UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of	
CERTAIN NETWORK DEVICES, RELATED SOFTWARE AND COMPONENTS THEREOF (II)	**Investigation No. _____**

COMPLAINT OF CISCO SYSTEMS, INC. UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED

COMPLAINANT

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TABLE OF SUPPORTING MATERIALS

EXHIBITS

Exhibit No.	Description
1.	Certified copy of U.S. Patent No. 7,023,853.
2.	Certified copy of U.S. Patent No. 6,377,577.
3.	Certified copy of U.S. Patent No. 7,460,492.
4.	Certified copy of U.S. Patent No. 7,061,875.
5.	Certified copy of U.S. Patent No. 7,224,668.
6.	Certified copy of U.S. Patent No. 8,051,211.
7.	Certified copy of assignment records for U.S. Patent No. 7,023,853.
8.	Certified copy of assignment records for U.S. Patent No. 6,377,577.
9.	Certified copy of assignment records for U.S. Patent No. 7,460,492.
10.	Certified copy of assignment records for U.S. Patent No. 7,061,875.
11.	Certified copy of assignment records for U.S. Patent No. 7,224,668.
12.	Certified copy of assignment records for U.S. Patent No. 8,051,211.
13.	Confirmation of patent assignment.
14.	Receipt from USPTO of recordation of patent assignment.
15.	Cisco Systems, Inc. 2014 Annual Report.
16.	Chart Depicting How Cisco's Asserted Patents Are Practiced by Cisco's Products
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18.	U.S. Patent No. 7,023,853 Infringement Claim Chart.
19.	U.S. Patent No. 6,377,577 Infringement Claim Chart.
20.	U.S. Patent No. 7,460,492 Infringement Claim Chart.
21.	U.S. Patent No. 7,061,875 Infringement Claim Chart.

22. U.S. Patent No. 7,224,668 Infringement Claim Chart.

23. U.S. Patent No. 8,051,211 Infringement Claim Chart.

24. Arista Networks, Inc. Form 10-Q for the quarterly period ended June 30, 2014.

25. Arista Networks, Inc. Form S-1 Amendment No. 3, May 27, 2014.

26. Arista Press Release stating Studio Network Solutions uses Arista 7048T series switches, July 18, 2013.

27. Studio Test Solutions website showing it is a St. Louis Missouri company, captured September 15, 2014.

28. Arista Press Release stating Cloudera Enterprise uses Arista 7050X series switch, October 2, 2013.

29. Cloudera website showing it is a California company, captured September 15, 2014.

30. Arista Customer Case Study on America Internet Services' use of Arista 7048T and 7050S switches, 2012.

31. Arista Customer Case Study on Medical Mutual of Ohio's use of Arista 7048, 7050, 7150 series switches, 2012.

32. Arista Press Release and Customer Testimonials that Headlands Technologies uses Arista 7150 series switches, September 19, 2012.

33. Headlands Technologies website showing it is a California and Illinois company, captured September 15, 2014.

34. Arista Press Release that eBay uses Arista 7280E series switches, July 15, 2014.

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.

36. CDW website advertisement for Arista switches, captured September 15, 2014.

37. Import record for switches from Jabil Circuit in Malaysia to Arista in California.

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51. U.S. Patent No. 7,460,492 Domestic Industry Chart.

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54. U.S. Patent No. 8,051,211 Domestic Industry Chart.

55. Fortune Magazine's Best Companies 2014.

56. Tight battle for 2nd place after Cisco in Infonetics' enterprise networking infrastructure scorecard, INFONETICS RESEARCH, July 24, 2014.

57. Cisco Catalyst 4500 Series Switch Data Sheet.

58. Cisco Catalyst 6500-E Series Chassis Data Sheet.

59. Cisco Nexus 3548 and 3524 Switches Data Sheet.

60. Cisco Nexus 4001I Switch Module for IBM BladeCenter Data Sheet.

61. Cisco Nexus 5600 Platform Switches Data Sheet.

62. Cisco Nexus 6001 Switch Data Sheet.

63. Cisco Nexus 7000 Series Switches Data Sheet.

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65. Cisco XR 12000 Series and Cisco 12000 Series Routers.

