

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARISTA NETWORKS, INC.,
Petitioner

v.

CISCO SYSTEMS, INC.,
Patent Owner

Case IPR2016-00309
Patent 7,224,668

UNOPPOSED MOTION TO SEAL UNDER 37 CFR § 42.14

Pursuant to 37 C.F.R. §§ 42.14, 42.54(a) Petitioner Arista Networks, Inc., (“Arista”) hereby submits this Motion to Seal portions of its Reply to the Patent Owner Response, being filed concurrently herewith. The portions sought to be sealed substantively discuss materials designated by Patent Owner as for “the Board and Parties’ Eyes Only” under the Default Protective Order in connection with Patent Owner’s Motion to Seal (Paper No. 20), filed concurrently with the Patent Owner response. No additional materials or information are sought to be sealed. Patent Owner does not oppose this motion.

The Board may seal documents where there is “good cause” that “strike[s] a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” The *Office Trial Practice Guide*, 77 Fed. Reg. 48756,48760 (August 14, 2012). On September 29, 2016, Patent Owner filed its Patent Owner Response and, concurrently therewith, filed a Motion to Seal portions of the Patent Owner Response and certain exhibits thereto pursuant to the Default Protective Order (Paper Nos. 19, 20). Patent Owner redacted portions of its Patent Owner Response and designated exhibits 2008-2012, 2046, and 2047 as for “the Board and Parties’ Eyes Only,” contending that those exhibits and related portions of the Patent Owner Response contained Patent Owner’s financial and technical confidential

business information. The Board has not issued a decision on Patent Owner's Motion to Seal.

Because the Patent Owner Response presents arguments based on information that Patent Owner has designated confidential, Arista's Reply to the Patent Owner Response necessarily also contains information subject to Patent Owner's confidentiality designations. Accordingly, to preserve the confidentiality of the materials subject to Patent Owner's Motion to Seal at least until such time as the Board rules on Patent Owner's motion, Petitioner moves the Board to seal those portions its Reply that refer to materials designated by Patent Owner as for "the Board and Parties' Eyes Only." Arista does not request that any other portions of its Reply to the Patent Owner Response be sealed, nor does it request that any exhibits filed with its Reply be sealed.

In accordance with the Default Protective Order, Petitioner is submitting herewith both a sealed version of its Reply to the Patent Owner Response and a redacted, public version of the same Reply.

Respectfully submitted,

Date: February 1, 2017

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