

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

NETWORK-1 SECURITY SOLUTIONS,
INC., a Delaware corporation,

Plaintiff,

vs.

CISCO SYSTEMS, INC., a California corporation; CISCO-LINKSYS, L.L.C., a California Limited Liability Company; ADTRAN, INC., a Delaware corporation; ENTERASYS NETWORKS, INC., a Delaware corporation; EXTREME NETWORKS, INC., a Delaware corporation; FOUNDRY NETWORKS, INC., a Delaware corporation; NETGEAR, INC., a Delaware corporation; 3COM CORPORATION, a Delaware corporation,

Defendants.

CASE NO. 6:08cv030-LED

DEFENDANTS' INVALIDITY CONTENTIONS PURSUANT TO PATENT RULE 3-3

Pursuant to Patent Rule 3-3 and the June 16, 2008 Docket Control Order (as modified by the Court's September 23, 2008 Order granting the Joint Motion to Extend Certain Deadlines), Defendants jointly hereby serve their Invalidity Contentions on Network-1 Security Solutions, Inc. ("Plaintiff" or "Network-1").

I. PRELIMINARY STATEMENT

In its infringement contentions, Plaintiff asserts claims 1, 2, 6, and 9 of U.S. Patent No. 6,218,930 (“the ‘930 patent”) against Defendants’ power sourcing equipment, powered devices, and related equipment such as power supplies.

There has been no claim construction in this case. These Invalidity Contentions do not seek to predict the Court’s claim construction, but instead use constructions of claim limitations consistent with or suggested by Plaintiff’s September 29, 2008 Infringement Contentions, to the extent discernible. Defendants, however, do not necessarily agree with or adopt any claim constructions used by Plaintiff in its Infringement Contentions, and nothing in these Invalidity Contentions is intended to endorse any particular claim construction advanced by Plaintiff. Moreover, Defendants’ Invalidity Contentions are based on their current understanding of the asserted claims independent of the discovery process. Defendants expressly reserve the right, consistent with the local rules, to amend or supplement these contentions based on any claim constructions issued by the Court.

Defendants’ investigation and discovery are ongoing and may, therefore, uncover additional prior art and additional bases of invalidity not presently known. Defendants reserve all rights to supplement and/or modify these Invalidity Contentions based upon further discovery and/or investigations, including rulings by the Court, fact discovery, expert discovery, and/or third-party discovery.

Defendants also reserve the right to revise and/or supplement these Invalidity Contentions in response to any revision and/or supplementation by Plaintiff of its Infringement Contentions.

In addition to the invalidity contentions and prior art identified herein, Defendants hereby incorporate and expressly reserve the right to rely on the invalidity contentions served pursuant to Patent L.R. 3-3 in Civil Case No. 6:05-cv-00291-LED, including any prior art cited therein.

II. P.R. 3-3(A) – IDENTIFICATION OF PRIOR ART

A. Prior Art Patent References

The following prior art patent references, including those patent references listed in

Ex. A, anticipate and/or render obvious the asserted claims of the '930 patent.

	Number	Country of origin	Date of issue
1	USPN 5,991,885 (Chang or '885 patent) CISCO 0364052 - 0364070	United States	11/23/1999
2	USPN 4,254,305 (Treiber or '305 patent) CISCO 0363912 - 0363923	United States	03/03/1981
3	USPN 6,246,748 (Yano or '748 patent) CISCO 0364071 - 0364080	United States	06/12/2001
4	US Prov. No. 60/115,628 (PowerDsine provisional) CISCO 0363414 - 0363429	United States	01/12/1999 (Filed)
5	USPN 6,473,608 (PowerDsine patent or '608 patent) CISCO 0366712-0366794	United States	10/29/2002
6	USPN 6,115,468 (De Nicolo or '468 patent) CISCO 0363891 - 0363898	United States	09/05/2000
7	USPN 5,994,998 (Fisher or '998 patent) CISCO 0363878 - 0363890	United States	11/30/1999
8	USPN 6,762,675	United States	07/13/2004

	Number	Country of origin	Date of issue
	(Cafiero or '675 patent) CISCO 0364143 - 0364151		
9	USPN 6,701,443 (Bell or '443 patent) CISCO 0364255 - 0364272	United States	03/02/2004
10	USPN 6,480,510 (Binder or '510 patent) CISCO 0364518 - 0364534	United States	11/12/2002
11	USPN 6,571,181 (Rakshani or '181 patent) CISCO 0364236 - 0364254	United States	05/27/2003
12	USPN 5,396,555 (Shibata or '555 patent) CISCO 0364424 - 364443	United States	03/07/1995
13	USPN 6,640,308 (Keyghobad or '308 patent) CISCO 0364452 - 0364473	United States	10/28/2003
14	USPN 5,675,813 (Holmdahl or '813 patent) CISCO 0364608 - 0364624	United States	10/07/1997
15	USPN 4,862,158 (Keller or '158 patent) CISCO 0363924 - 0363934	United States	08/29/1989
16	USPN 5,368,041 (Shambroom or '041 patent) CISCO 0363954 - 0363970	United States	11/29/1994
17	USPN 5,884,086	United States	03/16/1999

	Number	Country of origin	Date of issue
	(Amoni or '086 patent) CISCO 0364003 - 0364018		
18	USPN 5,270,896 (McDonald or '896 patent) CISCO 0363935 - 0363943	United States	12/14/1993
19	USPN 5,408,669 (Stewart or '669 patent) CISCO 0363971 - 0363992	United States	04/18/1995
20	USPN 5,949,806 (Ness or '806 patent) CISCO 0364044 - 0364051	United States	09/07/1999
21	USPN 5,289,359 (Ziermann or '359 patent) CISCO 0363944 - 0363953	United States	02/22/1994
22	USPN 5,441,520 (Olsen or '520 patent) CISCO 0363993 - 0364002	United States	08/15/1995
23	USPN 6,459,175 (Potega or '175 patent) CISCO 0364081 - 0364142	United States	10/01/2002
24	USPN 5,944,659 (Flach or '659 patent) CISCO 0364019 - 0364043	United States	08/31/1999
25	USPN 6,526,516 (Ishikawa or '516 patent) CISCO 0364535 - 0364586	United States	02/25/2003
26	JP H10-13576	Japan	01/16/1998

	Number	Country of origin	Date of issue
	(Matsuno or JP '576) CISCO 0363867 - 0363877		
27	USPN 6,889,095 (Eidson or '095 patent) CISCO 0364273 - 0364284	United States	05/03/2005
28	USPN 5,630,058 (Mosley or '058 patent) CISCO 0364444 - 0364451	United States	05/13/1997
29	USPN 4,961,222 (Johansson or '222 patent) CISCO 0364165 - 0364168	United States	10/02/1990
30	USPN 6,125,448 (Schwan or '448 patent) CISCO 0364194 - 0463217	United States	09/26/2000
31	USPN 4,535,401 (Penn or '401 patent) CISCO 0364152 - 0364164	United States	08/13/1985
32	USPN 6,535,983 (McCormack or '983 patent) CISCO 0364218 - 0364235	United States	03/18/2003
33	USPN 5,168,170 (Hartig or '170 patent) CISCO 0366669-0366692	United States	12/01/1992
34	USPN 5,264,777 (Smead or '777 patent) CISCO 0366693-0366711	United States	11/23/1993

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By: /s/ _____

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