; June 3, 2011, for the '243 Patent; and November 30, 2011, for the '978 and '236 Patents. With its Infringement Contentions, Golden Eye did not produce documents evidencing or supporting earlier conception and reduction to practice. Nothing in these Invalidity Contentions shall be understood as an agreement that any Asserted Patent is entitled to claim priority to the date identified by Golden Eye. Cisco reserves the right to amend these Invalidity Contentions and identify additional prior art references if Golden Eye is permitted by the Court to later assert an earlier priority date or to later produce documents purporting to evidence earlier conception and reduction to practice.

Any reference to an "asserted priority date" in these Invalidity Contentions refers to the priority date identified in Golden Eye's Infringement Contentions. Reference to a "priority date" or an "asserted priority date" should not be construed to mean that Cisco agrees that any of the Asserted Patents are in fact entitled to such priority date, or that Golden Eye has provided proper

notice as to its contentions for a priority date. To the extent Golden Eye alleges that any prior art relied on in these Invalidity Contentions does not actually qualify as prior art to an Asserted Patent, Cisco reserves the right to rebut those allegations (*e.g.*, by demonstrating an earlier critical date for the challenged prior art and/or a later priority date for a particular Asserted Patent and/or Asserted Claim). Likewise, to the extent Golden Eye successfully establishes an invention date before any of the prior art references relied on by Cisco, then those references serve as evidence of secondary considerations of obviousness, including, for example, contemporaneous invention by others.

B. Claim Construction

Cisco's Invalidity Contentions are based on (1) Cisco's present understanding of the Asserted Claims, and (2) the claim constructions Golden Eye appears to be using based on the Infringement Contentions, all without regard to whether Cisco agrees with Golden Eye's apparent or expressed claim constructions. Cisco reserves the right to supplement or otherwise amend these Invalidity Contentions in response to any court-ordered clarifications on claim constructions, any report from any expert witness for Golden Eye regarding the scope of the claims, any briefing filed by Golden Eye relating to the scope of the claims, and any position taken by Golden Eye concerning subject matter eligibility, claim scope, infringement, or invalidity.

Cisco takes no position on any matter of claim construction in these Invalidity Contentions. If Cisco's disclosures herein are consistent with any explicit, apparent, or implied claim constructions in Golden Eye's Infringement Contentions, no inference is intended, and no inference should be drawn that Cisco agrees with any of Golden Eye's claim constructions. Any statement herein describing or tending to describe any claim element is provided solely for the purpose of understanding and/or applying the cited prior art. In addition, to the extent that these Invalidity Contentions rely on or otherwise embody a particular order in which the steps of method

claims are performed, Cisco does not necessarily propose that the method claims must be limited to such order, although Cisco may later propose such an order.

Nothing herein should be read to suggest that Cisco agrees that any particular claim term meets the requirements of 35 U.S.C. § 112. Likewise, nothing herein should be read to suggest that Cisco agrees that the preamble of any claim is or is not limiting.

Because any positions taken in these disclosures are based on the claim scope apparently asserted by Golden Eye in its Infringement Contentions, with which Cisco may disagree, Cisco may take positions with respect to claim construction issues that are inconsistent with, or even contradictory to, positions expressed or implied in these Invalidity Contentions.

Prior art not included in these Invalidity Contentions, whether or not now known to Cisco, might become relevant depending on the claim constructions proposed by Cisco and/or the Court's claim construction rulings. Cisco reserves all rights to supplement or modify the positions and information in these Invalidity Contentions, including, without limitation, the prior art and grounds of invalidity set forth herein, after the Court has construed any term of the Asserted Claims.

C. Ongoing Discovery and Supplementation

Cisco bases these Invalidity Contentions on its current knowledge and understanding of the Asserted Patents, Golden Eye's Infringement Contentions, and other facts and information available as of the date of these contentions. Cisco's investigation into prior art—including prior art identified in these disclosures, third-party prior art (including system art and related evidence), documents, and knowledgeable witnesses—is ongoing.[1] Furthermore, Cisco anticipates seeking

[1] Cisco's current and future efforts include but are not limited to: serving subpoenas on prior artists and inventors regarding prior art, seeking additional information related to the references and systems disclosed in these Invalidity Contentions, and seeking additional information related to available prior art systems, as well as Golden Eye's Infringement Contentions and the products accused of infringing therein.

and obtaining discovery, including third-party discovery, that further evidences and supports the invalidity of the Asserted Claims. Thus, Cisco expects to present additional information and evidence in support of its Invalidity Contentions, and to revise, amend, and/or supplement these Invalidity Contentions accordingly in a manner consistent with the Federal Rules of Civil Procedure and the Court's rules and applicable orders.

Cisco further reserves the right to rely on statements or admissions from those owing a duty of candor, such as named inventors, prosecution counsel, and others involved in the prosecution of the patent applications or related applications, concerning the scope of the prior art relevant to the Asserted Patents found in, *inter alia*, the following: the respective prosecution histories of the Asserted Patents and related patent applications; any deposition testimony of the named inventors; and the papers filed and any evidence submitted by Golden Eye in connection with this litigation or any other litigation or invalidity proceeding involving the Asserted Patents.

Cisco reserves the right to modify and/or supplement these Invalidity Contentions with an explanation of why the Asserted Claims are invalid under 35 U.S.C. § 102(f)–(g) in the event Cisco obtains additional evidence that the named inventors did not invent (either alone or in conjunction with others) the subject matter claimed or that the claimed subject matter was invented by others. Should Cisco obtain such evidence, it will provide the name of the person(s) from whom and the circumstances under which the invention or any part of it was derived or the name of the person(s) that invented such subject matter and the circumstances of such invention.

Prior art not identified in this disclosure, whether known or not known to Cisco, may become relevant, including prior art concerning the state of the art at the time of invention, as well as simultaneous or near-simultaneous independent invention by others. For instance, Cisco currently is unaware of the extent, if any, to which Golden Eye will contend that limitations of the

Asserted Claims are not disclosed in the prior art identified by Cisco. To the extent that such an issue arises, Cisco reserves the right to identify other references that would disclose, practice, or render obvious the allegedly missing limitation(s) of the disclosed subject matter.

D. Prior Art Identification and Citations Thereto

In these Invalidity Contentions, Cisco identifies specific, exemplary portions of prior art references that disclose the elements of the Asserted Claims. While Cisco has identified exemplary prior art references for each element, it does not necessarily identify every disclosure of the same element in each prior art reference. A person of ordinary skill in the art would read a prior art reference as a whole and in the context of other publications, literature, and general knowledge in the field and would rely upon other information including other publications and general scientific or engineering knowledge. Cisco therefore reserves the right to rely upon other unidentified portions of the prior art references and on other publications and prior art products and expert testimony to provide context and to aid in the understanding and interpretation of the identified portions of the prior art.

Cisco also reserves the right to rely upon (1) other portions of the cited prior art references, other publications, prior art products, and the testimony of experts to establish that the alleged inventions would have been obvious to a person of ordinary skill in the art, including on the basis of modifying or combining certain cited references; (2) admissions relating to prior art in the Asserted Patents or related patents, the prosecution histories of the Asserted Patents or related patents; (3) counterparts of any U.S. or foreign patents identified in Cisco's Invalidity Contentions; and (4) any prior art references, other publications, prior art products, and the testimony of experts to establish that the alleged inventions would have been obvious to a person of ordinary skill in the art used during any proceeding at the Patent Office involving the Asserted Patents. Where a

prior art reference includes citations to other references, those other references are considered incorporated by reference for context.

The references discussed in the claim charts may disclose the elements of the Asserted Claims explicitly and/or inherently, and/or they may be relied upon to show the state of the art in the relevant time frame. The suggested obviousness combinations are provided in the alternative to Cisco's anticipation contentions and are not to be construed to suggest that any reference included in the combinations is not by itself anticipatory.

Where Cisco identifies in the claim charts a particular figure in a prior art reference, the identification should be understood to encompass the caption and description of the figure as well as any text relating to the figure in the specification and prosecution history in addition to the figure itself. Similarly, where an identified portion of text refers to a figure or other material, the identification should be understood to include the referenced figure or other material as well.

E. No Patentable Weight

Cisco reserves the right to argue that various portions of the Asserted Claims, such as an intended use or result, nonfunctional descriptive material, and certain preamble language, are entitled to no patentable weight. Mapping of a portion of an Asserted Claim to a prior art reference does not represent that such portion of the claim is entitled to patentable weight when comparing the claimed subject matter to the prior art.

II. INVALIDITY UNDER 35 U.S.C. §§ 102 AND 103

Cisco contends that the Asserted Claims are invalid as anticipated by the prior art under 35 U.S.C. § 102 and/or as obvious in view of the prior art, the knowledge of a person having ordinary skill in the art, and/or secondary factors of obviousness under 35 U.S.C. § 103.

The obviousness combinations of references provided in Cisco's invalidity claim charts under 35 U.S.C. § 103 are exemplary and are not intended to be exhaustive. In particular, Cisco

is currently unaware of the extent, if any, to which Golden Eye will contend that limitations of the Asserted Claims are not disclosed in the art identified by Cisco as anticipatory. To the extent an issue arises with any such limitation, Cisco reserves the right to identify other obviousness combinations and/or other references that would have made obvious the addition of the allegedly missing limitation to the disclosed device, system, or method of operation.

