

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, DC**

**In the Matter of**

**CERTAIN NETWORKING DEVICES,  
COMPUTERS, AND COMPONENTS  
THEREOF**

**Investigation No. 337-TA-1275**

**ORDER DENYING REQUEST FOR ENTRY INTO EARLY DISPOSITION PROGRAM**

On June 15, 2021, proposed Respondent F5 Networks, Inc. (“F5”) submitted a letter requesting that the Commission utilize the Early Disposition Program to adjudicate the issues of patent validity (limited to one prior art reference) and domestic industry. *See* EDIS Doc. ID 744834 (the “Request”). F5 argues that the Asserted Patent is invalid based on a prior art reference published by one of the patent’s inventors years before the priority date of the patent. F5 also argues that the Complainant will not be able to establish a domestic industry based on its licensee’s (Extreme Network, Inc. (“Extreme”)) activities/investments because (a) Extreme obtained the license to the Asserted Patent through a litigation based settlement that did not involve the Asserted Patent, but it was lumped into the settlement as part of a portfolio license, and (b) given the above, no inference can be drawn that Extreme practices the Asserted Patent for purposes of domestic industry-technical prong.

The Commission has determined not to use the Early Disposition Program pursuant to 19 C.F.R. § 210.10(b)(3) for this investigation, because the invalidity issue may not be case dispositive, and both the invalidity and domestic industry issues may be too complex to be decided within 100 days of institution. Accordingly, the Commission hereby **DENIES** the Request.

The Secretary shall serve copies of this Order upon each party of record in this investigation.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: August 10, 2021

Certificate of Service – Page 1

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER, COMMISSION** has been served via EDIS upon the Commission Investigative Attorney, **John Shin, Esq.**, and the following parties as indicated, on **August 10, 2021**.



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**On Behalf of Complainant Proven Networks, LLC:**

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- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification  
of Availability for Download

**Respondents:**

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801 5<sup>th</sup> Avenue  
Seattle, WA 98104

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be  
Completed by Complainant