

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARISTA NETWORKS, INC.,
Petitioner,

v.

CISCO SYSTEMS, INC.,
Patent Owner.

Case IPR2015-00974
Patent 7,224,668 B1

Before BRYAN F. MOORE, MATTHEW R. CLEMENTS, and
PETER P. CHEN, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Arista Networks, Inc. (“Petitioner”) filed a Petition requesting *inter partes* review of claims of claims 1–10, 12, 13, 15–28, 30, 31, 33–43, 45–49, 51–64, 66, 67, and 69–72 (“the challenged claims”) of U.S. Patent No. 7,224,668 B1 (Ex. 1001, “the ’668 patent”). Paper 2 (“Pet.”). Cisco

IPR2015-00974
Patent 7,224,668 B1

Systems, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may be authorized only if “the information presented in the petition . . . and any [preliminary] response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); 37 C.F.R. § 42.4(a). Upon consideration of the Petition and the Preliminary Response, we determine that the information presented by Petitioner does not establish that there is a reasonable likelihood that Petitioner would prevail in showing the unpatentability of any of the challenged claims 1–10, 12, 13, 15–28, 30, 31, 33–43, 45–49, 51–64, 66, 67, and 69–72 of the ’668 patent. Accordingly, pursuant to 35 U.S.C. § 314, we do not institute an *inter partes* review of claims 1–10, 12, 13, 15–28, 30, 31, 33–43, 45–49, 51–64, 66, 67, and 69–72 of the ’668 patent.

A. *Related Proceedings*

The ’668 patent is involved in *Cisco Systems, Inc. v. Arista Networks, Inc.*, Case No. 4:14-cv-05343 (N.D. Cal.) and *Cisco Systems, Inc. v. Arista Networks, Inc., Network Devices, Related Software and Components Thereof (II)*, ITC Inv. No. 337-TA-945. Pet. 1; Paper 4, 1. Petitioner has also filed petitions requesting *inter partes* review of other patents owned by Patent Owner: IPR2015-00973 (U.S. Patent No. 6,377,577), IPR2015-00975 (U.S. Patent No. 8,051,211), IPR2015-00976 (U.S. Patent No. 7,023,853), IPR2015-00978 (U.S. Patent No. 7,340,597), IPR2015-01049 (U.S. Patent No. 6,377,577), and IPR2015-01050 (U.S. Patent No. 7,023,853).

B. The '668 patent

The '668 patent relates generally to an internetworking device, such as a router, with improved immunity to Denial of Service (“DoS”) attacks. Ex. 1001, Abstract. At the time, a router typically separated its functionality into a data plane, responsible for accepting transit packets at input ports and routing or switching them to output ports, and a control plane, responsible for higher layer functions, such as establishing routing tables. *Id.* at 1:52–59. Denial of Service attacks were commonly directed at the control plane. *Id.* at 1:59–67. Attempts to solve such problems were difficult to administer and could result in poor performance when control-plane policies were applied not only to control plane packets, but also to transit packets. *Id.* at 2:24–3:2.

To address these and other issues, the '668 patent discloses an internetworking device whose control plane processes are collectively arranged as a single addressable port such that all packets intended for the control plane always pass through this designated port, which thereby provides the ability to better manage control plane traffic. *Id.* at 3:42–50. A set of port services unique to the control plane may be applied to the aggregate control plane port. *Id.* at 3:54–56.

Figure 1 is reproduced below.