A patentee bears the burden of production with respect to evidence of secondary considerations of nonobviousness. *ZUP, LLC v. Nash Mfg., Inc.*, 896 F.3d 1365, 1373 (Fed. Cir. 2018). As of the date of these Invalidity Contentions, Golden Eye has not identified any evidence of secondary considerations, nor does Golden Eye offer any evidence or explanation to support its allegations. As shown in these Invalidity Contentions, other companies and individuals described, built, and/or patented the exact same concepts in the Asserted Patents before Golden Eye ever did—often many years before. Even where others' invention(s) occurred around the same time as the Asserted Patents, such simultaneous invention demonstrates the obviousness of the Asserted Patents.

Potentially relevant evidence includes any prior art reference cited herein that was publicly known or available before or around the alleged inventions claimed in the Asserted Patents. This also includes any prior art asserted in these Invalidity Contentions that Golden Eye is able to pre-date by proving, *inter alia*, corroborated conception and diligent reduction to practice.

Cisco reserves all rights to further respond to any secondary considerations of nonobviousness raised by Golden Eye, including by updating, modifying, and/or adding to these Invalidity Contentions. Cisco is not aware of any unexpected results (none are mentioned in the Asserted Patents or their file histories), long-felt need, commercial success (or any nexus to any

allegedly successful commercial embodiment), or awards for the alleged inventions of the Asserted Patents.

Cisco also incorporates by reference the arguments, prior art, expert testimony, and any filings or findings in the following *inter partes* review proceedings, and any future *inter partes* review proceedings, challenging the Asserted Patents: IPR2026-00186, IPR2026-00187, and IPR2026-00188.

A. State of the Art

The subject matter of the Asserted Claims was well understood to those of skill in the art as of the respective priority dates of the Asserted Patents. To describe the state of the art at the time of the alleged inventions, in addition to the references listed on the face of the Asserted Patents and those references listed in Section II.B and charted in Exhibits A1–A13, B1–B13, C1–C11, D1–D14, E1–E14, and Appendices A–E, Cisco may rely on at least the references listed below, any admitted prior art discussed in the Asserted Patents and file histories, and any references produced in Cisco's P.R. 3-4 Document Production:

'037/'556 Patents

- U.S. Patent Publication No. 2008/0080388
- U.S. Patent Publication No. 2009/0137247
- U.S. Patent Publication No. 2010/0279686
- U.S. Patent Publication No. 2010/0067486
- U.S. Patent Publication No. 2012/0017257
- U.S. Patent Publication No. 2013/0237216
- U.S. Patent Publication No. 2014/0242985
- U.S. Patent Publication No. 2015/0043366
- U.S. Patent No. 8,027,368
- U.S. Patent No. 8,687,512
- U.S. Patent No. 8,457,657
- U.S. Patent No. 8,503,390
- U.S. Patent No. 9,432,848
- TW201146066A
- CN101388841B
- JP2010258783A

- JP2010074336A
- Saxena, N. & Roy, A., "Novel framework for proactive handover with seamless multimedia over WLANs," 5 IET COMMC'NS 1204 (2011)
- Wu, H. et al., "Proactive Scan: Fast Handoff with Smart Triggers for 802.11 Wireless LAN," IEEE INFOCOM 2007 (2007)
- Jooris, B. et al., "Access network controlled fast handoff for streaming multimedia in WLAN," 2007 16th IST Mobile & Wireless Communications Summit (2007)
- Bahl, P. et al., "Enhancing the security of corporate Wi-Fi networks using DAIR," MobiSys '06 (2006)
- Yoo, S. & Golmie N., "Policy-based scanning with QoS support for seamless handovers in wireless networks," 10 WIRELESS COMMC'NS & MOBILE COMPUTING 405 (2009)

'243 Patent

- U.S. Patent Publication No. 2004/0106436
- U.S. Patent Publication No. 2005/0152312
- U.S. Patent Publication No. 2006/0187885
- U.S. Patent Publication No. 2007/0263587
- U.S. Patent Publication No. 2008/0188265
- U.S. Patent Publication No. 2008/0032727
- U.S. Patent Publication No. 2009/0296591
- U.S. Patent Publication No. 2010/0085884
- U.S. Patent Publication No. 2010/0248737
- U.S. Patent No. 5,787,352
- U.S. Patent No. 5,933,420
- U.S. Patent No. 7,020,097
- U.S. Patent No. 7,248,858
- U.S. Patent No. 7,301,926
- U.S. Patent No. 7,616,966
- U.S. Patent No. 7,593,452
- U.S. Patent No. 8,483,741
- U.S. Patent No. 8,761,060
- U.S. Patent No. 8,849,337
- U.S. Patent No. 8,965,293
- Zhou, Z. et al., "Joint tuning of physical carrier sensing, power and rate in high-density WLAN" IEEE Xplore (2007)
- Qiao, D. et al., "Interference Analysis and Transmit Power Control in IEEE 802.11a/h Wireless LANs" 15 IEEE/ACM TRANSACTIONS ON NETWORKING 1007 (2007)
- Ma, H. et al., "Joint transmit power and physical carrier sensing adaptation based on loss differentiation for high density IEEE 802.11 WLAN" 52 COMPUTER NETWORKS 1703 (2008)
- Ramachandran, K. et al., "Symphony: Synchronous Two-Phase Rate and Power Control in 802.11 WLANs" 18 IEEE/ACM TRANSACTIONS ON NETWORKING 1289 (2010)
- Shrivastava, V. et al., Understanding the Limitations of Transmit Power Control for Indoor WLANs (2007)

’978/’236 Patents

- U.S. Patent Publication No. 2002/0090979
- U.S. Patent Publication No. 2005/0213579
- U.S. Patent Publication No. 2008/0124294
- U.S. Patent Publication No. 2006/0285604
- U.S. Patent Publication No. 2007/0248033
- U.S. Patent Publication No. 2008/0020791
- U.S. Patent Publication No. 2008/0291856
- U.S. Patent Publication No. 2008/0261545
- U.S. Patent Publication No. 2008/0310341
- U.S. Patent Publication No. 2009/0186623
- U.S. Patent Publication No. 2009/0017767
- U.S. Patent Publication No. 2010/0048212
- U.S. Patent Publication No. 2010/0111057
- U.S. Patent Publication No. 2010/0110996
- U.S. Patent Publication No. 2011/0235591
- U.S. Patent Publication No. 2011/0268095
- U.S. Patent Publication No. 2011/0003598
- U.S. Patent Publication No. 2011/0080833
- U.S. Patent Publication No. 2011/0130092
- U.S. Patent Publication No. 2013/0077505
- U.S. Patent No. 5,546,397
- U.S. Patent No. 6,940,843
- U.S. Patent No. 7,577,453
- U.S. Patent No. 7,580,393
- U.S. Patent No. 7,647,046
- U.S. Patent No. 8,792,394
- U.S. Patent No. 8,655,278
- U.S. Patent No. 8,688,050
- U.S. Patent No. 8,687,512
- U.S. Patent No. 8,655,278
- U.S. Patent No. 9,161,293
- U.S. Patent No. 9,445,334
- U.S. Patent No. 10,020,926
- WO2009157678A2
- WO2005048074A2
- CN101567754A
- CN101388841A
- KR20110008462A
- Aruba 802.11n Networks, Ver. 8, ARUBA (2011)

- Ramani, I. & Savage, S., "SyncScan: Practical Fast Handoff for 802.11 Infrastructure Networks," Proceedings IEEE 24th Annual Joint Conference of the IEEE Computer and Communications Societies (2005)
- "Aruba 802.11n Networks Validated Reference Design," Ver. 6, ARUBA NETWORKS (2011)
- "Load Balancing and Band Select on the Cisco Wireless LAN Controller," CISCO (2011) https://community.cisco.com/t5/wireless-mobility-knowledge-base/load-balancing-and-band-select-on-the-cisco-wireless-lan/ta-p/3128513
- "Radio Resource Management under Unified Wireless Networks," CISCO (2010)
- "What Functions can ZXG10 Base Station Concentric Circle Technology and Wireless Business Network Achieve," ZTE CORP. (2005)
- C. Patel et al., "Femtocell and Beacon Transmit Power Self-Calibration," QUALCOMM (2010)
- "High-Density Wireless Networks for Auditoriums Validated References Design," ARUBA NETWORKS (2010)
- "Own the Air: Testing Aruba Networks' Adaptive Radio management (ARM) in a High-Density Client Environment," NETWORK TEST (2010)
- O. Sabrie et al., "Fast Handoff for 802.11 Wireless Network," 3 COMMC'NS & NETWORK 250 (2011)
- "Wi-Fi Arrays – User Guide," Release 5.0, XIRRUS (2010)
- IEEE P802.11 Wireless LANs, Proposed Text for Channel Information in Probe Request (2003)
- E. Villegas & J. Aspas, "Self-Optimization of Radio Resources on IEEE 802.11 Networks," Wireless Networks Group – Telematics Department (2009)
- A. Kamerman & L. Monteban, "WaveLAN®II: A High-Performance Wireless LAN for the Unlicensed Band," Bell Labs Technical Journal (1997)
- I. Ramani & S. Savage, "SyncScan: Practical Fast Handoff for 802.11 Infrastructure Networks," IEEE Xplore (2005)

B. P.R. 3-3(a): Identification of Prior Art

Cisco identifies the following prior art now known to Cisco that anticipate or (individually or in combination) render obvious one or more of the Asserted Claims. Each of the following patents, publications, systems, and products is prior art under at least one or more of 35 U.S.C. § 102(a), (b), (e), (f), or (g) (pre-AIA) or § 102(a) (AIA), as applicable. Cisco's reliance on each prior art reference identified throughout these Invalidity Contentions includes the reference itself, anything incorporated by the reference, and any testimony by those with knowledge of the

reference, such as named authors and inventors. On information and belief, each listed document or item became prior art at least as early as the dates specified.

