

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CISCO SYSTEMS, INC.,
Petitioner,

v.

PORTSMOUTH NETWORK CORP.,
Patent Owner.

IPR2024-00954
Patent 8,199,637 B2

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

ORDER

The Office has received a request for Director Review of the Decision Denying Institution for the above-captioned case. *See* Paper 8.

I have considered the request and determined that the Decision warrants review by a Delegated Rehearing Panel (“DRP”). Accordingly, I delegate Director Review of the Decision to a DRP to review the Decision and determine: (1) whether the Board engaged in an implicit claim construction of the claim limitation “propagating failure information by the detecting node to each node of the other nodes,”¹ and if so, whether that construction was correct; and (2) whether the Board properly considered Petitioner’s argument that Mitchell² reads on the propagating failure limitation.

Absent good cause, the DRP shall issue a decision within 30 days of this Order.

Accordingly, it is:

ORDERED that the request for Director Review is delegated to a DRP.

¹ The limitation is part of claim 1 and a related limitation is part of claim 16.

² US 8,208,370 B1, issued June 26, 2012 (Ex. 1005).

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