APPENDICES

Appendix Item	Description
A.	Certified copy of file wrapper for U.S. Patent No. 7,023,853.
B.	Certified copy of file wrapper for U.S. Patent No. 6,377,577.
C.	Certified copy of file wrapper for U.S. Patent No. 7,460,492.
D.	Certified copy of file wrapper for U.S. Patent No. 7,061,875.
E.	Certified copy of file wrapper for U.S. Patent No. 7,224,668.
F.	Certified copy of file wrapper for U.S. Patent No. 8,051,211.
G.	Technical references cited in file wrapper for U.S. Patent No. 7,023,853.
H.	Technical references cited in file wrapper for U.S. Patent No. 6,377,577.
I.	Technical references cited in file wrapper for U.S. Patent No. 7,460,492.
J.	Technical references cited in file wrapper for U.S. Patent No. 7,061,875.
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I. INTRODUCTION

1. This Complaint is filed by Cisco Systems, Inc. ("Cisco" or "Complainant") under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on the unlawful importation into the United States, the sale for importation into the United States, the sale within the United States after importation, and/or the use within the United States after importation by the proposed Respondent of certain networking equipment and components and software thereof that infringe certain claims of United States Patent Nos. 7,023,853 ("the '853 patent"), 6,377,577 ("the '577 patent"), 7,460,492 ("the '492 patent"), 7,061,875 ("the '875 patent"), 7,224,668 ("the '668 patent"), and 8,051,211 ("the '211 patent") (collectively, "Cisco's Asserted Patents") either literally or under the doctrine of equivalents.

2. Cisco is an information technology (IT) company and is the worldwide leader in developing and implementing the networking technologies that enable our interconnected world and the Internet of Everything. Cisco employs thousands of the world's brightest networking engineers at its headquarters in San Jose, California, and elsewhere, and invests billions of dollars annually in research and development focused on creating the future of networking technologies. These investments make possible a broad range of products that enable seamless, secure communication among businesses of all sizes, institutions, telecommunications companies and other service providers, and individuals. As part of its IT business, Cisco sells innovative networking products that transport data, voice, and video within buildings, across campuses, and around the world.

3. The proposed Respondent Arista Networks, Inc. ("Arista" or "Respondent") develops, manufactures, imports, sells for importation into the United States, sells after importation into the United States, and uses after importation into the United States networking

equipment and components and software therein, such as switches and their components, operating systems, and/or other software (collectively, the "Accused Products"). As set forth in Section VII below, the Accused Products are manufactured abroad in locations such as China and Malaysia, and are imported for sale into the United States. The Accused Products incorporate, without any license from Cisco, many technologies developed by Cisco and protected by patents owned by Cisco. The patents-in-suit and their asserted claims (independent claims in **bold**) are listed below:

Patent Number	Asserted Claims (Independent Claims In Bold)
'853 Patent	**46**-52, 54, 56, 59, 60-**63**
'577 Patent	**1**-2, 5, 7-10, 12-16, 18-22, 25, 28-31
'492 Patent	**1**-4, **9**-14, **17**-18
'875 Patent	**1**-4, **10**-13, 15
'668 Patent	**1**-10, 12-13, 15-18, **19**, 20-28, 30-31, 33-36, **37**, 38-43, 45-49, 51-54, **55**, 56-64, 66-67, 69-72
'211 Patent	**1**-2, 6-9, **12**-13, 17-20

4. Certified copies of Cisco's Asserted Patents are included at Exhibits **Error! Reference source not found.**-6. Cisco owns all rights, title, and interest in each of Cisco's Asserted Patents, including the right to sue for infringement. Certified copies of the assignment records for each of Cisco's Asserted Patents are included at Exhibits 7-12. As shown in Exhibits 13 and 14, additional assignments and recordation of the assignments were completed recently, and certified copies of the updated assignment records are not yet available from the United States Patent and Trademark Office. The updated certified copies of the assignment records will be supplied when available from the United States Patent and Trademark Office. *See* Exhibits 13 and 14.