To the extent any limitation of any of the Asserted Claims is construed to have a similar meaning, or to encompass similar feature(s) and/or function(s), with any other claim limitation, and to the extent at least one claim chart in Exhibits A1–A13, B1–B13, C1–C11, D1–D14, E1–E14, and Appendices A–E hereto, identifies any prior art reference as disclosing or teaching such similarly construed claim limitation, such identified prior art reference and Cisco's contentions with respect to same are incorporated by reference. Priority dates identified for the prior art references are based on information currently available to Cisco, and Cisco will amend this disclosure to the extent additional information becomes available.

To the extent that they are prior art, Cisco reserves the right to rely upon (1) foreign counterparts of the U.S. Patents identified in Cisco's Invalidity Contentions, (2) U.S. counterparts of foreign patents and foreign patent applications identified in Cisco's Invalidity Contentions, and (3) U.S. and foreign patents and patent applications corresponding to articles and publications identified in Cisco's Invalidity Contentions.

The prior art identified below is exemplary; the claimed features are similarly described or disclosed in additional prior art. Thus, Cisco reserves the right to rely on other evidence of the prior art beyond the example references identified, including the prior art identified in Section II.A.

The primary references identified below, and as further described in Exhibits A1–A13, B1–B13, C1–C11, D1–D14, E1–E14, each discloses, either expressly or inherently, every element of the Asserted Claims, thereby anticipating those claims. To the extent Golden Eye contends that any primary reference does not anticipate the Asserted Claims, it would have been obvious to combine or modify the primary references with concepts from other prior art (including other

primary and secondary references), as explained herein, in A1–A13, B1–B13, C1–C11, D1–D14, E1–E14, and in Appendices A–E.

In particular, for each limitation of the Asserted Claims that Golden Eye contends is not met by a particular primary reference, Cisco contends that the limitation (and claim as a whole) is obvious based on a combination of that particular primary reference with (1) any other primary reference disclosing that limitation, (2) any admitted prior art, as explained in the background of each Asserted Patent or discussed in the file history, (3) any reference identified in these Invalidity Contentions (including Appendices A–E) as disclosing that limitation, and/or (4) the knowledge of a person of ordinary skill in the art and/or any of the references and concepts discussed herein regarding the relevant background and state of the art. The specific combinations of prior art that Cisco contends render the Asserted Claims obvious are readily determinable as described herein. Cisco's obviousness grounds for each dependent claim incorporate the obviousness grounds for the claim(s) from which the dependent claim depends in addition to any obviousness grounds identified in the charts for the dependent claim.

1. U.S. Patent No. 10,051,556

a. Prior Art Patents / Publications

Patent / Publication No.	Country of Origin	Date of Issue / Publication / Priority Date	Claim Chart Ex.
U.S. Patent No. 7,058,018 ("Hasty")	US	June 6, 2006	A1
U.S. Patent No. 8,194,606 ("Kim")	US	June 5, 2012	A2
U.S. Patent No. 8,503,390 ("Chen")	US	February 2, 2010	A3
U.S. Patent No. 9,161,293 ("Choudhary")	US	September 28, 2011	A4
U.S. Patent No. 9,185,725 ("Kneckt 725")	US	December 15, 2011	A5

Patent / Publication No.	Country of Origin	Date of Issue / Publication / Priority Date	Claim Chart Ex.
U.S. Patent No. 9,294,883 ("Kneckt 883")	US	March 1, 2012	A6
U.S. Patent No. 9,521,694 ("Park")	US	June 18, 2012	A7
U.S. Patent No. 10,015,736 ("Ong")	US	June 18, 2012	A8
U.S. Pat. Pub. No. 2007/0197246 ("Julian")	US	August 23, 2007	A9
U.S. Pat. Pub. No. 2010/0150016 ("Barr")	US	June 17, 2010	A10
U.S. Pat. Pub. No. 2010/0303051 ("Umeuchi")	US	December 2, 2010	A11
U.S. Pat. Pub. No. 2013/0165112 ("Gopalsamy")	US	December 23, 2011	A12
IEEE 802.11-2012 Standard		March 29, 2012	A13

b. Prior Art Systems

Cisco identifies the following systems—including constituent software, hardware, methods, and processes—as prior art that anticipate or render obvious the Asserted Claims of the '556 Patent. Each system (1) was known or used in this country before the alleged invention of the claimed subject matter of the '556 Patent; (2) was in public use and/or on sale in this country more than one year before the filing date of the application for the '556 Patent; and/or (3) was

invented and not abandoned, suppressed, or concealed prior to the alleged invention of the '556 Patent. Discovery is ongoing and Cisco will supplement as discovery continues.

- Cisco
- Arris Enterprises
- Google Technology Holdings
- Samsung Electronics
- Siemens AG
- Avaya Inc.
- Nokia Technologies
- LG Electronics
- Qualcomm Inc.
- Entropic Communications LLC
- NTT Inc.
- Symbol Technologies LLC

c. Obviousness and Secondary References

Cisco identifies each of the references listed above as primary references that render this patent anticipated or at least obvious in view of the knowledge of a person of ordinary skill in the art. In addition, these primary references may be combined with each other or with the secondary references listed below to render this patent obvious under 35 U.S.C. § 103. *See* App'x A. One of ordinary skill in the art would be motivated to combine these references as explained in Section II.C:

Patent / Publication	Country of Origin	Date of Issue / Publication / Priority Date
U.S. Pat. Pub. No. 2006/0223574 ("Chandra")	US	October 5, 2006
U.S. Pat. Pub. No. 2005/0213579 ("Iyer 579")	US	September 29, 2005
U.S. Pat. Pub. No. 2008/0080387 ("Wang")	US	April 3, 2008
U.S. Patent No. 8,204,029 ("Stephenson")	US	June 19, 2012
U.S. Patent No. 7,480,264 ("Duo")	US	January 20, 2009
U.S. Patent No. 8,131,291 ("Jeong")	US	March 6, 2012
U.S. Patent No. 8,929,328 ("Wu")	US	August 7, 2008
U.S. Patent No. 9,423,848 ("Iyer 848")	US	January 31, 2012

2. U.S. Patent No. 9,717,037

a. Prior Art Patents / Publications

Patent / Publication No.	Country of Origin	Date of Issue / Publication / Priority Date	Claim Chart Ex.
U.S. Patent No. 7,058,018 ("Hasty")	US	June 6, 2006	B1
U.S. Patent No. 8,194,606 ("Kim")	US	June 5, 2012	B2
U.S. Patent No. 8,503,390 ("Chen")	US	February 2, 2010	B3
U.S. Patent No. 9,161,293 ("Choudhary")	US	September 28, 2011	B4
U.S. Patent No. 9,185,725 ("Kneckt 725")	US	December 15, 2011	B5
U.S. Patent No. 9,294,883 ("Kneckt 883")	US	March 1, 2012	B6
U.S. Patent No. 9,521,694 ("Park")	US	June 18, 2012	B7
U.S. Patent No. 10,015,736 ("Ong")	US	June 18, 2012	B8
U.S. Pat. Pub. No. 2007/0197246 ("Julian")	US	August 23, 2007	B9
U.S. Pat. Pub. No. 2010/0150016 ("Barr")	US	June 17, 2010	B10
U.S. Pat. Pub. No. 2010/0303051 ("Umeuchi")	US	December 2, 2010	B11
U.S. Pat. Pub. No. 2013/0165112 ("Gopalsamy")	US	December 23, 2011	B12
IEEE 802.11-2012 Standard		March 29, 2012	B13

b. Prior Art Systems

Cisco identifies the following systems—including constituent software, hardware, methods, and processes—as prior art that anticipate or render obvious the Asserted Claims of the '037 Patent. Each system (1) was known or used in this country before the alleged invention of the claimed subject matter of the '037 Patent; (2) was in public use and/or on sale in this country more than one year before the filing date of the application for the '037 Patent; and/or (3) was

invented and not abandoned, suppressed, or concealed prior to the alleged invention of the '037 Patent. Discovery is ongoing and Cisco will supplement as discovery continues.

