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17
18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 CISCO SYSTEMS, INC.,)
21)
Plaintiff,)
22)
v.)
23)
ARISTA NETWORKS, INC.,)
24)
Defendant.)
25)
26)
27)
28)

CASE NO. 14-5344

**COMPLAINT FOR COPYRIGHT AND
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1
2 **COMPLAINT FOR COPYRIGHT AND PATENT INFRINGEMENT**

3 Plaintiff Cisco Systems, Inc. (“Cisco”), for its complaint against Defendant Arista Networks, Inc.
4 (“Arista”), hereby demands a jury trial and alleges as follows:

5 **INTRODUCTION**

6 1. Cisco is an information technology (IT) company that was founded in 1984. Cisco is the
7 worldwide leader in developing and implementing the networking technologies that enable global
8 interconnectivity and the Internet of Everything. Cisco employs thousands of networking engineers at
9 its headquarters in San Jose, California, and elsewhere, and invests billions of dollars annually in
10 research and development focused on creating the future of networking technologies.

11 2. Decades after Cisco’s founding, Arista was founded by former Cisco employees, many of
12 whom are named inventors on Cisco’s networking patents. Among others, Arista’s: 1) founders,
13 2) President and CEO, 3) Chief Development Officer, 4) Chief Technology Officer, 5) Senior Vice
14 President for Customer Engineering, 6) Vice President of Business Alliances, 7) former Vice President
15 for Global Operations and Marketing, 8) Vice President of Systems Engineering and Technology
16 Marketing, 9) Vice President of Hardware Engineering, 10) Vice President of Software Engineering, and
17 11) Vice President of Manufacturing and Platform Engineering all were employed by Cisco prior to
18 joining Arista. Moreover, four out of the seven members of Arista’s Board of Directors were previously
19 employed by Cisco.

20 3. Arista’s goal is to sell networking products. Rather than building its products and
21 services based on new technologies developed by Arista, however, and providing legitimate competition
22 to Cisco, Arista took a shortcut by blatantly and extensively copying the innovative networking
23 technologies designed and developed by Cisco.

24 4. Arista has acknowledged the substantial investment in time and employment that would
25 have been required to legitimately compete with Cisco. Arista’s President and Chief Executive Officer,
26 former Cisco employee Jayshree Ullal, has stated:

27 “Since I helped build the enterprise [at Cisco], I would never compete with Cisco directly
28 in the enterprise in a conventional way. *It would take me 15 years*

1 **and 15,000 engineers**, and that’s not a recipe for success.” (Emphasis added.)

2 5. In fact, by simply copying numerous networking technologies developed by Cisco, Arista
3 avoided hiring the thousands of engineers and making the substantial investments that would otherwise
4 have been needed to legitimately develop its own technologies. Indeed, Cisco is not the only party to
5 find itself aggrieved by Arista’s alleged misappropriation of intellectual property. Arista Co-Founder
6 David Cheriton has himself alleged that Arista misappropriated his own intellectual property in a
7 complaint that his company Optumsoft has filed against Arista.

8 6. Arista’s use and copying of Cisco’s technologies and copyrighted materials is widespread
9 and flagrant. Arista copied Cisco’s operating system software (including its Internetwork Operating
10 System (“IOS”¹, “IOS XR”, and “IOS XE”) and its Nexus Operating System (“NX-OS”) (collectively,
11 “Cisco IOS”), which was developed by Cisco for its products. Arista also flagrantly copied Cisco’s
12 operating system documentation into Arista’s documentation. Of particular importance, Arista’s
13 verbatim copying of the Cisco IOS software allowed it to replicate Cisco’s widely acclaimed command-
14 line interface (“CLI”). A CLI is the set of commands employed by a user in operating technology
15 products. Cisco’s CLI is used by Cisco’s customers to communicate with its products, as well as to
16 configure and manage them. Arista also incorporated numerous patented Cisco technologies into
17 Arista’s products covering a variety of critical features on Arista’s products.

18 7. Arista deliberately and repeatedly engaged in extensive copying in order to compete
19 unfairly with Cisco. Arista publicly touts that its copying of Cisco’s CLI makes it easier for Cisco’s
20 customers to switch rapidly from Cisco’s products to competing products sold by Arista. Arista even
21 has publicly congratulated itself for avoiding the time and investment needed to create the CLI that
22 Cisco created. For example, Ms. Ullal has stated:

23 “[A] Cisco CCIE expert would be able to use Arista right away, because we have a
24 similar command-line interface and operational look and feel. **Where we don’t have to**
25 **invent, we don’t.**” (Emphasis added.)

26 Ullal’s statement is noteworthy for its understatement, however. While it has long been understood that
27

28

¹ Cisco also owns the IOS name and has licensed it to Apple for use in Apple’s mobile devices

1 simple single-word commands in a CLI may not be protectable under copyright (“Copy”, “Paste”,
2 “Delete”, for example), in Arista’s case the expression and organization of over 500 of the multi-word
3 commands in Cisco’s CLI are copied verbatim. This contrasts with far less overlap in the case of other
4 Cisco competitors. Moreover, as described below, the CLI copying is just the tip of the iceberg.
5 Arista’s slavish copying of Cisco materials goes far beyond the CLI, including extensive copying of not
6 only Cisco’s software, but also Cisco’s documentation.