5. A domestic industry as required by 19 U.S.C. §§ 1337(a)(2) and (3) exists in the United States relating to articles protected by Cisco's Asserted Patents, including significant investment in plant and equipment, significant employment of labor and capital, and substantial investment in the exploitation of the inventions claimed in Cisco's Asserted Patents, including through engineering, research, and development.

6. Cisco seeks as relief a permanent limited exclusion order under 19 U.S.C. § 1337(d) barring from entry into the United States directly-infringing and/or indirectly-infringing networking equipment and components and software manufactured, sold, or used by or on behalf of Respondent. Cisco further seeks as relief a permanent cease and desist order under 19 U.S.C. § 1337(f) prohibiting Respondent from marketing, distributing, selling, offering for sale, warehousing inventory for distribution, or otherwise transferring or bringing into the United States infringing networking equipment and/or their components and software.

II. COMPLAINANT

7. Cisco is a corporation organized and existing under the laws of California, having its principal place of business at 170 West Tasman Drive, San Jose, California, 95134. Cisco is the assignee of Cisco's Asserted Patents, with the right to sue for all infringement thereof.

8. Founded in 1984, Cisco is an IT company that has become the worldwide leading supplier of, among other things, networking products. Cisco has significant operations in the United States, including with respect to Cisco's Asserted Patents. Cisco has research, development, testing, engineering, manufacturing, assembly, packaging, installation, customer service, repair, product support, sales and marketing, and business offices in more than 100 United States locations, and has its headquarters in San Jose, California. Cisco employs about 35,000 employees in the United States – nearly as many as in the rest of the world combined.

Cisco also works with tens-of-thousands of contractors, vendors, and interns in the United States. Additional information concerning Cisco can be obtained from its 2014 Annual Report at Exhibit 15.

9. Cisco's networking products, specifically Cisco's routing and switching products, use the inventions claimed in Cisco's Asserted Patents. As explained in more detail in the chart included as Exhibit 16, one or more of Cisco's Asserted Patents is implemented in the Cisco Nexus switches (including at least the Nexus 3000, 4000, 5000, 6000, 7000, and 9000 series), the Cisco Catalyst switches (including at least the Catalyst 4500 and 6500 series), and Cisco 12000 Series Router.

10. Cisco researched and developed the technologies that are protected by Cisco's Asserted Patents. Cisco is the full owner of all rights and title to all of Cisco's Asserted Patents. Certified copies of the relevant assignment records are attached at Exhibits 7-12. As shown in Exhibits 13 and 14, additional assignments and recordation of the assignments were completed recently, and certified copies of the updated assignment records are not yet available from the United States Patent and Trademark Office. The updated certified copies of the assignment records will be supplied when available from the United States Patent and Trademark Office. *See* Exhibits 13 and 14.

11. Cisco has made and continues to make significant investments in the design and development of products protected by Cisco's Asserted Patents. In the United States, Cisco exploits the technologies covered by Cisco's Asserted Patents through various activities, including substantial research and development, engineering, manufacturing, assembly, installation, and product and warranty support among others, as discussed more fully in Section X below. In connection with the exploitation of these technologies, Cisco has made significant

investments in the United States in facilities, equipment, labor, and capital, also as described in Section X below.

III. THE PROPOSED RESPONDENT

12. On information and belief, Arista Networks, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 5453 Great America Parkway, Santa Clara, California 95054.

13. On information and belief, Arista develops, manufactures, imports, sells for importation into the United States, sells after importation into the United States, and/or uses after importation into the United States networking equipment and components and software therein, including switches, operating systems, and other software, as further described in Section VI below.

IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE

14. The technologies at issue relate to networking equipment and certain components and software therein.

15. Specifically, the Accused Products include network devices, such as switches, and their components, and software, such as operating systems and other software. These switches, components, operating systems, and other software are imported into the United States and in turn used by businesses, institutions, service providers, and other entities in the United States to supply networks and transport data, voice, and video. By way of example, the Accused Products may be deployed in data centers or dedicated computing center environments in connection with an organization's servers, associated data, and/or IT applications and between such items and other networks such as the Internet. The Accused Products are sold for importation into,

imported into, sold after importation into, and used within the United States by or on behalf of Respondent.