- Cisco
- Arris Enterprises
- Google Technology Holdings
- Samsung Electronics
- Siemens AG
- Avaya Inc.
- Nokia Technologies
- LG Electronics
- Qualcomm Inc.
- Entropic Communications LLC
- NTT Inc.
- Symbol Technologies LLC

c. Obviousness and Secondary References

Cisco identifies each of the references listed above as primary references that render this patent anticipated or at least obvious in view of the knowledge of a person of ordinary skill in the art. In addition, these primary references may be combined with each other or with the secondary references listed below to render this patent obvious under 35 U.S.C. § 103. *See* App'x B. One of ordinary skill in the art would be motivated to combine these references as explained in Section II.C:

Patent / Publication	Country of Origin	Date of Issue / Publication / Priority Date
U.S. Pat. Pub. No. 2006/0223574 ("Chandra")	US	October 5, 2006
U.S. Pat. Pub. No. 2005/0213579 ("Iyer 579")	US	September 29, 2005
U.S. Pat. Pub. No. 2008/0080387 ("Wang")	US	April 3, 2008
U.S. Patent No. 8,204,029 ("Stephenson")	US	June 19, 2012
U.S. Patent No. 7,480,264 ("Duo")	US	January 20, 2009
U.S. Patent No. 8,131,291 ("Jeong")	US	March 6, 2012
U.S. Patent No. 8,929,328 ("Wu")	US	August 7, 2008
U.S. Patent No. 9,423,848 ("Iyer 848")	US	January 31, 2012

3. U.S. Patent No. 9,271,243

a. Prior Art Patents / Publications

Patent / Publication No.	Country of Origin	Date of Issue / Publication	Claim Chart Ex.
CN101626615 ("Wang '615")	CN	January 13, 2010	C1
U.S. Patent No. 7,313,113 ("Hills")	US	December 25, 2007	C2
U.S. Patent No. 7,675,892 ("Min '892")	US	March 9, 2010	C3
U.S. Patent No. 2005/0003827A1 ("Whelan")	US	January 6, 2005	C4
CN 101018082 ("Shi")	CN	March 12, 2007	C5
U.S. Pat. Pub. No. 2009/0042594 ("Yavuz")	US	February 12, 2009	C6
JP 2011044894 ("Soka")	JP	August 20, 2009	C7
U.S. Patent No. 2008/0130573 ("Lee")	US	June 5, 2008	C8
U.S. Patent No. 2004/0166850 ("Backes")	US	August 26, 2004	C9
Radio Resource Management under Unified Wireless Networks ("RRM White Paper")	US	May 17, 2010	C10

b. Prior Art Systems

Cisco identifies the following systems—including constituent software, hardware, methods, and processes—as prior art that anticipate or render obvious the Asserted Claims of the '243 Patent. Each system (1) was known or used in this country before the alleged invention of the claimed subject matter of the '243 Patent; (2) was in public use and/or on sale in this country more than one year before the filing date of the application for the '243 Patent; and/or (3) was invented and not abandoned, suppressed, or concealed prior to the alleged invention of the '243 Patent. Discovery is ongoing and Cisco will supplement as discovery continues.

System / Product	Person(s) / Entities Involved	Date of Availability	Claim Chart Ex.
Cisco 5500 Series Wireless LAN Controller	Cisco	2009	C11
Cisco 2500 Series Wireless LAN Controller	Cisco	2011	C11

System / Product	Person(s) / Entities Involved	Date of Availability	Claim Chart Ex.
Cisco 4400 Series Wireless LAN Controller	Cisco	2005	C11
Cisco 2100 Series Wireless LAN Controller	Cisco	2007	C11

c. Obviousness and Secondary References

Cisco identifies each of the references listed above as primary references that render this patent anticipated, or at least obvious in view of the knowledge of a person of ordinary skill in the art. In addition, these primary references may be combined with each other or with the secondary references listed below to render this patent obvious under 35 U.S.C. § 103. *See* App'x C. One of ordinary skill in the art would be motivated to combine these references as explained in Section II.C:

Patent / Publication	Country of Origin	Date of Issue / Publication
U.S. Pat. Pub. No. 2010/0098036A1 ("Li")	US	April 22, 2010
U.S. Pat. Pub. No. 2008/0253314A1 ("Stephenson")	US	October 16, 2008
U.S. Patent No. 8,040,861 ("Calhoun")	US	Feb. 27, 2007
IEEE 802.11-2007 Standard ("IEEE 802.11 (2007)")	US	2007

4. U.S. Patent No. 9,344,978

a. Prior Art Patents / Publications

Patent / Publication No.	Country of Origin	Date of Issue / Publication / Priority Date	Claim Chart Ex.
U.S. Patent No. 8,687,512 ("Iyer-512")	US	April 1, 2014	D1
U.S. Patent No. 8,688,050 ("Lee")	US	April 1, 2014	D2
U.S. Pat. Pub. No. 2011/0003598 ("Ma")	US	January 6, 2011	D3
U.S. Patent No. 7,577,453 ("Matta")	US	August 18, 2009	D4
U.S. Patent No. 9,161,293 ("Choudhary-293")	US	October 13, 2015	D5
U.S. Pat. Pub. No. 2008/0020791 ("Ito")	US	January 24, 2008	D6

Patent / Publication No.	Country of Origin	Date of Issue / Publication / Priority Date	Claim Chart Ex.
U.S. Pat. Pub. No. 2008/0291856 ("Li")	US	November 27, 2008	D7
U.S. Pat. Pub. No. 2009/0186623 ("Matsuzawa")	US	July 23, 2009	D8
U.S. Pat. Pub. No. 2008/0261545 ("Miyoshi")	US	October 23, 2008	D9
U.S. Pat. Pub. No. 2013/0077505 ("Choudhary-505")	US	March 28, 2013	D10
U.S. Pat. Pub. No. 2011/0080833 ("Peleg")	US	April 7, 2011	D11
U.S. Patent No. 10,020,926 ("Iyer-926")	US	April 29, 2011	D12

b. Prior Art Systems

Cisco identifies the following systems—including constituent software, hardware, methods, and processes—as prior art that anticipate or render obvious the Asserted Claims of the '978 Patent. Each system (1) was known or used in this country before the alleged invention of the claimed subject matter of the '978 Patent; (2) was in public use and/or on sale in this country more than one year before the filing date of the application for the '978 Patent; and/or (3) was invented and not abandoned, suppressed, or concealed prior to the alleged invention of the '978 Patent. Discovery is ongoing and Cisco will supplement as discovery continues.

System / Product	Person(s) / Entities Involved	Date of Availability	Claim Chart Ex.
Aruba 802.11n Networks Validated Reference Design Version 6.0 ("Aruba 802.11n")	Aruba Networks	February 2011	D13
High-Density Wireless Networks for Auditoriums Validated Reference Design ("Aruba High-Density")	Aruba Networks	October 2010	D14

- Cisco
- Avaya Inc.
- Qualcomm Inc.
- Aruba Networks
- ZTE Corporation
- Xirrus Wi-Fi Networks

- Orinoco
- Agere Systems
- Norand Corporation
- Tropos Networks
- Conextant Systems
- Mitsubishi Electric Research Laboratories, Inc.
- Symbol Technologies.
- Samsung Electronics
- Huawei Technologies
- Juniper Networks Inc.
- NEC Platforms Ltd.
- Fujitsu Ltd.
- Go Net Systems Ltd.
- Hewlett Packard Enterprise

c. Obviousness and Secondary References

Cisco identifies each of the references listed above as primary references that render this patent anticipated or at least obvious in view of the knowledge of a person of ordinary skill in the art. In addition, these primary references may be combined with each other or with the secondary references listed below to render this patent obvious under 35 U.S.C. § 103. *See* App'x D. One of ordinary skill in the art would be motivated to combine these references as explained in Section II.C:

Patent / Publication	Country of Origin	Date of Issue / Publication / Priority Date
U.S. Pat. Pub. No. 2008/0310341 ("Koyanagi")	US	December 18, 2008
U.S. Pat. Pub. No. 2007/0248033 ("Bejerano")	US	October 25, 2007
U.S. Patent No. 7,647,046 ("Huang")	US	January 12, 2010
CN 101388841 ("Xu")	CN	April 13, 2011
KR 20110008462 ("Kang")	KR	July 19, 2011

5. U.S. Patent No. 9,918,236

a. Prior Art Patents / Publications

Patent / Publication No.	Country of Origin	Date of Issue / Publication	Claim Chart Ex.
U.S. Patent No. 8,687,512 ("Iyer-512")	US	April 1, 2014	E1
U.S. Patent No. 8,688,050 ("Lee")	US	April 1, 2014	E2
U.S. Pat. Pub. No. 2011/0003598 ("Ma")	US	January 6, 2011	E3
U.S. Patent No. 7,577,453 ("Matta")	US	August 18, 2009	E4
U.S. Patent No. 9,161,293 ("Choudhary-293")	US	October 13, 2015	E5
U.S. Pat. Pub. No. 2008/0020791 ("Ito")	US	January 24, 2008	E6
U.S. Pat. Pub. No. 2008/0291856 ("Li")	US	November 27, 2008	E7
U.S. Pat. Pub. No. 2009/0186623 ("Matsuzawa")	US	July 23, 2009	E8
U.S. Pat. Pub. No. 2008/0261545 ("Miyoshi")	US	October 23, 2008	E9
U.S. Pat. Pub. No. 2013/0077505 ("Choudhary-505")	US	March 28, 2013	E10
U.S. Pat. Pub. No. 2011/0080833 ("Peleg")	US	April 7, 2011	E11
U.S. Patent No. 10,020,926 ("Iyer-926")	US	April 29, 2011	E12

b. Prior Art Systems

Cisco identifies the following systems—including constituent software, hardware, methods, and processes—as prior art that anticipate or render obvious the Asserted Claims of the '236 Patent. Each system (1) was known or used in this country before the alleged invention of the claimed subject matter of the '236 Patent; (2) was in public use and/or on sale in this country more than one year before the filing date of the application for the '236 Patent; and/or (3) was invented and not abandoned, suppressed, or concealed prior to the alleged invention of the '236 Patent. Discovery is ongoing and Cisco will supplement as discovery continues.