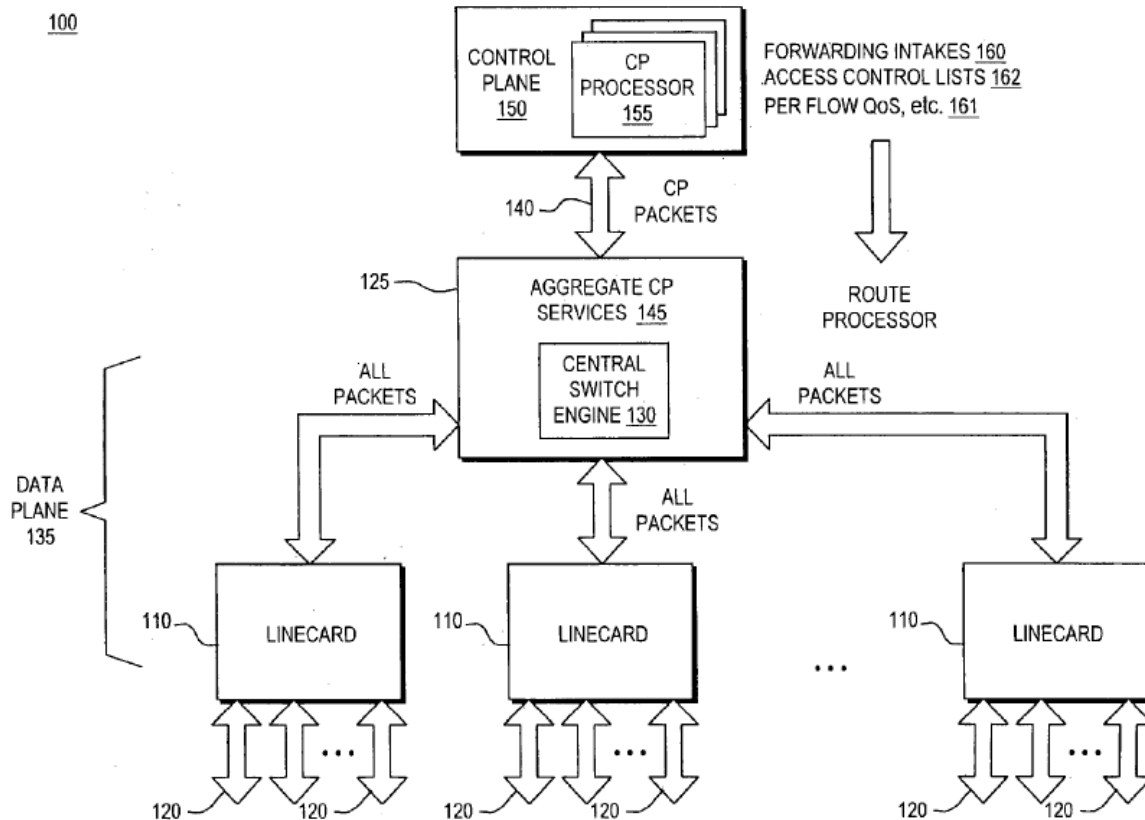


FIG. 1

Figure 1 is a block diagram of internet networking device 100, such as a router, comprising control plane port 140, which defines a single access path between switch engine 130 and control plane 150. *Id.* at 4:47–67. Line cards 110 and central switch engine 130 accept packets received on a given port 120 and route them through to another output port 120. *Id.* at 5:5–7. Because all packets destined to control plane 150 pass through central switch engine 130 prior to being routed to functions 155, central switch engine 130 can be used to implement aggregate control plane protection. *Id.* at 5:36–42. Control plane port services determine if a given packet is destined to a control plane process 150. *Id.* at 5:56–58. Control plane port 140 may be a single physical port or may be a virtual address, but either way, it can be treated as a traditional hardware port to which a full range of traditional port

control features—e.g., rate limiting, access lists, hierarchical queues based on priority—can be applied to help protect control plane 150 from a DoS attack, or to provide other QoS (quality of service). *Id.* at 5:1–4, 5:66–6:44.

C. Illustrative Claim

Of the challenged claims, claims 1, 9, and 11 are independent. Claim 1 is reproduced below:

1. An internetworking device comprising:
 - a. a plurality of physical network interface ports, each for providing a physical connection point to a network for the internetworking device, the ports being configurable by control plane processes;
 - b. port services, for operating on packets entering and exiting the physical network interface ports, the port services providing an ability to control and monitor packet flows, as defined by control plane configurations;
 - c. a control plane, comprising a plurality of internetworking control plane processes, the control plane processes for providing high-level control and configuration of the ports and the port services;
 - d. wherein:
 - i. a control plane port entity provides access to the collection of control plane processes, so that a set of control plane port services can be applied thereto; and
 - ii. the control plane port services operate on packets received from specific, predetermined physical ports and destined to the collection of control plane processes in a way that is independent of the physical port interfaces and services applied thereto.

Ex. 1001, 9:17–40.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.