EXHIBIT B-1
Defendant's Preliminary Invalidity Contentions
Orckit Corporation v. Cisco Systems, Inc., 2:22-cv-00276-JRG-RSP

Chart for U.S. Patent 8,830,821 ("the '821 Patent")
Cisco IOS Multiprotocol Label Switching
Cisco IOS Release 12.2SR ("Cisco IOS System")

As shown in the chart below, all claims of the '821 Patent are invalid (1) under 35 U.S.C. §§ 102 (a) and (g) based on Cisco IOS System, (2) under 35 U.S.C. §§ 102 (a) and (b) because the references describing the Cisco IOS System disclose every limitation of every Asserted Claim, and (3) under 35 U.S.C. § 103 as obvious based on Cisco IOS Multiprotocol Label Switching Configuration Guide Release 12.2SR alone, or in combination with the knowledge of a person of ordinary skill in the art alone, and in further combination with references specifically identified in the following claim chart and/or one or more other references identified in Cisco's Preliminary Invalidity Contentions. The Cisco IOS System comprises the Cisco IOS Release 12.2SR operating system, as it ran on various Cisco switches and routers from before June 22, 2011. The Cisco IOS System was invented, known and used by others in the United States, and on sale in the United States before the claimed invention, rendering the claims invalid. Publications describing the Cisco IOS System, including those cited in this chart, were publicly disclosed and available more than a year before the purported filing date of the provisional application identified on the face of the '821 Patent, rendering the claims invalid. For example, Cisco IOS Multiprotocol Label Switching Configuration Guide Release 12.2SR was published in 2010 and discloses all elements of the Asserted Claims, thereby anticipating the Asserted Claims. Moreover, as identified in this chart, it would have been obvious to combine the disclosures in the publications regarding the Cisco IOS System with each other and with disclosures in other publications known in the art, as explained in this chart, well before the claimed invention and the effective filing date of the '821 Patent, rendering the claims invalid.

The quotations and diagrams regarding the Cisco IOS System in this chart come from the following sources:
- Cisco IOS Multiprotocol Label Switching Configuration Guide Release 12.2SR ("Cisco IOS Guide"); and
- Cisco Press Release titled "Cisco Systems' MPLS-TE 'Fast Reroute'" Function Introduced To NTT Communications' Arcstart IP-VPN" ("Cisco Press Release"); and
- Open-Shortest Path First (OSPF) Protocol, Defined in RFC 2328, https://www.ietf.org/rfc/rfc2328.txt ("RFC 2328").

Motivations to combine the disclosures in these references with disclosures in other publications known in the art, as explained in this chart, include at least the similarity in subject matter between the references to the extent they concern methods of selecting paths in a

network and/or determining the cost of potential paths in a network. Insofar as the references cite other patents or publications, or suggest additional changes, one of ordinary skill in the art would look beyond a single reference to other references in the field.
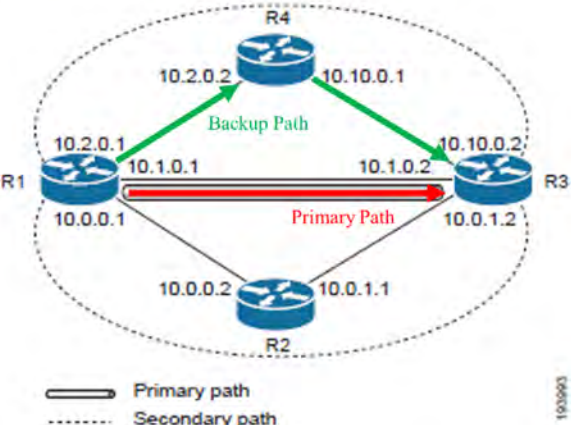
These invalidity contentions are based on Defendant's present understanding of the Asserted Claims, and Orckit's apparent construction of the claims in its November 3, 2022 Disclosure of Asserted Claims and Infringement Contentions Pursuant to P.R. 3-1, and Orckit's January 19, 2023 First Amended Disclosure of Asserted Claims and Infringement Contentions Pursuant to P.R. 3-1 (Orckit's "Infringement Disclosures"), which is deficient at least insofar as it fails to cite any documents or identify accused structures, acts, or materials in the Accused Products with particularity. Defendant does not agree with Orckit's application of the claims, or that the claims satisfy the requirements of 35 U.S.C. § 112. Defendant's contentions herein are not, and should in no way be seen as, admissions or adoptions as to any particular claim scope or construction, or as any admission that any particular element is met by any accused product in any particular way. Defendant objects to any attempt to imply claim construction from this chart. Defendant's prior art invalidity contentions are made in a variety of alternatives and do not represent Defendant's agreement or view as to the meaning, definiteness, written description support for, or enablement of any claim contained therein.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e), the Local Rules, and the Orders of record in this matter subject to further investigation and discovery regarding the prior art and the Court's construction of the claims at issue.