System / Product	Person(s) / Entities Involved	Date of Availability	Claim Chart Ex.
Aruba 802.11n Networks Validated Reference Design Version 6.0 ("Aruba 802.11n")	Aruba Networks	February 2011	E13

System / Product	Person(s) / Entities Involved	Date of Availability	Claim Chart Ex.
High-Density Wireless Networks for Auditoriums Validated Reference Design ("Aruba High-Density")	Aruba Networks	October 2010	E14

- Cisco
- Avaya Inc.
- Qualcomm Inc.
- Aruba Networks
- ZTE Corporation
- Xirrus Wi-Fi Networks
- Orinoco
- Agere Systems
- Norand Corporation
- Tropos Networks
- Conextant Systems
- Mitsubishi Electric Research Laboratories, Inc.
- Symbol Technologies.
- Samsung Electronics
- Huawei Technologies
- Juniper Networks Inc.
- NEC Platforms Ltd.
- Fujitsu Ltd.
- Go Net Systems Ltd.
- Hewlett Packard Enterprise

c. Obviousness and Secondary References

Cisco identifies each of the references listed above as primary references that render this patent anticipated or at least obvious in view of the knowledge of a person of ordinary skill in the art. In addition, these primary references may be combined with each other or with the secondary references listed below to render this patent obvious under 35 U.S.C. § 103. *See* App'x E. One of ordinary skill in the art would be motivated to combine these references as explained in Section II.C:

Patent / Publication	Country of Origin	Date of Issue / Publication
U.S. Pat. Pub. No. 2008/0310341 ("Koyanagi")	US	December 18, 2008
U.S. Patent No. 7,647,046 ("Huang")	US	January 12, 2010
U.S. Pat. Pub. No. 2007/0248033 ("Bejerano")	US	October 25, 2007
CN 101388841 ("Xu")	CN	April 13, 2011
KR 20110008462 ("Kang")	KR	July 19, 2011

C. P.R. 3-3(b): Motivations to Combine Prior Art

Cisco believes that no showing of a specific motivation to combine prior art is required to combine the references disclosed in the attached charts; there was a reason to make each combination, each combination of art would have produced no unexpected results, and each combination at most would simply represent a known alternative to one of ordinary skill in the art. Determination of whether a person of skill would have been motivated to combine the prior art is a flexible, functional approach. *See KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 414–18 (2007) (rejecting the Federal Circuit's "rigid" application of the teaching, suggestion, or motivation to combine test instead espousing an "expansive and flexible" approach). Motivation existed to combine the references identified in these Invalidity Contentions. There was a reason to make each combination; each combination of art would have produced no unexpected results; and each combination at most would represent a known alternative to one of ordinary skill in the art. Indeed, the Supreme Court held that a person of ordinary skill in the art is "a person of ordinary creativity, not an automaton" and "in many cases a person of ordinary skill in the art will be able to fit the teachings of multiple patents together like pieces of a puzzle." *Id.* at 420–21.

In view of *KSR*, the PTO issued a set of new Examination Guidelines. *See* Examination Guidelines for Determining Obviousness Under 35 U.S.C. § 103 in View of the Supreme Court

Decision in *KSR Int'l Co. v. Teleflex Inc.*, 72 Fed. Reg. 57, 526 (Oct. 10, 2007). Those Guidelines identified various rationales for finding a claim obvious, including:

a) Combining prior art elements according to known methods to yield predictable results;

b) Simple substitution of one known element for another to obtain predictable results;

c) Use of known techniques to improve similar devices (methods, or products) in the same way;

d) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;

e) "Obvious to try"—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;

f) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art;

g) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

Id. at 57, 529.

In addition, the motivation to combine or modify prior art references is significantly stronger when, as here, the references seek to solve the same problem, come from the same field, and correspond well. *In re Inland Steel Co.*, 265 F.3d 1354, 1362 (Fed. Cir. 2001) (allowing two references to be combined as invalidating art under similar circumstances where the art "focus[ed] on the same problem . . . [,] c[a]me from the same field of art [and] . . . the identified problem found in the two references correspond[ed] well").

Cisco has identified several exemplary motivations and reasons to combine the various references cited herein, and those motivations would have been supported, in part, by a reasonable expectation of success. The various teachings, suggestions, and/or reasons to modify any of the references and/or to combine any two or more of the references in Exhibits A1–A13, B1–B13,

C1–C11, D1–D14, E1–E14, and Appendices A–E come from various sources, including the prior art (specific and as a whole), common knowledge, common sense, predictability, expectations, industry trends, design incentives or need, market demand or pressure, market forces, the nature of the problem faced, and/or the knowledge possessed by one of ordinary skill in the art. In addition, it would have been obvious to try combining the prior art references identified above.

These exemplary combinations demonstrate that there were only a finite number of predictable solutions to known problems addressed by the Asserted Patents. Furthermore, known work in one field or endeavor prompted variations based on predictable design incentives and/or market forces either in the same field or a different one. The combination of features found in the prior art references identified in these contentions would have been obvious because the claimed combinations represent the known potential options, with each such option having a reasonable expectation of success. Additionally, one of ordinary skill in the art would have been motivated to create combinations identified in these contentions using: known methods to yield predictable results; known techniques in the same way; a simple substitution of one known, equivalent element for another to obtain predictable results; and/or teaching, suggestion, or motivation in the prior art generally. Also, market forces in the industry, and the desire to improve features and performance, would motivate the addition of features to systems as they become available, become less expensive, become more commonly used, provide better performance and reliability, reduce costs, or predictably achieve other clearly desirable results.

To the extent Golden Eye alleges that any other claimed limitation or limitations are not disclosed in any primary reference, it would have been obvious to combine the teachings of the reference with the background knowledge of a person of ordinary skill in the art and/or it would have been obvious to incorporate the missing limitation(s), including as disclosed in Exhibits A1–

A13, B1–B13, C1–C11, D1–D14, E1–E14, and Appendices A–E, into the primary reference for the reasons disclosed herein. For example, one of ordinary skill in the art would have found substantial motivation to combine one or more of the primary references with one or more of each other or the secondary references in order to disclose the alleged inventions recited in the Asserted Claims. Each of the references disclosed herein as invalidating an Asserted Patent was directed at the same or similar field of technology and the same or similar problem as that Asserted Patent. To the extent Golden Eye alleges that any particular claim limitation is not disclosed or inherent in the charted references, it would have been obvious to combine the charted reference with one or more of the references identified herein for the particular claim limitations. Also, as Cisco is currently unaware of the extent, if any, to which Golden Eye will contend that limitations of the Asserted Claims are not disclosed in the art identified herein as anticipatory, Cisco reserves the right to identify other references and combinations that may render an allegedly missing limitation obvious. In addition, if and to the extent that Golden Eye challenges the relevance of any of these references with respect to particular limitations of the Asserted Claims of the Asserted Patents, Cisco reserves its right to identify further motivations to combine particular references with additional particularity.

1. U.S. Patent No. 10,051,556 – Exemplary Motivations to Combine

A person of ordinary skill in the art would have been motivated to combine each primary reference with any other reference listed (including any reference identified in Section II.A or the subsection below on motivations to combine) to render the Asserted Claims of the ’556 Patent obvious. Cisco reserves the right to rely on additional references in connection with combinations to show the state of the art, general knowledge of a person of ordinary skill in the art at the time of the alleged invention, or additional motivations to make such combinations.

Multiple teachings, suggestions, and/or reasons to modify any of the prior art references identified above for the '556 Patent are found in, among others, the patent, the prior art, common knowledge, logic and common sense, predictability, expectations, industry trends, design incentives or need, market demand or pressure, market forces, the nature of the problem faced, and/or knowledge possessed by one of ordinary skill.

Motivation to combine the references identified herein is informed by the state of the art explained in the patent, the file history and the prior art references disclosed herein. The specification of the '556 Patent identifies the technical field of the claimed invention as relating to "the field of an access point scan method, and more particularly, to an access point scan method using an active scan scheme in a wireless LAN system." '556 Patent, 1:16–19. The specification explains that "the present invention" "substantially obviate[s] one or more problems due to the limitations and disadvantages of the related art," such as those relating to the development of various IEEE 802.11 standards. *Id.* at 2:17–20. The patent describes that the "propagation of WLAN" has resulted in "an increasing need for a new WLAN technology capable of supporting a throughput higher than the data processing speed." *Id.* at 1:30–54. The specification explains that "[i]n a system based on the WLAN technology," an active scan method requires that a station transmits a probe request frame to an access point, which then transmits a probe response frame to the station in response to the probe request. *Id.* at 1:56–62. The station receives "a probe response frame from the access points during a maximum probe response time . . . and requests access at an access point whose wireless environment is the most superior among the access points having transmitted probe response frames," but the station "waits for the maximum probe response time to pass, and then requests an access at the access point, thereby causing waste of time." *Id.* at 1:63–2:8. Furthermore, "the access point needs to respond in the form of a probe response frame

at each of the probe request frames being received, so the response is unconditionally made without consideration of a wireless environment, thereby causing waste of wireless resources." *Id.* at 2:9–13. Exemplary embodiments of the claimed invention "provide an access point scan method capable of performing an active scan by using a probe request frame including output information of a station." *Id.* at 2:21–24.

Therefore, a person of ordinary skill would have been motivated to refer to and combine prior art pertaining to network discovery in wireless communications, such as active scan methods. For example, a person of ordinary skill would have looked to art like U.S. Patent No. 9,195,725 ("Kneckt"), which discloses "an active scanning process involving the request messages and response messages" where "the responding device may reduce the number of transmitted probe responses when the criteria are satisfied." Kneckt at 15:26–30, 11:35–43. For example, "[o]ne criterion may be the quality of the service and/or the radio link between the requesting device and the responding device . . . if the radio link between the responding device and the requesting device is poor, the responding device may choose not to respond." *Id.* at 12:9–26. Kneckt also discloses that a requesting device may "tune to a next channel" if it detects no signal with sufficiently high energy before a minimum probe response time or "wait on the channel until the probe timer reaches a maximum probe response time." *Id.* at 4:55–64. A person of ordinary skill would have relied on U.S. Patent No. 10,015,736 ("Ong"), which "relates to the field of wireless communications, and particularly, to network discovery in a wireless communication system," such as "scan[ning] for available communication channels before initiating a link setup," including "active scanning." Ong at 1:12–27. Other references identified in Section II.B.1 also relate to the subject matter of active scan methods. *See, e.g.*, U.S. Pat. Pub. No. 2007/0197246 ("Julian"), U.S. Pat. Pub. No. 2013/0165112 ("Gopalsamy"), U.S. Pat. Pub. No. 2010/0303051 ("Umeuchi").

