7010, 7048, 7050, 7050X, 7150, 7250X, 7280E, 7300, 7300X, and 7500E series switches. *See* Appendix O (Accused Products data sheets).

51. Respondent actively induces others, including purchasers who deploy the Accused Products in their networks, to directly infringe at least claims 1, 5, 6, 9, and 18 of the '164 patent. On information and belief, purchasers who deploy the Accused Products in their networks and make routine use of the Accused Products, also directly infringe at least claims 1, 5, 6, 9, and 18 of the '164 patent. Respondent has actual knowledge of the '164 patent at least as of December 5, 2014, when Cisco filed a Complaint asserting the '164 patent against Respondent in the Northern District of California, as discussed in Section IX, below. Further, having been founded by former Cisco personnel and having extensively hired former Cisco personnel, Respondent is aware of the '164 patent. Further, on information and belief, in light of the above, Respondent knowingly induces infringement of the '164 patent with specific intent to do so including by providing at least manuals, white papers, training, and/or other support, to perform acts intended by Respondent to cause direct infringement of at least claims 1, 5, 6, 9, and 18 of the '164 patent. *See* Appendix P (compilation of Accused Products manuals, white papers, and training advertisements).

52. Respondent contributes to infringement of at least claims 1, 5, 6, 9, and 18 of the '164 patent of others, including purchasers who deploy the Accused Products in their networks, by providing the Accused Products thereof, which are specially made or adapted for use in an infringement of these claims and are not staple articles of commerce suitable for substantial noninfringing use. Respondent has actual knowledge of the '164 patent at least as of December 5, 2014, when Cisco filed a Complaint asserting the '164 patent against Respondent in the Northern District of California, as discussed in Section IX, below. Further, having been founded

by former Cisco personnel and having extensively hired former Cisco personnel, Respondent is aware of the '164 patent. In light of these allegations, Respondent had knowledge that the Accused Products were specially made or adapted for use in an infringement of the '164 patent and not a staple article of commerce suitable for substantial noninfringing use.

53. Claim charts comparing the '164 patent's asserted independent claims 1 and 18 to Respondent's Accused Products are attached as Exhibit 20. Representative Product 7048T-A, charted at Exhibit 20, was purchased in the United States. Purchase receipts are attached at Exhibit 38; photos showing manufacturing location outside the United States are attached at Exhibit 39. Additional evidence of importation is set forth in Section VII, below.

D. Infringement of the '597 Patent

54. On information and belief, Respondent imports, sells for importation, sells after importation into the United States, and/or uses after importation into the United States Accused Products that infringe the '597 patent.

55. The Accused Products infringe, directly and indirectly, at least claims apparatus claims 1, 14, 15, 29, 71-73, 84-86 and method claims 39-42, 63, 64, and 84-86 of the '597 patent. Respondent directly and indirectly infringes at least claims 1, 14-15, 29, 39-42, 63-64, 71-73, and 84-86 of the '597 patent by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. *See* Exhibit 21 (infringement claim charts for U.S. Patent No. 7,340,597). The Accused Products satisfy all claim limitations of apparatus claims 1, 14, 15, 29, 71-73, 84-86 at the time of importation, and Respondent directly infringes these apparatus claims by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. The Accused Products, at the time of importation, are programmed to dictate the performance of and automatically perform all steps of method claims 39-42, 63, 64, and 84-

86, and Respondent directly infringes these claims by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. In addition, as further alleged below, Respondent indirectly infringes each of these method claims by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. Exemplary Accused Products include the 7010, 7048, 7050, 7050X, 7150, 7250X, 7280E, 7300, 7300X, and 7500E series switches. *See* Appendix O (Accused Products data sheets).

56. Respondent actively induces others, including purchasers who deploy the Accused Products in their networks, to directly infringe at least claims 1, 14-15, 29, 39-42, 63-64, 71-73, and 84-86 of the '597 patent. On information and belief, purchasers who deploy the Accused Products in their networks and make routine use of the Accused Products, also directly infringe at least claims 1, 14-15, 29, 39-42, 63-64, 71-73, and 84-86 of the '597 patent. Respondent is aware of the '597 patent at least because the named inventor on the '597 patent, Mr. Cheriton, is a founder of Respondent. Moreover, Respondent also has had actual knowledge of the '597 patent at least as of December 5, 2014, when Cisco filed a Complaint asserting the '597 patent against Respondent in the Northern District of California, as discussed in Section IX, below. Further, in light of the above, Respondent knowingly induces infringement of the '597 patent with specific intent to do so by providing at least manuals, white papers, training, and/or other support, to perform acts intended by Respondent to cause direct infringement of at least claims 1, 14-15, 29, 39-42, 63-64, 71-73, and 84-86 of the '597 patent. *See* Appendix P (compilation of Accused Products manuals, white papers, and training advertisements).

