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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

v.

ARISTA NETWORKS, INC.,

Defendant.

Case No. 5:14-cv-05344-BLF (NC)

**ARISTA’S MOTION FOR JUDGMENT AS
A MATTER OF LAW AND
CONDITIONAL MOTION FOR NEW
TRIAL (FED. R. CIV. P. 50(B) AND 59)**

Dept.: Courtroom 3 - 5th Floor
Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

ARISTA’S JMOL AND CONDITIONAL MOTION FOR NEW TRIAL
Case No. 5:14-cv-05344-BLF (NC)

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2. Cisco lacks sufficient evidence to prove infringement even under the substantial identity test for works receiving broad protection.18

D. The jury lacked sufficient evidence to consider and compare the disputed works as a whole—or even to define their scope.18

E. No substantial evidence proves Cisco’s “user interfaces” are copyrighted works separate from Cisco’s complete registered operating systems.....19

F. Arista’s conduct is fair use as a matter of law.20

G. Cisco abandoned its copyrights as a matter of law.23

H. Cisco has misused its copyrights as a matter of law.24

I. No reasonable jury could fail to find merger on this record.25

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