Further exemplary motivation to combine the prior art discussed above is disclosed in IPR2026-00186, which is incorporated by reference.

The above-discussed exemplary combinations would have also been obvious to try given that there were a finite number of identified, predictable solutions in the prior art, and there would have been a reasonable expectation of success to simply implement one prior art solution with concepts from prior art in the same field. Moreover, these combinations would have been the result of applying known techniques to a known method that was ready for improvement to yield predictable results.

2. U.S. Patent No. 9,717,037 – Exemplary Motivations to Combine

A person of ordinary skill in the art would have been motivated to combine each primary reference with any other reference listed (including any reference identified in Section II.A or the subsection below on motivations to combine) to render the Asserted Claims of the ’037 Patent obvious. Cisco reserves the right to rely on additional references in connection with combinations to show the state of the art, general knowledge of a person of ordinary skill in the art at the time of the alleged invention, or additional motivations to make such combinations.

Multiple teachings, suggestions, and/or reasons to modify any of the prior art references identified above for the ’037 Patent are found in, among others, the patent, the prior art, common knowledge, logic and common sense, predictability, expectations, industry trends, design incentives or need, market demand or pressure, market forces, the nature of the problem faced, and/or knowledge possessed by one of ordinary skill.

Motivation to combine the references identified herein is informed by the state of the art explained in the patent, the file history and the prior art references disclosed herein. The specification of the ’037 Patent identifies the technical field of the claimed invention as relating to “the field of an access point scan method, and more particularly, to an access point scan method

using an active scan scheme in a wireless LAN system." '037 Patent, 1:15–18. The specification explains that "the present invention" "substantially obviate[s] one or more problems due to the limitations and disadvantages of the related art," such as those relating to the development of various IEEE 802.11 standards. *Id.* at 2:15–18. The patent describes that the "propagation of WLAN" has resulted in "an increasing need for a new WLAN technology capable of supporting a throughput higher than the data processing speed." *Id.* at 1:42–53. The specification explains that "[i]n a system based on the WLAN technology," an active scan method requires that a station transmits a probe request frame to an access point, which then transmits a probe response frame to the station in response to the probe request. *Id.* at 1:54–60. The station receives "a probe response frame from the access points during a maximum probe response time . . . and requests access at an access point whose wireless environment is the most superior among the access points having transmitted probe response frames," but the station "waits for the maximum probe response time to pass, and then requests an access at the access point, thereby causing waste of time." *Id.* at 1:61–2:6. Furthermore, "the access point needs to respond in the form of a probe response frame at each of the probe request frames being received, so the response is unconditionally made without consideration of a wireless environment, thereby causing waste of wireless resources." *Id.* at 2:7–11. Exemplary embodiments of the claimed invention "provide an access point scan method capable of performing an active scan by using a probe request frame including output information of a station." *Id.* at 2:19–22.

Therefore, a person of ordinary skill would have been motivated to refer to and combine prior art pertaining to network discovery in wireless communications, such as active scan methods. For example, a person of ordinary skill would have looked to art like U.S. Patent No. 9,195,725 ("Kneckt"), which discloses "an active scanning process involving the request messages and

response messages" where "the responding device may reduce the number of transmitted probe responses when the criteria are satisfied." Kneckt at 15:26–30, 11:35–43. For example, "[o]ne criterion may be the quality of the service and/or the radio link between the requesting device and the responding device . . . if the radio link between the responding device and the requesting device is poor, the responding device may choose not to respond." *Id.* at 12:9–26. Kneckt also discloses that a requesting device may "tune to a next channel" if it detects no signal with sufficiently high energy before a minimum probe response time or "wait on the channel until the probe timer reaches a maximum probe response time." *Id.* at 4:55–64. A person of ordinary skill would have relied on U.S. Patent No. 10,015,736 ("Ong"), which "relates to the field of wireless communications, and particularly, to network discovery in a wireless communication system," such as "scan[ning] for available communication channels before initiating a link setup," including "active scanning." Ong at 1:12–27. Other references identified in Section II.B.1 also relate to the subject matter of active scan methods. *See, e.g.*, U.S. Pat. Pub. No. 2007/0197246 ("Julian"), U.S. Pat. Pub. No. 2013/0165112 ("Gopalsamy"), U.S. Pat. Pub. No. 2010/0303051 ("Umeuchi").

Further exemplary motivations to combine the prior art discussed above is disclosed in IPR2026-00187, which is incorporated by reference.

The above-discussed exemplary combinations would have also been obvious to try given that there were a finite number of identified, predictable solutions in the prior art, and there would have been a reasonable expectation of success to simply implement one prior art solution with concepts from prior art in the same field. Moreover, these combinations would have been the result of applying known techniques to a known method that was ready for improvement to yield predictable results.

3. U.S. Patent No. 9,271,243 – Exemplary Motivations to Combine

A person of ordinary skill in the art would have been motivated to combine each primary reference with any other reference listed (including any reference identified in Section II.A or the subsection below on motivations to combine) to render the Asserted Claims of the '243 Patent obvious. Cisco reserves the right to rely on additional references in connection with combinations to show the state of the art, general knowledge of a person of ordinary skill in the art at the time of the alleged invention, or additional motivations to make such combinations.

Multiple teachings, suggestions, and/or reasons to modify any of the prior art references identified above for the '243 Patent are found in, among others, the patent, the prior art, common knowledge, logic and common sense, predictability, expectations, industry trends, design incentives or need, market demand or pressure, market forces, the nature of the problem faced, and/or knowledge possessed by one of ordinary skill.

Motivation to combine the references identified herein is informed by the state of the art explained in the patent, the file history, and the prior art references disclosed herein. In the "Background" section, the '243 Patent identifies the technical field as relating to "a wireless access point and a method and a device for controlling the wireless access point, and more specifically to a method and device for controlling a wireless access point to optimize its coverage and capacity under in an environment of interference." '243 Patent, 1:15–23. The background section further states that while a single wireless access point may not provide sufficient coverage of a wireless local area network, using multiple APs to reduce coverage gaps may "caus[e] interference and deteriorat[e] the performance of the wireless network. *Id.* at 1:24–41. The '243 Patent further identifies as "related art" "Korean Patent Publication 2006-0034461," which purportedly discloses an adjustment mechanism for the transmit power of an AP using certain characteristics of the output signal (e.g., RSSI) to minimize interference. *Id.* at 1:42–51. The '243 Patent identifies a

purported limitation of the Korean reference, i.e., that it is "restricted with the condition that the sub-AP itself needs to adjust the transmission power." *Id.* In addition, the '243 Patent provides the purported mathematical formula to calculate the "optimal output strength value" of the access point. *Id.* at 7:45–51 ("*Ptx*_modi=*Ptx_c*-(RSSI_*m*-RSSI_*th*)").

In addition to analogous art in related fields, a person of skill would thus have been motivated to refer to prior art pertaining to wireless access point control mechanisms and/or addressing interference between wireless access points through modulation by an AP controller. For example, a person of skill would have looked to CN 101626615A ("Wang '615") as analogous art to the '243 Patent, also addressing the problem of interference among access points by controlling access points' transmission power. Wang '615 discloses of "an AP power adjustment method and AP power adjustment equipment" for "periodically and automatically adjust[ing] power." *See, e.g.*, Wang '615 at Abstract. Wang '615's system addresses interference correlating with the number of access points present in a network, which the access points' RSSI measurements are sorted and selected as an input factor in adjusting the "power of the AP." *Id.* at 1, 14. Just like the '243 Patent, Wang '615 discloses a mathematical formula to modulate the output strength of the access points. *Id.* at 14 ("P-after = P-before- (RSSI-nth-RSSI-threshold)"). A person of skill would also have relied on US 7,313,113 ("Hills") as analogous art to the '243 patent, as it "relates to wireless computer networks and, more particularly, to methods, ***apparatuses and systems facilitating configuration of transmit power in a wireless network environment comprising a plurality of wireless access points***." Hills at 1:19–23 (emphasis added). Other references identified in Section II.B.3 are also related to the subject matter of configuring the transmission power in WLAN systems and/or throughput in a communication network. *See, e.g.*, US 7,675,892 ("Min '892"); US 20050003827A1 ("Whelan"); CN 101018082

("Shi"); US 20090042594 ("Yavuz"); JP 2011044894 ("Soka"); US 20080130573 ("Lee"); US 20040166850 ("Backes").

A person of skill would have also looked to existing systems capable of transmission power modulation and the relevant technical specifications. For example, Cisco's Radio Resource Management under Unified Wireless Networks (the "RRM White Paper"), published on May 17, 2010, describes the Cisco wireless controllers' "Transmit Power Control" feature capable of calculating adjustments to access points' transmit power, the algorithm represented also in a mathematical formula. *See, e.g.*, RRM White Paper at 10 ("Determine the transmit power using this equation: Tx_Max for given AP + (Tx power control thresh RSSI of 3rd highest neighbor above the threshold)").

Further exemplary motivations to combine the prior art discussed above is disclosed in IPR2026-00188, which is incorporated by reference.