57. Respondent contributes to infringement of at least claims 1, 14-15, 29, 39-42, 63-64, 71-73, and 84-86 of the '597 patent of others, including purchasers who deploy the Accused

Products in their networks, by providing the Accused Products, which are specially made or adapted for use in an infringement of these claims and are not staple articles of commerce suitable for substantial noninfringing use. Respondent is aware of the '597 patent at least because the named inventor on the '597 patent, Mr. Cheriton, is a founder of Respondent. Moreover, Respondent also has had actual knowledge of the '597 patent at least as of December 5, 2014, when Cisco filed a Complaint asserting the '597 patent against Respondent in the Northern District of California, as discussed in Section IX, below. Further, having been founded by former Cisco personnel and having extensively hired former Cisco personnel, Respondent is aware of the '597 patent. In light of these allegations, Respondent had knowledge that the Accused Products were specially made or adapted for use in an infringement of the '597 patent and not a staple article of commerce suitable for substantial noninfringing use.

58. Claim charts comparing the '597 patent's asserted independent claims 1, 39, 71, and 84 to Respondent's Accused Products are attached as Exhibit 21. Representative Product 7150S-52, charted at Exhibit 21, was purchased in the United States. Purchase receipts are attached at Exhibit 38; photos showing manufacturing location outside the United States are attached at Exhibit 39. Additional evidence of importation is set forth in Section VII, below.

E. Infringement of the '592 Patent

59. On information and belief, Respondent imports, sells for importation, sells after importation into the United States, and/or uses after importation into the United States Accused Products that infringe the '592 patent.

60. The Accused Products infringe, directly and indirectly, at least apparatus claims 6-10, 20-21, and 23-24 and method claims 17-18 of the '592 patent. Respondent directly and indirectly infringes at least claims 6-10, 17-18, 20-21, and 23-24 of the '592 patent by importing, selling for importation, selling after importation, and/or using after importation into the United

States the Accused Products. *See* Exhibit 22 (infringement claim charts for U.S. Patent No. 6,741,592). The Accused Products satisfy all claim limitations of apparatus claims 6-10, 20-21, and 23-24 at the time of importation, and Respondent directly infringes these apparatus claims by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. The Accused Products, at the time of importation, are programmed to dictate the performance of and automatically perform all steps of method claims 17 and 18, and Respondent directly infringes these claims by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. In addition, as further alleged below, Respondent indirectly infringes each of these method claims by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. Exemplary Accused Products include the 7150, 7010, 7050, 7050X, 7250X, 7300, and 7300X series switches. *See* Appendix O (Accused Products data sheets).

61. Respondent actively induces others, including purchasers who deploy the Accused Products in their networks, to directly infringe at least claims 6-10, 17-18, 20-21, and 23-24 of the '592 patent. On information and belief, purchasers who deploy the Accused Products in their networks and make routine use of the Accused Products, also directly infringe at least claims 6-10, 17-18, 20-21, 23-24 of the '592 patent. Respondent has actual knowledge of the '592 patent at least as of December 5, 2014, when Cisco filed a Complaint asserting the '592 patent against Respondent in the Northern District of California, as discussed in Section IX, below. Further, having been founded by former Cisco personnel and having extensively hired former Cisco personnel, Respondent is aware of the '592 patent. Further, on information and belief, in light of the above, Respondent knowingly induces infringement of the '592 patent with

specific intent to do so including by providing at least manuals, white papers, training, and/or other support, to perform acts intended by Respondent to cause direct infringement of at least claims 6-10, 17-18, 20-21, and 23-24 of the '592 patent. *See* Appendix P (compilation of Accused Products manuals, white papers, and training advertisements).

