

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

MOTION FOR CHANGE OF FILING DATE

On December 8, 2015, Petitioner, Arista Networks, Inc. (hereinafter, “Petitioner”), attempted to file its Petition for Inter Partes Review of U.S. Patent No. 7,224,668, along with the accompanying exhibits, as provided for under 37 CFR § 42.6(b)(1). However, the Patent Trial and Appeal Board’s Patent Review Processing System (“PRPS”) was not operating during normal business hours on December 8, 2015.

As it became apparent that Petitioner would be unable to upload the Petition and accompanying exhibits to PRPS on December 8, 2015, Petitioner emailed the Board and requested authorization to file its petition by email. In the alternative, Petitioner also offered to comply with the directive of December 17, 2014, in which a similar situation arose in that PRPS was down for an extended period.

The request to file by email was denied by the Board. Instead the Board instructed the Petitioner to serve the Petition and exhibits on the patent owner in accordance with 37 CFR § 42.6(e)(1), to upload the Petition and accompanying exhibits to PRPS when it became available again, and, if the Petition and accompanying exhibits could not be uploaded until December 9, 2015, to request that the date of filing be changed to December 8, 2015. The email from the Board instructing Petitioner to follow this procedure is attached hereto as Appendix A.

The Petitioner served the Petition and exhibits on the patent owner in accordance with 37 CFR § 42.6(e)(1) on December 8, 2015. PRPS did not become available during normal business hours on December 8, 2015 and, therefore, Petitioner was unable to upload the Petition and accompanying exhibits on December 8, 2015. On December 9, 2015, Petitioner was able to upload the Petition and accompanying documents. Accordingly, Petitioner is filing this motion to change the filing date to December 8, 2015.

As Petitioner has made every effort to comply with the provisions of 37 CFR § 42.6(b), and has complied with the Board's instructions, Petitioner requests that the Board grant a filing date of December 8, 2015 to the Petition and accompanying exhibits and that the Board change the filing date reflected in PRPS to December 8, 2015.

Respectfully submitted,

Date: 12/9/15

/Kevin E. Greene/

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APPENDIX A

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