The above-discussed exemplary combinations would have also been obvious to try given that there were a finite number of identified, predictable solutions in the prior art, and there would have been a reasonable expectation of success to simply implement one prior art solution with concepts from prior art in the same field. Moreover, these combinations would have been the result of applying known techniques to a known method that was ready for improvement to yield predictable results.

4. U.S. Patent No. 9,344,978 – Exemplary Motivations to Combine

A person of ordinary skill in the art would have been motivated to combine each primary reference with any other reference listed (including any reference identified in Section II.A or the subsection below on motivations to combine) to render the Asserted Claims of the '978 Patent obvious. Cisco reserves the right to rely on additional references in connection with combinations

to show the state of the art, general knowledge of a person of ordinary skill in the art at the time of the alleged invention, or additional motivations to make such combinations.

Multiple teachings, suggestions, and/or reasons to modify any of the prior art references identified above for the '978 Patent are found in, among others, the patent, the prior art, common knowledge, logic and common sense, predictability, expectations, industry trends, design incentives or need, market demand or pressure, market forces, the nature of the problem faced, and/or knowledge possessed by one of ordinary skill.

Motivation to combine the references identified herein is informed by the state of the art explained in the patent, the file history and the prior art references disclosed herein. The specification of the '978 Patent identifies the technical field of the claimed invention as relating to "communications and, in particular, to an access point providing a wireless local area network (LAN) service." '978 Patent, 1:18–20. The specification explains that the invention may include an aspect by which "an access point may form two separate service zones, one for user equipment located at a cell center area and the other for user equipment located at a cell edge area by controlling transmission power of a signal transmitted to user equipment." *Id.* at 1:49–53. Another aspect of the invention includes "transmit[ting] a signal to user equipment located at a center area of a cell with comparatively low transmission power and transmit[ting] a signal to user equipment located at an edge area of a cell with comparatively high transmission power." *Id.* at 1:54–59. The specification describes the "access point module" as being "configured to transmit a probe response signal only to user equipment located in the first service zone in response to a probe request signal from the user equipment." *Id.* at 2:16–22. Exemplary embodiments of the claimed invention describe "an access point may be provided for forming multiple service zones within a

corresponding cell . . . [where t]he first access point module may be configured to form a first service zone for first user equipment located at a center area of the cell . . .” *Id.* at 1:65–2:7.

Therefore, a person of ordinary skill would have been motivated to refer to and combine prior art pertaining to wireless communications and access point control technology, including as it relates to using signal strength values in optimizing access point connections. For example, a person of ordinary skill would have looked to art like U.S. Patent Application 2007/0248033 (“Bejerano”), which discloses “a wireless device [that] scans all available channels to detect nearby access points (APs) and then associates itself with an AP that has the strongest received signal strength indicator (RSSI),” “measur[ing] the RSSI of each message detected” and “initiat[ing] a process to create a link between [a device] and the AP associated with the strongest measured RSSI.” Bejerano at [0002], [0035]. Bejerano discloses “whenever the signal quality of the link the user has established begins to deteriorate below a certain threshold, the device associated with the user once again initiates a process that scans all of the beacon messages to determine whether there is a stronger signal.” *Id.* at [0035]. Just like the ’978 Patent, Bejerano discusses using signal strength values to optimize access point connection.

A person of ordinary skill would have also relied on CN 101388841B (“Xu”), which relates to “transmitting probe response frames” as it relates to access point technology. Xu at Abstract, Claims (pp. 1, 3). Xu discloses an “access point device” that uses a “predetermined threshold value” associated with “transmitting a probe response frame.” *Id.* at Claims (p. 3). Other references identified in Section II.B.4 also relate to the subject matter of wireless communications and/or access point control technology. *See, e.g.*, U.S. Patent App. 2008/0310341 (“Koyanagi”), U.S. Patent No. 7,647,046 (“Huang”), U.S. Patent App. 2008/0020791 (“Ito”), and KR 20110008462 (“Kang”).

The above-discussed exemplary combinations would have also been obvious to try given that there were a finite number of identified, predictable solutions in the prior art, and there would have been a reasonable expectation of success to simply implement one prior art solution with concepts from prior art in the same field. Moreover, these combinations would have been the result of applying known techniques to a known method that was ready for improvement to yield predictable results.

5. U.S. Patent No. 9,918,236 – Exemplary Motivations to Combine

A person of ordinary skill in the art would have been motivated to combine each primary reference with any other reference listed (including any reference identified in Section II.A or the subsection below on motivations to combine) to render the Asserted Claims of the '236 Patent obvious. Cisco reserves the right to rely on additional references in connection with combinations to show the state of the art, general knowledge of a person of ordinary skill in the art at the time of the alleged invention, or additional motivations to make such combinations.

Multiple teachings, suggestions, and/or reasons to modify any of the prior art references identified above for the '236 Patent are found in, among others, the patent, the prior art, common knowledge, logic and common sense, predictability, expectations, industry trends, design incentives or need, market demand or pressure, market forces, the nature of the problem faced, and/or knowledge possessed by one of ordinary skill.

Motivation to combine the references identified herein is informed by the state of the art explained in the patent, the file history and the prior art references disclosed herein.

The specification of the '236 Patent identifies the technical field of the claimed invention as relating to "communications and, in particular, to an access point providing a wireless local area network (LAN) service." '236 Patent, 1:21–23. The specification explains that the invention may include an aspect by which "an access point may form two separate service zones, one for user

equipment located at a cell center area and the other for user equipment located at a cell edge area by controlling transmission power of a signal transmitted to user equipment." *Id.* at 1:53–58. Another aspect of the invention includes "transmit[ting] a signal to user equipment located at a center area of a cell with comparatively low transmission power and transmit[ting] a signal to user equipment located at an edge area of a cell with comparatively high transmission power." *Id.* at 1:59–64. The specification describes the "access point module" as being "configured to transmit a probe response signal only to user equipment located in the first service zone in response to a probe request signal from the user equipment." *Id.* at 2:21–24. Exemplary embodiments of the claimed invention describe "an access point may be provided for forming multiple service zones within a corresponding cell . . . [where t]he first access point module may be configured to form a first service zone for first user equipment located at a center area of the cell . . . " *Id.* at 2:3–12.

Therefore, a person of ordinary skill would have been motivated to refer to and combine prior art pertaining to wireless communications and access point control technology, including as it relates to using signal strength values in optimizing access point connections. For example, a person of ordinary skill would have looked to art like U.S. Patent Application 2007/0248033 ("Bejerano"), which discloses "a wireless device [that] scans all available channels to detect nearby access points (APs) and then associates itself with an AP that has the strongest received signal strength indicator (RSSI)," "measur[ing] the RSSI of each message detected" and "initiat[ing] a process to create a link between [a device] and the AP associated with the strongest measured RSSI." Bejerano at [0002], [0035]. Bejerano discloses "whenever the signal quality of the link the user has established begins to deteriorate below a certain threshold, the device associated with the user once again initiates a process that scans all of the beacon messages to

determine whether there is a stronger signal." *Id.* at [0035]. Just like the '236 Patent, Bejerano discusses using signal strength values to optimize access point connection.

A person of ordinary skill would have also relied on CN 101388841B ("Xu"), which relates to "transmitting probe response frames" as it relates to access point technology. Xu at Abstract, Claims (pp. 1, 3). Xu discloses an "access point device" that uses a "predetermined threshold value" associated with "transmitting a probe response frame." *Id.* at Claims (p. 3). Other references identified in Section II.B.5 also relate to the subject matter of wireless communications and/or access point control technology. *See, e.g.*, U.S. Patent App. 2008/0310341 ("Koyanagi"), U.S. Patent No. 7,647,046 ("Huang"), and KR 20110008462 ("Kang").

The above-discussed exemplary combinations would have also been obvious to try given that there were a finite number of identified, predictable solutions in the prior art, and there would have been a reasonable expectation of success to simply implement one prior art solution with concepts from prior art in the same field. Moreover, these combinations would have been the result of applying known techniques to a known method that was ready for improvement to yield predictable results.

D. P.R. 3-3(c): Claim Charts

Charts specifically identifying where each element of each Asserted Claim is found in the prior art, either expressly or inherently, are found in Exhibits A1–A13, B1–B13, C1–C11, D1–D14, E1–E14, and Appendices A–E. However, this prior art is exemplary; the claimed features are similarly described or disclosed in other prior art.

In the claim charts included in this disclosure, Cisco identifies specific portions of prior art references that disclose or render obvious the elements of the Asserted Claims. Although Cisco has identified at least one citation per element, each and every disclosure of the same element in a given reference is not necessarily identified. That Cisco did not identify each similar disclosure

should not be construed as a concession by Cisco that such disclosure is not relevant. It should be recognized that a person of ordinary skill in the art would generally read a prior art reference as a whole and in the context of other publications, literature, and general knowledge in the field. To understand and interpret any specific statement or disclosure in a prior art reference, a person of ordinary skill in the art would rely upon other information including other publications and general scientific or engineering knowledge.

Where Cisco identifies a particular figure in a prior art reference, the identification should be understood to encompass the caption and description of the figure as well as any text relating to the figure in the specification and prosecution history in addition to the figure itself. Similarly, where an identified portion of text refers to a figure or other material, the identification should be understood to include the referenced figure or other material as well.

Certain pieces of identified prior art disclose features of the Asserted Claims inherently. Cisco may rely on any evidence, including expert testimony, to establish the inherency of certain features of the prior art to invalidate the Asserted Claims.