62. Respondent contributes to infringement of at least claims 6-10, 17-18, 20-21, and 23-24 of the '592 patent of others, including purchasers who deploy the Accused Products in their networks, by providing the Accused Products thereof, which are specially made or adapted for use in an infringement of these claims and are not staple articles of commerce suitable for substantial noninfringing use. Respondent has actual knowledge of the '592 patent at least as of December 5, 2014, when Cisco filed a Complaint asserting the '592 patent against Respondent in the Northern District of California, as discussed in Section IX, below. Further, having been founded by former Cisco personnel and having extensively hired former Cisco personnel, Respondent is aware of the '592 patent. In light of these allegations, Respondent had knowledge that the Accused Products were specially made or adapted for use in an infringement of the '592 patent and not a staple article of commerce suitable for substantial noninfringing use.

63. Claim charts comparing the '592 patent's asserted independent claims 6, 17, 18, 20, 21, 23, and 24 to Respondent's Accused Products are attached as Exhibit 22. Representative Product 7150S-52, charted at Exhibit 22, was purchased in the United States. Purchase receipts are attached at Exhibit 38; photos showing manufacturing location outside the United States are attached at Exhibit 39. Additional evidence of importation is set forth in Section VII, below.

F. Infringement of the '145 Patent

64. On information and belief, Respondent imports, sells for importation, sells after importation into the United States, and/or uses after importation into the United States Accused Products that infringe the '145 patent.

65. The Accused Products infringe, directly and indirectly, at least apparatus claims 3, 5, 7-11, 13, 15-17, 29, 33-37, 39, 41-42, and 44-46 and method claims 1, 18-28, 40, and 43 of the '145 patent. Respondent directly and indirectly infringes at least claims 1, 3, 5, 7-11, 13, 15-29, 33-37, and 39-46 of the '145 patent by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. *See* Exhibit 23 (infringement claim charts for U.S. Patent No. 7,200,145). The Accused Products satisfy all claim limitations of apparatus claims 3, 5, 7-11, 13, 15-17, 29, 33-37, 39, 41-42, and 44-46 at the time of importation, and Respondent directly infringes these apparatus claims by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. The Accused Products, at the time of importation, are programmed to dictate the performance of and automatically perform all steps of method claims 1, 18-28, 40, and 43, and Respondent directly infringes these claims by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. In addition, as further alleged below, Respondent indirectly infringes each of these method claims by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. Exemplary Accused Products include the 7150, 7010, 7050, 7050X, 7250X, 7300, and 7300X series switches. *See* Appendix O (Accused Products data sheets).

66. Respondent actively induces others, including purchasers who deploy the Accused Products in their networks, to directly infringe at least claims 1, 3, 5, 7-11, 13, 15-29, 33-37, and 39-46 of the '145 patent. On information and belief, purchasers who deploy the Accused Products in their networks and make routine use of the Accused Products, also directly infringe at least claims 1, 3, 5, 7-11, 13, 15-29, 33-37, and 39-46 of the '145 patent. Respondent

has actual knowledge of the '145 patent at least as of December 5, 2014, when Cisco filed a Complaint asserting the '145 patent against Respondent in the Northern District of California, as discussed in Section IX, below. Further, having been founded by former Cisco personnel and having extensively hired former Cisco personnel, Respondent is aware of the '145 patent. Further, on information and belief, in light of the above, Respondent knowingly induces infringement of the '145 patent with specific intent to do so including by providing at least manuals, white papers, training, and/or other support, to perform acts intended by Respondent to cause direct infringement of at least claims 1, 3, 5, 7-11, 13, 15-29, 33-37, and 39-46 of the '145 patent. *See* Appendix P (compilation of Accused Products manuals, white papers, and training advertisements).

67. Respondent contributes to infringement of at least claims 1, 3, 5, 7-11, 13, 15-29, 33-37, and 39-46 of the '145 patent of others, including purchasers who deploy the Accused Products in their networks, by providing the Accused Products thereof, which are specially made or adapted for use in an infringement of these claims and are not staple articles of commerce suitable for substantial noninfringing use. Respondent has actual knowledge of the '145 patent at least as of December 5, 2014, when Cisco filed a Complaint asserting the '145 patent against Respondent in the Northern District of California, as discussed in Section IX, below. Further, having been founded by former Cisco personnel and having extensively hired former Cisco personnel, Respondent is aware of the '145 patent. In light of these allegations, Respondent had knowledge that the Accused Products were specially made or adapted for use in an infringement of the '145 patent and not a staple article of commerce suitable for substantial noninfringing use.