V. THE PATENTS IN SUIT AND NONTECHNICAL DESCRIPTIONS OF THE INVENTIONS

16. As set forth below, Cisco owns by assignment the entire right, title, and interest in and to each of Cisco's Asserted Patents. *See* Exhibits 7-12.

17. Pursuant to Commission Rule 210.12(c), copies of the certified prosecution histories of each of Cisco's Asserted Patents have been submitted with this Complaint as Appendices A-F. Pursuant to Commission Rule 210.12(c), the cited references for each of Cisco's Asserted Patents also have been submitted with this Complaint as Appendices G-L.

A. Nontechnical Description of the '853 Patent[1]

18. United States Patent No. 7,023,853, entitled "Access Control List Processing in Hardware," issued on April 4, 2006 and lists Andreas V. Bechtolsheim and David R. Cheriton as its inventors. The '853 patent expires on June 30, 2018. The '853 patent issued from U.S. Patent App. Ser. No. 10/087,342, filed on March 1, 2002. The '853 patent claims priority to U.S. Patent App. Ser. No. 09/108,071, filed on June 30, 1998.

19. The '853 patent contains 63 claims, including 5 independent claims and 58 dependent claims. Cisco asserts that Respondent's networking equipment and components and software therein, and activities relating thereto, infringe at least apparatus claims 46-52, 54, 56, 59, and 60-62, and method claim 63 of the '853 patent, directly or indirectly, either literally or under the doctrine of equivalents.

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[1] These descriptions and any other descriptions within this Complaint are for illustrative purposes only. Nothing contained within this Complaint is intended to, either implicitly or explicitly, express any position regarding the proper construction of any claim of Cisco's Asserted Patents.

20. The '853 patent generally relates to a system and method for improved processing of access control lists (ACLs) in network devices. The '853 patent can, among other things, improve the speed of processing access control lists by a network device to provide for higher throughput and/or other benefits. In an aspect of the invention, the '853 patent provides novel methods and apparatuses for maintaining access control patterns in an associative memory, matching information to the access control patterns stored in the associative memory in parallel to generate matches having priority information, selecting one of the results, and making a routing decision. In another aspect of the invention, the '853 patent provides a novel method for processing a packet, including by selecting an output interface to which to forward the packet in parallel with determining the forwarding permission for the packet. Among other things, the invention may address a problem that prior art software processing of packets to enforce access control in a network device can be relatively slow.

B. Nontechnical Description of the '577 Patent

21. United States Patent No. 6,377,577, entitled "Access Control List Processing in Hardware," issued on April 23, 2002 and lists Andreas V. Bechtolsheim and David R. Cheriton as its inventors. The '577 patent expires on June 30, 2018. The '577 patent issued from U.S. Patent App. Ser. No. 09/108,071, filed on June 30, 1998.

22. The '577 patent contains 31 claims, including 1 independent claim and 30 dependent claims. Cisco asserts that Respondent's networking equipment and components and software therein, and activities relating thereto, infringe at least method claims 1-2, 5, 7-10, 12-16, 18-22, 25, and 28-31 of the '577 patent, directly or indirectly, either literally or under the doctrine of equivalents.

23. The '577 patent generally relates to a system and method for improved processing of access control lists (ACLs) in network devices. The '577 patent can, among other things,

improve the speed of processing access control lists by a network device to provide for higher throughput and/or other benefits. In an aspect of the invention, the '577 patent provides novel methods for maintaining access control patterns in an associative memory, matching information to the access control patterns stored in the associative memory in parallel to generate matches having priority information, selecting one of the results, and making a routing decision. Among other things, the invention may address a problem that prior art software processing of packets to enforce access control in a network device can be relatively slow.

