

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

PATENT OWNER RESPONSE

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Table of Contents

I. Introduction..... 1

II. The '668 patent introduced a novel internetworking device that provides improved security and Quality of Service (QoS). 4

 A. Denial of Service (DoS) attacks caused significant problems for networks. 4

 B. Existing approaches to addressing DoS attacks had serious limitations. 6

 C. The '668 patent presents the novel solution to handling DoS attacks. .7

III. Claim construction..... 11

IV. Ground 1: Petitioner fails to show that claims 1–6, 8, 9, 15–22, 24–27, 33–40, 42, 51–58, 60–63, and 69–72 are obvious over Amara and CoreBuilder. 11

 A. Overview of Amara’s packet-forwarding device..... 12

 B. Overview of CoreBuilder’s administration console..... 13

 C. Petitioner fails to show that the combination of Amara and CoreBuilder teaches or suggests all of the elements of the challenged independent claims. 15

 1. Petitioner fails to show that the combination teaches or suggests that “the control plane port services operate on packets ... in a way that is independent of the physical port interfaces and services applied thereto” (elements 1.5/19.5/55.5)..... 15

 2. Petitioner fails to show that the combination of Amara and CoreBuilder disclose “the port services providing the ability to control and monitor packet flows, as defined by control plane configurations” (elements 1.2/19.2/55.2). 29

 D. Petitioner has not established that CoreBuilder is a prior art printed publication under § 102..... 30

V. Ground 2: Petitioner fails to show that claims 7, 23, 41, and 59 are obvious in view of Amara, CoreBuilder, and Moberg under 35 U.S.C. § 103.....32

A. The invention of Moberg.....33

B. Moberg cannot be used to demonstrate unpatentability of the '668 patent.34

C. The inventors of the '668 patent conceived of the invention prior to October 1, 2002.35

D. Mr. Ogozaly and the prosecuting attorney exercised reasonable diligence to reduce to practice the invention claimed in the '668 patent.37

E. Moberg cannot preclude patentability of the '668 patent under 35 U.S.C. § 103(c).....42

F. The combination of Amara, CoreBuilder, and Moberg does not teach or suggest distributing control plane processes across multiple processors.43

VI. Ground 4: Petitioner fails to show that claims 10, 12, 13, 28, 30, 31, 64, 66, and 67 are obvious in view of Amara, CoreBuilder, and Hendel under 35 U.S.C. § 103.....47

A. Hendel's distributed network elements.....48

B. Petitioner fails to show a POSITA would have been motivated to combine Amara, CoreBuilder, and Hendel.50

VII. Objective indicia confirm patentability and have nexus to the claims.....55

A. The objective evidence has nexus to the claims as a whole.....57

B. Long-felt need.58

C. Failure of others.....59

D. Copying.61

VIII. Conclusion67

Table of Authorities

Cases

Arista Networks, Inc. v. Cisco Systems, Inc.,
IPR2015-00974, Paper 7 (PTAB Feb. 16, 2016).....29

Bey v. Kollonitsch,
806 F.2d 1024 (Fed. Cir. 1986).....38

CAE Screenplates v. Heinrich Fiedler GmbH,
224 F. 3d 1308 (Fed. Cir. 2000).....28

Emery v. Ronden,
188 U.S.P.Q. 264 (Bd. Pat. Inter. 1974)41

In re Enhanced Security Research, LLC,
739 F.3d 1347 (Fed. Cir. 2013).....41

Kridl v. McCormick,
105 F.3d 1446 (Fed. Cir. 1997).....35

KSR Int’l Co. v. Teleflex, Inc.,
550 U.S. 398 (2007).....50

Mahurkar v. C.R. Bard, Inc.,
79 F.3d 1572 (Fed. Cir. 1996).....34

Maxlinear, Inc. v. Cresta Tech. Corp., et al,
IPR2015-00594, Paper 90 (PTAB Aug. 15, 2016).....43

Medichem S.A. v. Rolabo, S.L.,
437 F.3d 1157 (Fed. Cir. 2006).....37

Mintz v. Dietz & Watson,
679 F.3d 1372 (Fed. Cir, 2012).....54, 55

Monsanto Co. v. Mycogen Plant Sci., Inc.,
261 F.3d 1356 (Fed. Cir. 2001).....41

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.