No.	'821 Patent Claim 1	Cisco IOS System
1[preamble]	An entity selection method performed by a network device, comprising the steps of:	Cisco IOS System discloses an entity selection method performed by a network device, comprising the steps of. For example, Cisco IOS Guide discloses a cisco router supporting Cisco IOS Release 12.2SR which supports MPLS traffic engineering. Cisco IOS Guide further discloses that a Cisco router can act as the headend router of a TE tunnel, by controlling the path its traffic takes to a particular destination. Cisco IOS Guide at Page No. 15 ("[Cisco IOS documentation describes the tasks and commands available to configure and maintain Cisco networking devices.]") Cisco IOS Guide at Page No. 15 ("[The Cisco IOS documentation set is intended for users who configure and maintain Cisco networking devices (such as routers and switches) but who may not be familiar with the configuration and maintenance tasks, the relationship among

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No.	'821 Patent Claim 1	Cisco IOS System
		tasks, or the Cisco IOS commands necessary to perform particular tasks. The Cisco IOS documentation set is also intended for those users experienced with Cisco IOS software who need to know about new features, new configuration options, and new software characteristics in the current Cisco IOS release.]") Cisco IOS Guide at Page No. 15 ("[In Cisco IOS documentation, the term router may be used to refer to various Cisco products; for example, routers, access servers, and switches.]") Cisco IOS Guide at Page No. 603 ("[Traffic Engineering Tunnels MPLS TE lets you build label switched paths (LSPs) across your network for forwarding traffic. MPLS TE LSPs let the headend of a TE tunnel control the path its traffic takes to a particular destination. This method is more flexible than forwarding traffic based only on a destination address. Interarea tunnels allow you to do the following: • Build TE tunnels between areas (interarea tunnels) • Build TE tunnels that start and end in the same area, on multiple areas on a router (intra-area tunnels) Some tunnels are more important than others. For example, you may have tunnels carrying VoIP traffic and tunnels carrying data traffic that are competing for the same resources. MPLS TE allows you to have some tunnels preempt others. Each tunnel has a priority, and more-important tunnels take precedence over less-important tunnels.]") Cisco IOS Guide at Page No. 633 ("[router—A network layer device that uses one or more metrics to determine the optimal path along which network traffic should be forwarded. Routers forward packets from one network to another based on network layer information.]")
1[a]	providing a plurality of multi protocol label switching (MPLS) transport entities	Cisco IOS System discloses providing a plurality of multi protocol label switching (MPLS) transport entities between a first endpoint and a second endpoint. For example, Cisco IOS Guide discloses that Cisco IOS Release 12.2SR supports MPLS traffic engineering tunnels with enhanced path protection, including by providing support of

No.	'821 Patent Claim 1	Cisco IOS System
	between a first endpoint and a second endpoint;	multiple backup path options (up to eight backup paths) per primary path option terminating at the same destination. Cisco IOS Guide at Page No. 601 ("[The MPLS Traffic Engineering (TE): Path Protection feature provides an end-to-end failure recovery mechanism (that is, full path protection) for Multiprotocol Label Switching (MPLS) traffic engineering (TE) tunnels. Note Cisco IOS Release 12.3(33)SRE and later releases support enhanced path protection, which is the ability to configure up to eight secondary path options for a given primary path option.]") Cisco IOS Guide at Page No. 603 ("[Enhanced Path Protection Enhanced path protection provides support of multiple backup path options per primary path option. You can configure up to eight backup path options for a given primary path option. Only one of the configured backup path options is actively signaled at any time. After you enter the mpls traffic-eng path-option list command, you can enter the backup path priority in the number argument of the path-option command. A lower identifier represents a higher priority. Priorities are configurable for each backup path option. Multiple backup path options and a single backup path option cannot coexist to protect a primary path option.]") Cisco IOS Guide at Page No. 623 ("[Configuration Examples for MPLS Traffic Engineering (TE): Enhanced Path Protection]")

No.	'821 Patent Claim 1	Cisco IOS System
		Figure 6 shows the network topology for enhanced path protection. **Figure 6** **Network Topology for Enhanced Path Protection** Fig. 6 (annotation added) Cisco IOS Guide at Page No. 640 ("[Backup Tunnel Support Backup tunnel support has the following capabilities: • Backup Tunnels Can Terminate at the Next-Next Hop to Support FRR, page 6 • Multiple Backup Tunnels Can Protect the Same Interface, page 6 • Backup Tunnels Provide Scalability, page 7 Backup Tunnels Can Terminate at the Next-Next Hop to Support FRR Backup tunnels that terminate at the next-next hop protect both the downstream link and node. This provides protection for link and node failures. For more detailed information, see the "Node Protection" section on page 4. Multiple Backup Tunnels Can Protect the Same Interface There is no limit (except memory limitations) to the number of backup tunnels that can protect a given interface. In many topologies, support for node protection requires supporting multiple backup tunnels per protected interface. These backup tunnels can terminate at the same destination or at different destinations. That is, for a given protected interface, you can

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