C. Nontechnical Description of the '492 Patent

24. United States Patent No. 7,460,492, entitled "Spanning Tree Loop Guard," issued on December 2, 2008 and lists Maurizio Portolani, Shyamasundar S. Kaluve, and Marco E. Foschiano as its inventors. The '492 patent expires on February 2, 2022. The '492 patent issued from U.S. Patent App. Ser. No. 11/451,888, filed on June 12, 2006, and was previously published as U.S. Patent Pub. No. 2006/0233168, on October 19, 2006. The '492 patent claims priority to U.S. Patent App. Ser. No. 10/020,667, filed on December 7, 2001.

25. The '492 patent contains 24 claims, including 5 independent claims and 19 dependent claims. Cisco asserts that Respondent's networking equipment and components and software therein, and activities relating thereto, infringe at least apparatus claims 1-4 and 17-18, and method claims 9-14 of the '492 patent, directly or indirectly, either literally or under the doctrine of equivalents.

26. The '492 patent generally relates to network devices that implement a system and method for preventing the formation of loops that are not detected by spanning tree protocols ("STP"). The '492 patent can, among other things, improve the performance of a network that implements a STP. In an aspect of the invention, the '492 patent provides novel methods and apparatuses for transitioning ports among a plurality of port states and a loop guard engine to

cooperate with a spanning tree protocol engine. The loop guard engine can prevent a port from transitioning to a forwarding state thereby preventing the formation of loops. Among other things, this can improve the performance of a network that implements STPs by preventing loops that may be undetectable by STP caused by, for example, malfunctioning or faulty network interface cards or transceivers, a busy CPU, software bugs, or congestion algorithms.

D. Nontechnical Description of the '875 Patent

27. United States Patent No. 7,061,875, entitled "Spanning Tree Loop Guard," issued on June 13, 2006 and lists Maurizio Portolani, Shyamasundar S. Kaluve, and Marco E. Foschiano as its inventors. The '875 patent expires on September 17, 2024. The '875 patent issued from U.S. Patent App. Ser. No. 10/020,667, filed on December 7, 2001.

28. The '875 patent contains 15 claims, including 2 independent claims and 13 dependent claims. Cisco asserts that Respondent's networking equipment and components and software therein, and activities relating thereto, infringe at least method claims 1-4 and apparatus claims 10-13 and 15 of the '875 patent, directly or indirectly, either literally or under the doctrine of equivalents.

29. The '875 patent generally relates to network devices that implement a system and method for preventing the formation of loops that are not detected by spanning tree protocols ("STP"). The '875 patent can, among other things, improve the performance of a network that implements a STP. In an aspect of the invention, the '875 patent provides novel methods and apparatuses for transitioning ports among a plurality of port states and a loop guard engine to cooperate with a spanning tree protocol engine. The loop guard engine can prevent a port from transitioning to a forwarding state thereby preventing the formation of loops. Among other things, this can improve the performance of a network that implements STP by preventing loops

that may be undetectable by STP caused by, for example, malfunctioning or faulty network interface cards or transceivers, a busy CPU, software bugs, or congestion algorithms.

E. Nontechnical Description of the '668 Patent

30. United States Patent No. 7,224,668, entitled "Control Plane Security and Traffic Flow Management," issued on May 29, 2007 and lists Adrian C. Smethurst, Michael F. Keohane, and R. Wayne Ogozaly as its inventors. The '668 patent expires on August 23, 2025. The '668 patent issued from U.S. Patent App. Ser. No. 10/307,154, filed on November 27, 2002.

31. The '668 patent contains 72 claims, including 4 independent claims and 68 dependent claims. Cisco asserts that Respondent's networking equipment and components and software therein, and activities relating thereto, infringe at least apparatus claims 1-10, 12-13, 15-18, 37-43, 45-49, 51-64, 66-67, and 69-72 of the '668 patent, and method claims 19-28, 30-31, and 33-36, directly or indirectly, either literally or under the doctrine of equivalents.

32. The '668 patent generally relates to a system and method for improved immunity to Denial of Service (DoS) attacks and/or to improved Quality of Service (QoS) for networking devices. The '668 patent can, among other things, improve the security of a networking device while potentially minimizing any impact on transit traffic and system performance. In an aspect of the invention, the '668 patent provides novel methods and apparatuses for using a control plane port entity and providing control plane port services for packets destined for the control plane. Among other benefits, the invention can provide enhanced security of a control plane through improved management of control plane traffic.