68. Claim charts comparing the '145 patent's asserted independent claims 1, 3, 5, 7, 11, 13, 15, 18, 22-24, 26, 29, 33-35, and 39-46 to Respondent's Accused Products are attached as

Exhibit 23. Representative Product 7150S-52, charted at Exhibit 23, was purchased in the United States. Purchase receipts are attached at Exhibit 38; photos showing manufacturing location outside the United States are attached at Exhibit 39. Additional evidence of importation is set forth in Section VII, below.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

69. On information and belief, Respondent, either itself or through subsidiaries or third parties acting on behalf of Respondent, is engaged in the importation, sale for importation, sale after importation into the United States, and/or use after importation into the United States of infringing networking equipment or components or software therein. The Accused Products are manufactured abroad and imported for sale into the United States.

70. According to Arista's public statements, the Accused Products are manufactured by contract manufacturers, working closely with Arista on-site personnel, and then imported into the United States. In Arista's June 2014 Quarterly Report, the company stated that "Our products are manufactured, assembled and tested by third-party contract manufacturers in Asia who procure components and assemble products on our behalf based on our forecasts." Exhibit 24 (Arista Networks, Inc. Form 10-Q for the quarterly period ended June 30, 2014) at 17. Specifically, "[a]s of June 30, 2014 and December 31, 2013, two suppliers provided all of our electronic manufacturing services" and the two suppliers are "Jabil Circuit and Foxconn." Exhibit 24 (Arista Networks, Inc. Form 10-Q for the quarterly period ended June 30, 2014) at 10, 48. These contract manufacturers work closely with Arista on-site personnel and "review on an ongoing basis forecasts, inventory levels, processes, capacity, yields and overall quality," and Arista "retain[s] complete control over the bill of material, test procedures and quality assurance programs." Exhibit 25 (Arista Networks, Inc. Form S-1 Amendment No. 3, May 27, 2014) at

108.] Additionally, in Arista's June 2014 Quarterly Report, the company also stated that "[O]ur contract manufacturers [] manufacture and assemble our products and deliver them to us for labeling, quality assurance testing, final configuration and shipment to our customers." Exhibit 24 (Arista Networks, Inc. Form 10-Q for the quarterly period ended June 30, 2014) at 27.

71. On information and belief, Arista and its distribution partners sell and have sold the imported products in the United States. *See, e.g.,* Exhibit 25 (Arista Networks, Inc. Form S-1 Amendment No. 3, May 27, 2014) at 60 ("We market and sell our products through our direct sales force and in partnership with channel partners . . . 83.0% of our revenue was generated from the Americas, substantially all from the United States."); Exhibit 45 (Arista Press Release) ("Arista Networks today announced it has signed an agreement with Ingram Micro Inc. (NYSE: IM), the world's largest technology distributor, to distribute Arista's 10 Gigabit Ethernet data center solutions. The contract covers distribution in the United States and its territories"); Exhibit 25 (Arista Networks, Inc. Form S-1 Amendment No. 3, May 27, 2014) at 2 ("Our customers include six of the largest cloud services providers based on annual revenue, including eBay, facebook, Microsoft and Yahoo!, financial services organizations such as Barclays, Citigroup, and Morgan Stanley, and a number of media and service providers, including AOL, Comcast, Equinix, ESPN, Netflix, and Rackspace."); Exhibit 26 (Arista Press Release stating Studio Network Solutions uses Arista 7048T series switches, July 18, 2013); Exhibit 27 (Studio Network Solutions website showing it is a St. Louis, Missouri, United States company, captured September 15, 2014); Exhibit 28 (Arista Press Release stating Cloudera Enterprise uses Arista 7050X series switch, October 2, 2013); Exhibit 29 (Cloudera website showing it is a California, United States company, captured September 15, 2014); Exhibit 30 (Arista Customer Case Study on America Internet Services' use of Arista 7048T and 7050S switches, 2012); Exhibit 31