7
8 8. Arista’s co-founder and current Chief Technology Officer, Kenneth Duda, has likewise
9 touted Arista’s copying of Cisco’s CLI. Mr. Duda, in fact, explained that Arista decided to “[p]rovide
10 familiar interfaces to ease adoption,” including a “*standard* CLI that ... retains familiar management
11 commands” (emphasis added), so much so that “80% [of Arista customers] tell us they appreciate the
12 way they can leverage their deep [Cisco] IOS experience, as they can easily upgrade an aging [Cisco]
13 Catalyst infrastructure to Arista.” Mr. Duda also stated:

14 “Familiar management interfaces, standard CLI ... It’s been very helpful for our
15 customers to be able to rapidly adopt our products and integrate them into their
16 environments ... [and] that our switches provide a familiar management interface so their
17 existing tools and processes, screen scraping, automation, continue to work just as they
18 did before.”

19 9. As demonstrated by networking products from other vendors, Arista did not need to
20 extensively copy Cisco’s creative expression in order to sell a functioning product. By its own
21 admission, Arista copied Cisco in order to take a shortcut to compete with Cisco using Cisco’s own
22 technologies, while avoiding the investments in employees, money, and time that would have been
23 needed to develop products based on new technologies. In particular, Arista copied Cisco’s software,
24 including the detailed expression, hierarchy, and organization of at least five hundred unique multi-word
25 commands from Cisco’s CLI, examples of which are included in attached Exhibit 1. Arista also copied
26 extensively from Cisco IOS documentation, in many cases copying portions of text verbatim from Cisco
27 IOS documentation such as user guides and manuals, including down to typos. For example:
28

Cisco IOS Command	Arista EOS Command						
<p>service sequence-numbers</p> <p>To enable visible sequence numbering of system logging messages, use the <code>service sequence-numbers</code> command in global configuration mode. To disable visible sequence numbering of logging messages, use the <code>no service sequence-numbers</code> command.</p> <pre> service sequence-numbers no service sequence-numbers </pre> <p>Syntax Description This command has no arguments or keywords.</p> <p>Defaults Disabled.</p> <p>Command Modes Global configuration</p> <table border="1"> <thead> <tr> <th>Release</th> <th>Modification</th> </tr> </thead> <tbody> <tr> <td>12.0</td> <td>This command was introduced.</td> </tr> <tr> <td>12.2(33)SRA</td> <td>This command was integrated into Cisco IOS Release 12.2(33)SRA.</td> </tr> </tbody> </table> <p>Usage Guidelines Each system status messages logged in the system logging process have a sequence reference number applied. This command makes that number visible by displaying it with the message. The sequence number is displayed as the first part of the system status message. See the description of the logging commands for information on displaying logging messages.</p>	Release	Modification	12.0	This command was introduced.	12.2(33)SRA	This command was integrated into Cisco IOS Release 12.2(33)SRA.	<p>service sequence-numbers</p> <p>The <code>service sequence-numbers</code> command enables visible sequence numbering of system logging messages. Each system status messages logged in the system logging process have a sequence reference number applied. This command makes that number visible by displaying it with the message.</p> <p>The <code>no service sequence-numbers</code> and <code>default service sequence-numbers</code> commands disable visible sequence numbering of system logging messages by removing the <code>service sequence-numbers</code> command from <code>running-config</code>.</p> <p>Platform all Command Mode Global Configuration</p> <p>Command Syntax</p> <pre> service sequence-numbers no service sequence-numbers default service sequence-numbers </pre> <p>Examples</p> <ul style="list-style-type: none"> This command enables visible sequence numbering. <pre> switch(config)#service sequence-numbers switch(config)# </pre>
Release	Modification						
12.0	This command was introduced.						
12.2(33)SRA	This command was integrated into Cisco IOS Release 12.2(33)SRA.						
<p><i>Cisco IOS Configuration Fundamentals Command Reference (April 2010), at CF-522</i></p>	<p><i>Arista 4.13.6F Manual, p. 380</i></p>						
<p>“Each system status messages logged in the system logging process have a sequence reference number applied. This command makes that number visible by displaying it with the message.”</p>							

Additional examples of Arista’s copying of Cisco’s IOS documentation are included in attached Exhibit 2.

10. Arista has caused significant and irreparable harm to Cisco by incorporating Cisco’s technologies into Arista’s products and by telling customers that a primary benefit of using those products is that they are just like Cisco’s.

11. Arista’s actions also significantly harm innovation. If Arista’s copying allows it to avoid what is needed to develop new technologies, other companies will be encouraged to simply copy others’ proprietary technologies rather than to hire engineers, invest in innovation, and develop new technologies. That result would significantly threaten the American economy and global innovation.

12. Cisco welcomes legitimate competition in the marketplace. Its executives have written and spoken in support of employee mobility, and Cisco believes strongly and has stated that allowing people to move freely between companies fosters innovation.² But Arista has unlawfully and

² Cisco, Cisco Blog - The Platform, “Employee Mobility,” available at <http://blogs.cisco.com/tag/employee-mobility/>

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