F. Nontechnical Description of the '211 Patent

33. United States Patent No. 8,051,211, entitled "Multi-Bridge LAN Aggregation," issued on November 1, 2011 and lists Norman W. Finn as its inventor. The '211 patent expires

on December 20, 2028. The '211 patent issued from U.S. Patent App. Ser. No. 10/282,438, filed on October 29, 2002.

34. The '211 patent contains 32 claims, including 3 independent claims and 29 dependent claims. Cisco asserts that Respondent's networking equipment and components and software therein, and activities relating thereto, infringe at least apparatus claims 12-13 and 17-20 and method claims 1-2 and 6-9 of the '211 patent, directly or indirectly, either literally or under the doctrine of equivalents.

35. The '211 patent relates generally to computer networks and, more specifically, to a multi-bridge LAN aggregated system and method for use by a device in a computer network. The '211 patent can, among other things, improve the reliability and availability of data transmitted to and from a switching device. In an aspect of the invention, the '211 patent provides a method of aggregating a plurality of LANs coupling a host to a first and a second network device. Among other things, the method of the '211 patent enables link aggregation to be used on redundant physical connections between a host and multiple network devices.

G. Foreign Counterparts

36. Cisco is aware of the following foreign counterparts or foreign counterpart applications corresponding to Cisco's Asserted Patents: WO 2004/040844, EP1557015, CN1708963, AU2003287253, AT527785T, and CA2503963.

H. Licensees

37. Confidential Exhibit 17 includes a list of entities that are either licensed under Cisco's Asserted Patents or have received a covenant not to assert from Cisco with respect to Cisco's Asserted Patents.

VI. UNLAWFUL AND UNFAIR ACTS OF RESPONDENT—PATENT INFRINGEMENT

38. Respondents have engaged in unlawful and unfair acts including the sale for importation into the United States, importation into the United States, sale within the United States after importation, and/or use within the United States after importation of the Accused Products that infringe one or more of the following claims (independent claims in **bold**):

Patent Number	Asserted Claims (Independent Claims In Bold)
'853 Patent	**46**-52, 54, 56, 59, 60-**63**
'577 Patent	**1**-2, 5, 7-10, 12-16, 18-22, 25, 28-31
'492 Patent	**1**-4, **9**-14, **17**-18
'875 Patent	**1**-4, **10**-13, 15
'668 Patent	**1**-10, 12-13, 15-18, **19**, 20-28, 30-31, 33-36, **37**, 38-43, 45-49, 51-54, **55**, 56-64, 66-67, 69-72
'211 Patent	**1**-2, 6-9, **12**-13, 17-20

A. Infringement of the '853 Patent

39. 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 '853 patent.

40. The Accused Products infringe, directly and indirectly, at least apparatus claims 46-52, 54, 56, 59, and 60-62, and method claim 63 of the '853 patent. Respondent directly and indirectly infringes at least apparatus claims 46-52, 54, 56, 59, and 60-62, and method claim 63 of the '853 patent by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. *See* Exhibit 18 (infringement claim charts for U.S. Patent No. 7,023,853). The Accused Products satisfy all claim limitations of apparatus claims 46-52, 54, 56, 59, and 60-62 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 claim 63, and Respondent directly infringes this claim 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 this method claim 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 7048, 7050X, 7250X, 7300, 7300X, and 7500E series switches. *See* Appendix O (Accused Products data sheets).

41. Respondent actively induces others, including purchasers who deploy the Accused Products in their networks, to directly infringe at least apparatus claims 46-52, 54, 56, 59, and 60-62, and method claim 63 of the '853 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 apparatus claims 46-52, 54, 56, 59, and 60-62, and method claim 63 of the '853 patent. Respondent is aware of the '853 patent at least because the named inventors on the '853 patent, Messrs. Bechtolsheim and Cheriton, are founders of Respondent. Moreover, Respondent also has had actual knowledge of the '853 patent at least as of December 5, 2014, when Cisco filed a Complaint asserting the '853 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 '853 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 apparatus claims 46-52, 54, 56,

59, and 60-62, and method claim 63 of the '853 patent. *See* Appendix P (compilation of Accused Products manuals, white papers, and training advertisements).