(Arista Customer Case Study on Medical Mutual of Ohio's use of Arista 7048, 7050, 7150 series switches in the United States, 2012); Exhibit 32 (Arista Press Release and Customer Testimonials that Headlands Technologies uses Arista 7150 series switches, September 19, 2012); Exhibit 33 (Headlands Technologies website showing it is a California and Illinois, United States company, captured September 15, 2014); Exhibit 34 (Arista Press Release that eBay uses Arista 7280E series switches, July 15, 2014); Exhibit 35 (Arista Press Release that Tri-State Generation and Transmission Association, Inc. and IDT Corporation use Arista 7300/7300X series switches and Equinix uses Arista 7500E series switches, March 26, 2014); Exhibit 46 (Arista press release advertising the sale of the 7250X and 7300/7300X series); Exhibit 47 (Tri-State website showing it is a United States utilities company); Exhibit 42 (Screenshots from video of Arista Chairman and CDO Andy Bechtolsheim showing Arista 7500E series product in Las Vegas, Nevada, United States and explaining the displayed product is currently being shipped); Exhibit 43 (Screenshots from video of Arista Chairman and CDO Andy Bechtolsheim showing Arista 7500E series product in Las Vegas, Nevada, United States and explaining the displayed product is currently being shipped); Exhibit 44 (Screenshots from video showing Arista 7500E series product in Las Vegas, Nevada, United States and explaining the displayed product is currently being shipped). Exhibit 36 (CDW website advertisement for Arista switches including the 7010 series switch, captured September 15, 2014).

72. U.S. Customs records also evidence that Arista is importing networking equipment, including the Accused Products, to the United States from overseas. *See, e.g.,* Exhibit 37 (import record for switches from Jabil Circuit in Malaysia to Arista in California).

73. The following accused products have been purchased in the United States, further showing that Arista's products are imported. For example, an Arista 7150 series accused switch

has been purchased in the United States, which has a casing marked "Manufactured in Malaysia." An Arista 7048 series accused switch has been purchased in the United States, which has a casing marked "Manufactured in China." Photographs of an Arista 7500E series accused switch in the United States indicate that it was "Manufactured in China." *See* Exhibit 38 (receipts of purchase); Exhibit 39 (photos of purchased product). Additionally, Arista press releases discuss the implementation of the accused products by United States companies. *See* Exhibit 28 (Arista Press Release stating Cloudera Enterprise uses Arista 7050X series switch, October 2, 2013); Exhibit 29 (Cloudera website showing it is a California, United States company, captured September 15, 2014); Exhibit 30 (Arista Customer Case Study on America Internet Services' use of Arista 7048T and 7050S switches, 2012); Exhibit 31 (Arista Customer Case Study on Medical Mutual of Ohio's use of Arista 7048, 7050, 7150 series switches in the United States, 2012); Exhibit 34 (Arista Press Release that eBay uses Arista 7280E series switches, July 15, 2014); Exhibit 35 (Arista Press Release that Tri-State Generation and Transmission Association, Inc. and IDT Corporation use Arista 7300X series switches and Equinix uses Arista 7500E series switches, March 26, 2014); Exhibit 47 (Tri-State website showing it is a United States utilities company); Exhibit 46 (Arista press release advertising the sale of the 7250X and 7300/7300X series); Exhibit 42 (Screenshots from video of Arista Chairman and CDO Andy Bechtolsheim showing Arista 7500E series product in Las Vegas, Nevada, United States and explaining the displayed product is currently being shipped); Exhibit 43 (Screenshots from video of Arista Chairman and CDO Andy Bechtolsheim showing Arista 7500E series product in Las Vegas, Nevada, United States and explaining the displayed product is currently being shipped); Exhibit 44 (Screenshots from video showing Arista 7500E series product in Las Vegas, Nevada, United States and explaining the displayed product is currently

being shipped). Exhibit 36 (CDW website advertisement for Arista switches including the 7010 series switch, captured September 15, 2014).

VIII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

74. On information and belief, the Accused Products fall within at least the 8517.62.00 classification of the Harmonized Tariff Schedule ("HTS") of the United States. *See* Exhibit 40. The identified HTS number is intended to be for illustration only and is not exhaustive of the products accused of infringement in this Complaint. The HTS number is not intended to limit the scope of the Investigation.

IX. RELATED LITIGATION

75. On December 5, 2014, Cisco filed a Complaint in the Northern District of California, accusing Arista of infringing Cisco's Asserted Patents. *See* Exhibit 41 (*Cisco Systems, Inc. v. Arista Networks, Inc.*, Case No. 14-cv-5343). Arista was served on December 9, 2014, and has not yet responded to the Complaint. Discovery has not yet commenced in this action.

X. THE DOMESTIC INDUSTRY

76. There is a domestic industry, as defined under 19 U.S.C. §§ 1337(a)(3)(A), (B), and/or (C), comprising significant investments in physical operations and employment of labor and capital, and substantial investment in the exploitation of Cisco's Asserted Patents.

