

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

PETITIONER'S NOTICE OF OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner, Arista Networks, Inc. (“Petitioner”), hereby submits its notice of objections to exhibits which Patent Owner, Cisco Systems, Inc. (“Cisco” or “Patent Owner”), submitted in its Patent Owner Preliminary Response filed March 15, 2016, in connection with IPR2016-00309.

**Patent Owner Exhibit No. 2001 (April 16, 2015 Edelin Letter) &
Patent Owner Exhibit No. 2003 (May 12, 2015 Edelin Letter)**

Petitioner objects to Exhibit Nos. 2001 and 2003 under the following Federal Rules of Evidence:

Petitioner objects to Exhibits 2001 and 2003 under FRE 401 and 402 as irrelevant and therefore inadmissible. Patent Owner seeks to use these exhibits to show the CoreBuilder reference (Ex. 1009) was known or available to Petitioner. *See* Patent Owner Preliminary Response at 10. When Petitioner learned of the reference is irrelevant to any of the issues in this proceeding. Moreover, the Board in this proceeding has already ruled on this issue and instituted review.

Petitioner also objects to Exhibits 2001 and 2003 under FRE 901, as Patent Owner has not submitted evidence that these Exhibits are authentic, nor that they are self-authenticating under FRE 902.

To the extent it these documents are not proved authentic, Petitioner further objects to Exhibits 2001 and 2003 under FRE 801 and 802 as inadmissible hearsay

to the extent Patent Owner intends to offer these Exhibits for the truth of the matter asserted. In such circumstances, Exhibits 2001 and 2003 do not fall under any exception to the rule against hearsay as recited in FRE 803, 804, 805 or 807.

**Patent Owner Exhibit No. 2002 (CoreBuilder Command Reference Guide) &
Patent Owner Exhibit No. 2004 (CoreBuilder 9000 Implementation Guide)**

Petitioner objects to Exhibit Nos. 2002 and 2004 under the following Federal Rules of Evidence:

Petitioner objects to Exhibits 2002 and 2004 under FRE 401 and 402 as irrelevant and therefore inadmissible. Patent Owner seeks to use these exhibits to show the CoreBuilder reference (Ex. 1009) was known or available to Petitioner. *See* Patent Owner Preliminary Response at 10. When Petitioner learned of the reference is irrelevant to any of the issues in this proceeding. Moreover, the Board in this proceeding has already ruled on this issue and instituted review.

Petitioner also objects to Exhibits 2002 and 2004 under FRE 901, as Patent Owner has not submitted evidence that these Exhibits are authentic, nor that they are self-authenticating under FRE 902.

For at least these reasons, Petitioner objects to Patent Owner Exhibits 2001 through 2004. Petitioner reserves the right to move to exclude these exhibits.

Respectfully submitted,

Date: June 24, 2016

/Lauren A. Degnan/

Lauren A. Degnan

Reg. No. 40,584

Customer Number 26171

Fish & Richardson P.C.

Telephone: (612) 337-2508

Facsimile: (612) 288-9696

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e), the undersigned certifies that on June 24, 2016, a complete and entire copy of this Petitioner's Notice of Objections to Evidence was provided via email to the Patent Owner by serving the correspondence email addresses of record as follows:

Lori A. Gordon
Robert Greene Sterne
Jon E. Wright
Daniel S. Block
Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Avenue, NW
Washington, DC 20005

Email: jwright-PTAB@skgf.com

Email: rsterne-PTAB@skgf.com

Email: lgordon-PTAB@skgf.com

Email: dblock-PTAB@skgf.com

Email: ptab@skgf.com

/Christine Rogers/

Christine Rogers
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
(650) 839-5092