42. Respondent contributes to infringement of at least apparatus claims 46-52, 54, 56, 59, and 60-62, and method claim 63 of the '853 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 '853 patent at least because the named inventors on the '853 patent, Messrs. Bechtolsheim and Cheriton, are founders of Respondent. Moreover, Respondent also has had actual knowledge of the '853 patent at least as of December 5, 2014, when Cisco filed a Complaint asserting the '853 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 '853 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 '853 patent and not a staple article of commerce suitable for substantial noninfringing use.

43. Claim charts comparing the '853 patent's asserted independent apparatus claim 46 and method claim 63 to Respondent's Accused Products are attached as Exhibit 18. Representative Product 7508E, charted at Exhibit 18, was purchased in the United States. Photos showing manufacturing location outside the United States are attached at Exhibit 39. Additional evidence of importation is set forth in Section VII, below.

B. Infringement of the '577 Patent

44. 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 '577 patent.

45. The Accused Products infringe, directly and indirectly, at least method claims 1-2, 5, 7-10, 12-16, 18-22, 25, and 28-31 of the '577 patent. Respondent directly and indirectly infringes at least method claims 1-2, 5, 7-10, 12-16, 18-22, 25, and 28-31 of the '577 patent by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. *See* Exhibit 19 (infringement claim charts for U.S. Patent No. 6,377,577). The Accused Products, at the time of importation, are programmed to dictate the performance of and automatically perform all steps of method claims 1-2, 5, 7-10, 12-16, 18-22, 25, and 28-31, 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 7048, 7050X, 7250X, 7300, 7300X, and 7500E series switches. *See* Appendix O (Accused Products data sheets).

46. Respondent actively induces others, including purchasers who deploy the Accused Products in their networks, to directly infringe at least method claims 1-2, 5, 7-10, 12-16, 18-22, 25, and 28-31 of the '577 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 method claims 1-2, 5, 7-10, 12-16, 18-22, 25, and 28-31 of the '577 patent. Respondent is aware of the '577 patent at least because the named inventors on the '577

patent, Messrs. Bechtolsheim and Cheriton, are founders of Respondent. Moreover, Respondent also has had actual knowledge of the '577 patent at least as of December 5, 2014, when Cisco filed a Complaint asserting the '577 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 '577 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 method claims 1-2, 5, 7-10, 12-16, 18-22, 25, and 28-31 of the '577 patent. *See* Appendix P (compilation of Accused Products manuals, white papers, and training advertisements).

47. Respondent contributes to infringement of at least method claims 1-2, 5, 7-10, 12-16, 18-22, 25, and 28-31 of the '577 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 '577 patent at least because the named inventors on the '577 patent, Messrs. Bechtolsheim and Cheriton, are founders of Respondent. Moreover, Respondent also has had actual knowledge of the '577 patent at least as of December 5, 2014, when Cisco filed a Complaint asserting the '577 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 '577 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 '577 patent and not a staple article of commerce suitable for substantial noninfringing use.

48. Claim charts comparing the '577 patent's asserted independent method claim 1 to Respondent's Accused Products are attached as Exhibit 19. Representative Product 7508E, charted at Exhibit 19, was purchased in the United States. Photos showing manufacturing location outside the United States are attached at Exhibit 39. Additional evidence of importation is set forth in Section VII, below.

C. Infringement of the '492 Patent

49. 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 '492 patent.

50. The Accused Products infringe, directly and indirectly, at least apparatus claims 1-4 and 17-18, and method claims 9-14 of the '492 patent. Respondent directly and indirectly infringes at least apparatus claims 1-4 and 17-18, and method claims 9-14 of the '492 patent by importing, selling for importation, selling after importation, and/or using after importation into the United States the Accused Products. *See* Exhibit 20 (infringement claim charts for U.S. Patent No. 7,460,492). The Accused Products satisfy all claim limitations of apparatus claims 1-4 and 17-18 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 9-14, 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