77. Cisco makes extensive use of the inventions claimed in Cisco's Asserted Patents in numerous products and has made and continues to make significant domestic investments in these products, as set forth more fully in the accompanying Confidential Declaration of Collin Sacks, attached at Exhibit 48. For example, Cisco has sold and sells in the United States switches that practice Cisco's Asserted Patents, including the 3000 Series Industrial Internet

Switches that practice the '592 and '145 patents; the 2520 Connected Grid Switches (CGS) that practice the '592 and '145 patents; the Catalyst CBS 3110-40 Series Switches that practice the '592 and '145 patents; the Catalyst 4500 Series Switches that practice the'592, and '145 patents; the Catalyst 6500 Series Switches that practice the '597, '592, and '145 patents; the Catalyst 6800 Series Switches that practice the '597 patent; the Nexus 3000 Series Switches that practice the '164, '592, and '145 patents; the Nexus 5000 Series Switches that practice the '164, '592, and '145 patents; the Nexus 6000 Series Switches that practice the '164, and patents; the Nexus 7000 Series Switches that practice the '296, '164, '597, '592, and '145 patents; and the Nexus 9000 Series Switches that practice the '164, '592, and '145 patents. Similarly, Cisco has sold and sells in the United States network devices that practice Cisco's Asserted Patents, including the Carrier Routing System (CRS) that practices the '537 patent; the Aggregation Services Routers (ASR) 1000 Series that practices the '296 patent; the ASR 9000 Series that practices the '296 and '537 patents; the ASR 901 Series that practices the '597 patent; the XR 12000 Series Routers that practice the '537 patent. Exhibit 48 at Table 1; Exhibits 57-72 (Cisco product data sheets). As set forth in greater detail below, these products collectively practice each of Cisco's Asserted Patents ("the Domestic Industry Products"). Cisco's investments and expenditures in its domestic industries for Cisco's Asserted Patents are significant, continuing and on-going.

A. Cisco's Practice of Cisco's Asserted Patents

78. As noted above, Cisco makes extensive use of Cisco's Asserted Patents in many different products. The allocations of R&D expenses and related items for these patent protected products are captured in the accompanying Confidential Declaration of Collin Sacks (Confidential Exhibit 48). Specific examples of use are described in the above section and charted in associated exhibits identified below.

79. Cisco's Carrier Router System practices at least claim 10 of the '537 patent. An exemplary claim chart comparing the Carrier Router System to claim 10 of the '537 patent is attached as Exhibit 49.

80. Cisco's Nexus 7000 Series Switch practices at least claim 1 of the '296 patent. An exemplary claim chart comparing the Nexus 7000 to claim 1 of the '296 patent is attached as Exhibit 50.

81. Cisco's Nexus 5000 Series Switch practices at least claim 1 of the '164 patent. An exemplary claim chart comparing the Nexus 5000 to claim 1 of the '164 patent is attached as Exhibit 51.

82. Cisco's Catalyst 6500 Series Switch practices at least claim 1 of the '597 patent. An exemplary claim chart comparing the Catalyst 6500 to claim 1 of the '597 patent is attached as Exhibit 52.

83. Cisco's Nexus 7000 Series Switch practices at least claim 6 of the '592 patent. An exemplary claim chart comparing the Nexus 7000 to claim 6 of the '592 patent is attached as Exhibit 53.

84. Cisco's Nexus 7000 Series Switch practices at least claim 5 of the '145 patent. An exemplary claim chart comparing the Nexus 7000 to claim 5 of the '145 patent is attached as Exhibit 54.

B. United States Investments in the Domestic Industry

85. Cisco is the leading provider of switching and routing products in the United States. Cisco has made long-standing and continuing significant investments in the United States in the engineering, research, development, testing, manufacturing, and/or product support of the Domestic Industry Products. Moreover, in 2013 and 2014, Cisco sold a significant number of its Domestic Industry Product in the United States for a large total net sales amount. Cisco expects

that its continuing activities and investments in the United States will increase, particularly if Arista is prohibited from unlawfully using Cisco's patented inventions. Exhibit 48 (Confidential Declaration of Collin Sacks) at ¶¶ 4, 9, and Table 2.