III. P.R. 3-3(d): INVALIDITY UNDER 35 U.S.C. § 112

Cisco alleges that the Asserted Claims are invalid under 35 U.S.C. § 112 for failing to satisfy the written description and enablement requirements (Section 112 ¶ 1). Cisco reserves all rights to amend its Invalidity Contentions under 35 U.S.C. § 112, including after the Asserted Claims are ultimately construed by the Court, in response to any interpretation of the Asserted Claims embodied in Golden Eye's infringement positions, and/or to account for any changes in the law concerning invalidity under 35 U.S.C. § 112. Cisco also reserves the right to provide additional explanation and/or argument for its Invalidity Contentions under Section 112, including, for example, based on expert testimony. Cisco's contentions that the Asserted Claims are invalid under Section 112 are not admissions regarding the construction or scope of the claims of the

Asserted Patents, or that any of the claims of the Asserted Patents are not anticipated or rendered obvious by any prior art. All of the below statements are by way of example only. Any item disclosed below with respect to any patent or claim may, as appropriate, be asserted as a defense against any other patent or claim that has a similar claim limitation and patent disclosure.

A. Invalidity Under pre-AIA 35 U.S.C. § 112 ¶ 1 or 35 U.S.C. § 112(a)

Pre-AIA 35 U.S.C. § 112 ¶ 1 or 35 U.S.C. § 112(a) requires that the specification contain a written description of the invention. "[T]he hallmark of written description is disclosure." *Boston Sci. Corp. v. Johnson & Johnson*, 647 F.3d 1353, 1361–62 (Fed. Cir. 2011) (citation omitted). The test for whether a specification adequately describes an invention is "whether the disclosure of the application relied upon reasonably conveys to those skilled in the art that the inventor had possession of the claimed subject matter as of the filing date. . . . [T]he test requires an objective inquiry into the four corners of the specification from the perspective of a person of ordinary skill in the art . . . . [It] is a question of fact." *Ariad Pharms., Inc. v. Eli Lilly and Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc); *Boston Sci.*, 647 F.3d at 1362.

The enablement requirement of Section 112 demands that the patent specification enable "those skilled in the art to make and use the full scope of the claimed invention without 'undue experimentation.'" *Genentech, Inc. v. Novo Nordisk A/S*, 108 F.3d 1361, 1365 (Fed. Cir. 1997) (quoting *In re Wright*, 999 F.2d 1557, 1561 (Fed. Cir. 1993)). "[T]he scope of the claims must be less than or equal to the scope of the enablement." *Nat'l Recovery Tech., Inc. v. Magnetic Separation Sys., Inc.*, 166 F.3d 1190, 1196 (Fed. Cir. 1999). In other words, the claims must be enabled over their entire claimed range. *See id.* (finding lack of enablement because the "claim [] [was] broader than the enablement as taught in the specification").

Cisco contends that the following Asserted Claims are invalid under pre-AIA 35 U.S.C. § 112 ¶ 1 or 35 U.S.C. § 112(a). Each Asserted Claim identified below (and each Asserted Claim

that depends therefrom) is invalid under Section 112 ¶ 1 because the specification of the Asserted Patent fails to provide a sufficient written description and/or enabling disclosure. For each listed term or phrase, Cisco believes the term or phrase is invalid under pre-AIA 35 U.S.C. § 112 ¶ 1 or 35 U.S.C. § 112(a), as is any limitation including such terms or phrases, for the same reason(s).

Cisco further contends that Golden Eye's apparent claim constructions render the Asserted Claims extremely broad in scope and well beyond the purported inventions described in the Asserted Patents. Based on a review of Golden Eye's Infringement Contentions, Golden Eye is attempting to construe the Asserted Patents in an idiosyncratic manner that is entirely inconsistent with the written specifications and prosecution histories of the Asserted Patents as well as with the understanding of one of ordinary skill in the art at the time the applications that issued as the Asserted Patents were filed. These allegations are inconsistent with the plain language of the claims, the supporting description, and the prosecution history, and therefore render the claims invalid under Section 112 ¶ 1. *See, e.g.*, *Gentry Gallery, Inc. v. Berkline Corp.*, 134 F.3d 1473, 1478–80 (Fed. Cir. 1998) (holding claims invalid under Section 112 ¶ 1 because an applicant cannot "broaden his claims to the extent that they are effectively bounded only by the prior art. Rather, [the cases] make clear that claims may be no broader than the supporting disclosure, and therefore that a narrow disclosure will limit claim breadth.").

The Asserted Claims are invalid because the specification of the Asserted Patents do not include sufficient written description of the purported inventions allegedly claimed in the Asserted Patents, and the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use any of the allegedly claimed inventions, pre-AIA 35 U.S.C. § 112 ¶ 1 or 35 U.S.C. § 112(a).

Moreover, the patent applications that issued as the Asserted Patents did not contain a written description of the purported invention sufficiently clear and complete to enable one of ordinary skill in the art to which the purported invention pertains to make and use the invention as claimed without undue experimentation. To the extent any of the Asserted Claims are found to cover one or more of the accused products identified in Golden Eye's Infringement Contentions, such Asserted Claims are also invalid under pre-AIA 35 U.S.C. § 112 ¶ 1 or 35 U.S.C. § 112(a) because their full scope is not enabled by the specifications of the relevant Asserted Patents.

1. U.S. Patent No. 10,051,556

Cisco contends that the full scope of each Asserted Claim of the '556 Patent was not described with particularity in the specification to which priority is sought (including in view of Golden Eye's assertions of infringement), so as not to set forth enough detail to allow a person of ordinary skill in the art to understand what is claimed and to recognize that the inventor invented what is claimed. Accordingly, each Asserted Claim of the '556 Patent is invalid for lack of adequate written description and/or enablement under pre-AIA 35 U.S.C. § 112 ¶ 1, based at least on the following claim terms/phrases (and the broader claim limitations in which they appear):

- "a probe request frame including information on a signal strength" (claims 9, 11)
- "an access of the station to the access point is based on the probe response frame and a maximum probe response time" (claims 9, 11)

2. U.S. Patent No. 9,717,037

Cisco contends that the full scope of each Asserted Claim of the '037 Patent was not described with particularity in the specification to which priority is sought (including in view of Golden Eye's assertions of infringement), so as not to set forth enough detail to allow a person of ordinary skill in the art to understand what is claimed and to recognize that the inventor invented what is claimed. Accordingly, each Asserted Claim of the '037 Patent is invalid for lack of

adequate written description and/or enablement under pre-AIA 35 U.S.C. § 112 ¶ 1, based at least on the following claim terms/phrases (and the broader claim limitations in which they appear):

- "the probe request frame including signal strength information of the station" (claim 13)
- "granting access to the station based on the probe response frame and a maximum probe response time" (claim 13)

3. U.S. Patent No. 9,271,243

Cisco contends that the full scope of each Asserted Claim of the '243 Patent was not described with particularity in the specification to which priority is sought (including in view of Golden Eye's assertions of infringement), so as not to set forth enough detail to allow a person of ordinary skill in the art to understand what is claimed and to recognize that the inventor invented what is claimed. Accordingly, each Asserted Claim of the '243 Patent is invalid for lack of adequate written description and/or enablement under pre-AIA 35 U.S.C. § 112 ¶ 1, based at least on the following claim terms/phrases (and the broader claim limitations in which they appear):

- "grouping unit" (claim 1)
- "group[ed/ping]" (claims 1, 2, 4, 11)
- "map generator" (claims 1, 4)
- "output strength value" (claims 1, 2, 4, 11)
- "extractor" (claim 1)
- "optimal output strength value calculator" (claim 1)
- "output adjustment requester" (claims 1, 2)

4. U.S. Patent No. 9,344,978

Cisco contends that the full scope of each Asserted Claim of the '978 Patent was not described with particularity in the specification to which priority is sought (including in view of Golden Eye's assertions of infringement), so as not to set forth enough detail to allow a person of ordinary skill in the art to understand what is claimed and to recognize that the inventor invented what is claimed. Accordingly, each Asserted Claim of the '978 Patent is invalid for lack of

adequate written description and/or enablement under pre-AIA 35 U.S.C. § 112 ¶ 1, based at least on the following claim terms/phrases (and the broader claim limitations in which they appear):

- "only when" (claims 7, 14)

5. U.S. Patent No. 9,918,236

Cisco contends that the full scope of each Asserted Claim of the '236 Patent was not described with particularity in the specification to which priority is sought (including in view of Golden Eye's assertions of infringement), so as not to set forth enough detail to allow a person of ordinary skill in the art to understand what is claimed and to recognize that the inventor invented what is claimed. Accordingly, each Asserted Claim of the '236 Patent is invalid for lack of adequate written description and/or enablement under pre-AIA 35 U.S.C. § 112 ¶ 1, based at least on the following claim terms/phrases (and the broader claim limitations in which they appear):

- "only when" (claim 1)

IV. ACCOMPANYING DOCUMENT PRODUCTION

Pursuant to Local Patent Rules 3-3 and 3-4, Cisco has produced the prior art referenced in its Invalidity Contentions as well as source code, specifications, schematics, flow charts, artwork, formulas, or other documentation sufficient to show the operation of any aspects or elements of an Accused Instrumentality identified by Golden Eye in its Infringement Contentions. Cisco has also produced translations of foreign-language references. Cisco will produce any additional documents uncovered during discovery, including through third-party subpoenas.

Dated: January 19, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing document was served electronically on January 19, 2026, on all counsel who have consented to electronic service.

/s/ Sarah Grace-Willemete
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