

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Smethurst et al.
U.S. Patent No.: 7,224,668
Issue Date: May 29, 2007 Atty Docket No.: 40963-0006IP2
Appl. Serial No.: 10/307,154 PTAB Dkt. No.: IPR2015-01710
Filing Date: Nov. 27, 2002
Title: CONTROL PLANE SECURITY AND TRAFFIC FLOW
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**PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT
NO. 7,224,668 PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42**

TABLE OF CONTENTS

I.	MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)	1
A.	Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)	1
B.	Related Matters Under 37 C.F.R. § 42.8(b)(2)	1
C.	Lead And Back-Up Counsel and Service Information	1
II.	PAYMENT OF FEES — 37 C.F.R. § 42.103	2
III.	REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104	2
A.	Grounds for Standing Under § 42.104(a)	2
B.	Challenge Under § 42.104(b) and Relief Requested	2
IV.	SUMMARY OF THE '668 PATENT	3
A.	Brief Description	3
B.	Level of Ordinary Skill in the Art as of the Critical Date	6
V.	CLAIM CONSTRUCTION	7
A-1.	“specific, predetermined physical ports”	8
A-2.	“means for configuring a plurality of physical network interface ports” (cl. 37)	9
A-3.	“means for executing port services on packets entering and exiting the physical network interface ports” (cl. 37)	10
A-4.	“means for executing a plurality of control plane processes” (cl. 37)	11
A-5.	“means for accessing the collection of control plane processes as a control plane port entity” (cl. 37)	11
A-6.	“means for operating 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 individual physical port interface configuration and port services applied thereto” (cl. 37)	11
A-7.	“means for processing packets originating at a plurality of physical ports, said means further comprising: means for passing packets through the control plane port, rather than directly from the physical ports to individual control plane processes” (cl. 38)	11
A-8.	“means for applying distributed control plane port services only to the packets received from the specific, pre-determined physical ports” (cl. 43)	12

A-9. “means for applying port services to the control plane port additionally comprises means for applying services selected from a group consisting of Quality of Service functions, packet classification, packet marking, packet queuing, packet rate limiting, flow control, and other access policies for packets destined to the control plane port” (cl. 53)12

A-10. “means for configuring the control plane port services as an entity separate from physical port services” (cl. 54)13

VI. MANNER OF APPLYING CITED PRIOR ART TO EVERY CLAIM FOR WHICH IPR IS REQUESTED, THUS ESTABLISHING A REASONABLE LIKELIHOOD THAT AT LEAST ONE CLAIM OF THE ’668 PATENT IS UNPATENTABLE14

 A. [Ground 1] — Claims 1-6, 8, 9, 10, 12, 13, 15-22, 24-27, 28, 30, 31, 33-40, 42, 43, 45-47, 48, 49, 51-58, 60-63, 64, 66, 67, 69-72 are obvious over Frazier in view of Habraken under 35 U.S.C. § 10314

 B. [Ground 2] — Claims 7, 23, 41, 59 are obvious over Frazier in view of Habraken in view of Moberg under 35 U.S.C. § 10356

VII. REDUNDANCY60

VIII. CONCLUSION60

EXHIBITS

ARISTA-1101	U.S. Patent No. 7,224,668 to Smethurst et al. (“the ’668 Patent”)
ARISTA-1102	Declaration of Dr. Bill Lin
ARISTA-1103	Curriculum Vitae of Dr. Bill Lin
ARISTA-1104	U.S. Patent No. 6,246,680 (“Frazier”)
ARISTA-1105	Joe Habraken, Practical Cisco Routers, QUE Corporation, 1999 (“Habraken”)
ARISTA-1106	U.S. Patent No. 6,460,146 (“Moberg”)
ARISTA-1107	European Patent App. Publication No. 1,128,609 A2 (“Cherian”)
ARISTA-1108	Newton’s Telecom Dictionary, CMP Books, 17th ed. 2001.
ARISTA-1109	George C. Sackett, Cisco Router Handbook, McGraw-Hill, 2000 (“Cisco Router Handbook”)
ARISTA-1110	U.S. Patent No. 7,860,999 (“Lavian”)
ARISTA-1111	U.S. Patent No. 7,127,526 (“Duncan”)
ARISTA-1112	U.S. Patent No. 6,876,654 (“Hegde”)
ARISTA-1113	IETF RFC 792, “Internet Control Message Protocol,” retrieved from http://www.rfc-editor.org/rfc/rfc792.txt (“IETF RFC 792”)
ARISTA-1114	IETF RFC 1812, “Requirements for IP Version 4 Routers,” retrieved from http://www.rfc-editor.org/rfc/rfc1812.txt (“IETF RFC 1812”)

Arista Networks, Inc. (“Petitioner” or “Arista”) petitions for *Inter Partes* Review (“IPR”) under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42 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 (“the ’668 Patent”). As explained below, there exists a reasonable likelihood that Petitioner will prevail in demonstrating unpatentability of the Challenged Claims.

I. MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)

Arista Networks, Inc. is the real party-in-interest.

B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

The ’668 Patent is the subject of Civil Action No. 4:14-cv-5343-JSW, filed December 5, 2014 in the Northern District of California, and International Trade Commission Investigation No. 337-TA-945, instituted on January 20, 2015.

On April 1, 2015, Petitioner filed a petition for IPR of the ’668 Patent, which is identified by attorney docket number 40963-0006IP1 and proceeding number IPR2015-00974. The relationship between the limited grounds presented in the current and prior petition is discussed in Section VII.

C. Lead And Back-Up Counsel and Service Information

Petitioner designates W. Karl Renner, Reg. No. 41,265, as Lead Counsel, and Kevin E. Greene, Reg. No. 46,031, as Backup Counsel, both available at 3200

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