86. Specifically, and as discussed in greater detail below, there is a domestic industry as defined under 19 U.S.C. §1337(a)(3)(A) at least because Cisco has made significant investments in plant and equipment in the United States used in connection with the engineering, research, and development in the United States, and/or warranty and product support in the United States of the Domestic Industry Products. There is a domestic industry as defined under 19 U.S.C. §1337(a)(3)(B) at least because Cisco has also made significant investments in the employment of United States labor and capital in connection with engineering, research and development in the United States, and/or warranty and product support in the United States of the Domestic Industry Products. There is a domestic industry as defined under 19 U.S.C. §1337(a)(3)(C) at least because Cisco has further made substantial investments in the exploitation of Cisco's Asserted Patents through engineering, research, and/or development directed to each of these products in the United States.

1. Domestic Industry Under 19 U.S.C. §1337(a)(3)(A)

87. There is a domestic industry as defined under Subsection (A) at least because Cisco has made significant investment in plant and equipment in the United States with respect to the Domestic Industry Products. Cisco has numerous facilities and locations throughout the United States, including its headquarter campus in San Jose, California, which spans approximately 1,000 acres and has 53 buildings, and its campus in Research Triangle Park, North Carolina, which spans more than 300 acres and has 12 buildings. For example, collectively, ten different Cisco Business Units ("BUs") based in San Jose, California, with support from personnel, resources, and facilities in Research Triangle Park, North Carolina,

contributed to the design and development of the Domestic Industry Products. *See* Exhibit 48 at ¶¶ 7, 13-20, and Table 5. In fiscal years 2013 and 2014, Cisco invested a significant amount of money in connection with plant and equipment comprising operating expenses, such as rent, facilities maintenance costs, and equipment maintenance costs for the facilities used by Cisco's engineers in the United States in connection with engineering, research, and development related to the Domestic Industry Products. *See also* Exhibit 48 at Table 5.

88. Cisco's U.S.-based contract manufacturers ("CMs") manufacture and assemble a large number of the Domestic Industry Products in the United States, including at Foxconn, Inc. in Houston, Texas and Solectron Texas, Inc. in Austin, Texas. *See* Exhibit 48 at ¶¶ 10, 16, and Table 3. Cisco's U.S.-based engineering teams assist with logistics, planning and other interfacing activities with Cisco's CMs. *See* Exhibit 48 at ¶ 10.

2. Domestic Industry Under 19 U.S.C. §1337(a)(3)(B)

89. There is a domestic industry as defined under Subsection (B) at least because Cisco has made significant employment of labor and capital in the United States with respect to the Domestic Industry Products. Research and engineering teams based in the United States contributed to the design and development of the Domestic Industry Products. *See* Exhibit 48 at ¶¶ 13-18, 21-22, and Tables 6-7. Cisco's design and development of the Domestic Industry Products included significant U.S.-based investment by Cisco in the employment of labor and capital, and other investments, related thereto. *See* Exhibit 48 at ¶¶ 21-22, and Tables 6-7.

90. Specifically, Cisco employs more than 35,000 individuals throughout the United States. *See* Exhibit 48 at ¶ 3. For example, at Cisco's headquarter campus in California, Cisco employs over 31,000 people, including 15,694 Cisco employees and 15,542 contractors, vendors, and interns. *See* Exhibit 48 at ¶ 7. Many of these individuals are involved in engineering, research, and development of the Domestic Industry Products. For example, as explained above,

ten Cisco BUs based in San Jose, California, with support from personnel, resources, and facilities in Research Triangle Park, North Carolina, were involved in the development of the Domestic Industry Products. *See* Exhibit 48 at ¶¶ 7, 21-22, and Tables 6-7. In fiscal years 2013 and 2014, Cisco spent a significant amount of money on salaries for its thousands of U.S.-based engineers in connection with the engineering, research, and development contributing to the Domestic Industry Products, and spent a significant amount of money on capital expenses related to the purchase of computer and networking equipment and computer software in the United States to support the work of these engineers in connection with the Domestic Industry Products. *See* Exhibit 48 at ¶ 21-22 and Tables 6-7. As another example, one of Cisco's main customer support centers for the Domestic Industry Products is located at Cisco's Research Triangle Park, North Carolina campus where over 9,000 individuals are employed, including 4,787 Cisco employees and 4,410 contractors, vendors, and interns. *See* Exhibit 48 at ¶ 7. Additionally, Cisco's U.S.-based engineering teams assist with logistics and other activities associated with the CM manufacturing process in the United States. *See* Exhibit 48 at ¶ 10.

3. Domestic Industry Under 19 U.S.C. §1337(a)(3)(C)

91. There is also a domestic industry as defined under Subsection (C) at least because Cisco has also made substantial U.S. investments in exploitation of Cisco's Asserted Patents through the Cisco Domestic Industry Products, including by way of example, investments in engineering, research, and development.

92. Since its founding thirty years ago, Cisco has pioneered many of the important technologies that created and enabled the era of connectivity in which we live. During the past three decades, Cisco has invested billions of dollars and the time and dedication of tens of thousands of its engineers in the research and development of networking products and services. In 2014 alone, Cisco invested more than $6 billion in research and development, and in 2013

Cisco invested approximately $5.9 billion. These substantial investments have culminated in the development of Cisco's substantial patent portfolio, including Cisco's Asserted Patents, and the highly-successful Domestic Industry Products at issue here. *See* Exhibit 15 (Cisco 2014 Annual Report); Exhibit 48 (Confidential Sacks Decl.) at ¶¶ 3, 13-18, 23-43, and Table 8.

93. Cisco invests substantially in engineering, research, and development in the United States for the technology claimed by Cisco's Asserted Patents. *See* Exhibit 48 (Confidential Sacks Decl.) at ¶¶ 6-8, 13-18, 23-43, and Table 8. In particular, and as discussed above, Cisco has made substantial investments in its headquarters in San Jose, California and its Research Triangle Park, North Carolina campus, as well as in the employment of substantial engineering staff and the necessary equipment to support them. Cisco invests in U.S.-based engineers who design, research and develop, and engineer products. *See* Exhibit 48 at ¶¶ 13-18, 23-43, and Table 8. Cisco has made substantial investments contributing to the engineering, research, and development of its Domestic Industry Products by investing in the following engineering, research, and development expenses in the United States: investments in equipment and designs used in connection with engineering, research, and development activities; training of engineering personnel, including by attending trade shows and travel costs related thereto, recruiting and relocation of engineering talent to work on Cisco's Domestic Industry Products; and investments in the compensation packages for Cisco's engineers, including in salaries and overtime pay. *See* Exhibit 48 at ¶¶ 23-43 and Table 8. In fiscal years 2013 and 2014, Cisco invested substantially in engineering, research, and development contributing to Cisco's Domestic Industry Products in the United States. *See* Exhibit 48 ¶¶ 23-43 and Table 8.

94. Cisco further invests in U.S.-based personnel who provide technical and warranty support to Cisco customers in the U.S. who have purchased Cisco's networking products in the

U.S. Cisco has made substantial investments in the U.S.-based facilities that house the employees that provide this support, including those at its main customer support center in Research Triangle Park, as well as investments in the U.S. equipment, salaries, and operating costs associated with Cisco's customer support teams. *See* Exhibit 48 at ¶¶ 7, 18.

XI. RELIEF REQUESTED

95. WHEREFORE, by reason of the foregoing, Cisco respectfully request that the United States International Trade Commission:

a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(a)(1)(B)(i) and (ii), with respect to violations of Section 337 based upon the importation, sale for importation, sale after importation, and use after importation into the United States of Respondent's certain networking equipment and components and software therein that infringe one or more asserted claims of Complainant's '537, '296, '164, '597, '592, and '145 patents;

b) Schedule and conduct a hearing pursuant to 19 U.S.C. § 1337 for the purposes of (i) receiving evidence and hearing argument concerning whether there has been a violation of 19 U.S.C. § 1337, and (ii) following the hearing, determining that there has been a violation of 19 U.S.C. § 1337;

c) Issue a permanent limited exclusion order, pursuant to 19 U.S.C. § 1337(d)(1), barring from entry into the United States all certain networking equipment and components and software therein made by or on behalf of Respondent, that infringe one or more asserted claims of Cisco's '537, '296, '164, '597, '592, and '145 patents;

d) Issue a permanent cease and desist order, pursuant to 19 U.S.C. § 1337(f), prohibiting Respondent, or others acting on its behalf, from importing, marketing, advertising,

demonstrating, warehousing inventory for distribution, distributing, offering for sale, selling, licensing, using, or transferring outside the United States for sale in the United States any networking equipment or components or software therein that infringe one or more asserted claims of Cisco's '537, '296, '164, '597, '592, and '145 patents;

e) Impose a bond, pursuant to 19 U.S.C. § 1337(j), upon importation of any networking equipment and components and software therein that infringe one or more asserted claims of Cisco's '537, '296, '164, '597, '592, and '145 patents during any Presidential Review; and

f) Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

Dated: December 19, 2014

Respectfully submitted,

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