

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of

**CERTAIN NETWORK DEVICES,
RELATED SOFTWARE AND
COMPONENTS THEREOF (I)**

Investigation No. 337-TA-944
Enforcement Proceeding

ENFORCEMENT COMPLAINT OF CISCO SYSTEMS, INC.

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| 2 | Jayshree Ullal Blog, <i>The State of Telemetry in Cloud Networking</i> (August 23, 2016) |
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| 4 | 7050TX Series 10/40G Data Center Switches Data Sheet |
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| 31 | Arista Networks, Inc. Form 10-K (February 25, 2016) |


| Exhibit No. | Description |
|--------------------|---|
| 32 | Understanding EOS and Sysdb |
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| 34 | Arista EOS: An Extensible Operating System |
| 35 | Debugging EOS agents |
| 36 | Arista User Manual - EOS v. 4.17.0F (June 29, 2016) |

I. INTRODUCTION

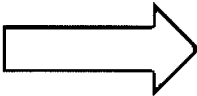
1.1 Cisco Systems, Inc. (“Cisco”) brings this Enforcement Complaint because Arista Networks, Inc. (“Arista”) is violating the remedial orders of the International Trade Commission (“the Commission”), which were entered to protect Cisco’s patent rights and its substantial United States domestic industry from further violation. Despite being adjudged an infringer by the Commission, and being ordered to cease and desist its infringement, Arista continues to unlawfully use Cisco’s patented technology, announcing its plans “to continue the uninterrupted importation of products.” (Arista’s Q4 2015 Earning Conference Call, dated Oct. 5, 2015 (Ex. 1) at 6-7.) Indeed, on the very day that the Commission’s Limited Exclusion Order and Cease and Desist Orders (collectively, “Commission’s Orders”) took effect—August 23, 2016—Arista’s President and Chief Executive Officer, Jayshree Ullal, touted on Arista’s website its continuing sale of the SysDB technology the Commission already found to be infringing:

The State of Telemetry in Cloud Networking

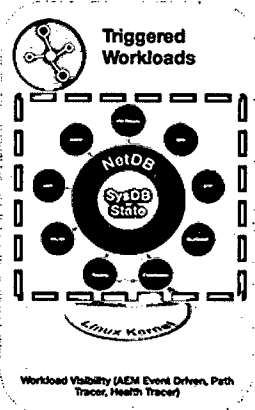
posted on August 23, 2016 by Jayshree Ullal



SysDB Found to Infringe

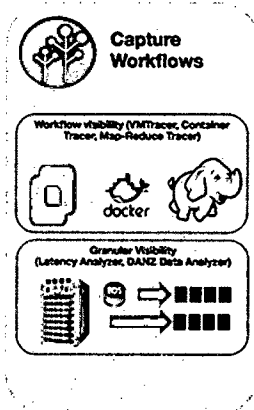


Triggered Workloads

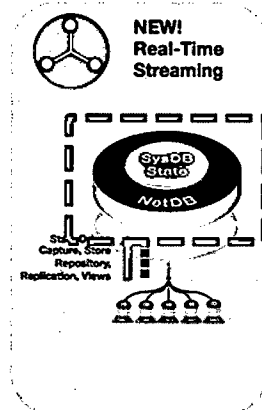


Workload Visibility (AEM Event Driven, Path Tracer, Health Tracer)

Capture Workflows

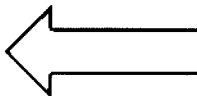


NEW! Real-Time Streaming



Storage, Capture, Store, Repository, Replication, Views

SysDB Found to Infringe



(See <https://www.arista.com/blogs/?p=1356> (excerpted and annotated), Jayshree Ullal Blog, *The State of Telemetry in Cloud Networking*, dated Aug. 23, 2016 (Ex. 2).)

1.2 Although Arista claims that it has “redesigned” its products to avoid the Commission’s Orders, Arista omits the critical fact that it has neither requested nor received clearance from the Commission to continue to import, market, or sell its products in the United States—even though it is presumed that all of Arista’s switch products and components thereof are infringing in any such proceeding. Indeed, in Arista’s recent securities filings, Arista admitted that its supposed redesign may still infringe Cisco’s patented technology:

If the Limited Exclusion Order and Cease and Desist Order are not disapproved by the US Trade Representative, we will need to remove features or develop technical design-arounds in order to take the products outside of the scope of any patent found to have been infringed and the subject of a violation. *We may not be successful in developing technical design-arounds that do not infringe the patents or that are acceptable to our customers.*

(See Arista Networks, Inc., Form 10-Q, dated Aug. 4, 2016 (Ex. 6) at 16.)

1.3 Testing of allegedly redesigned products lawfully obtained by Cisco further demonstrates that Arista’s products continue to include Cisco’s patented SysDB technology, and continue to infringe the U.S. Patent No. 7,162,537 (“the ’537 patent”). (See *infra* Section VIII.)

II. PRIOR PROCEEDINGS AND ORDERS

2.1 On December 19, 2014, Cisco brought Investigation No. 337-TA-944 on six of its patents, including the ’537 patent covering Cisco’s SysDB technologies. (Original Complaint filed for 337-TA-944 (Ex. 15).) That investigation confirmed Arista’s intentional copying and unauthorized use of Cisco’s patented technology, and the improper means by which Arista took that technology from Cisco. The Commission issued a Notice of Investigation on January 21, 2015, and after 14 months of litigation, Administrative Law Judge Shaw (“ALJ”) found, among other things, that Arista’s network devices, related software, and components thereof infringed claims 1-2, 8-11 and 17-19 of the ’537 patent and rejected all of Arista’s defenses and other excuses for its knowing use of key Cisco’s technologies. (Exs. 16-18.) The Commission

affirmed the ALJ's infringement findings on the '537 patent, finding that Arista's actions "evinced[] knowledge and an intent to infringe . . .," noting that the ALJ "determine[d] that there was evidence of Arista's subjective belief that it was infringing Cisco's patents." (Comm'n Op. (Ex. 7) at 15, 18.) Moreover, the Commission affirmed the ALJ's finding that "Arista intentionally and willfully blinded itself as to Cisco's patents, including the '537 patent and the PVLAN patents, prior to its knowledge of its alleged infringement." (*Id.* at 18.) The Commission issued a Limited Exclusion Order and a Cease and Desist Order on June 23, 2016. The Presidential review period for the Commission's Orders concluded on August 22, 2016. Although Arista undertook extensive efforts to convince the United States Trade Representative ("USTR") to intervene, the USTR took no action, allowing the Commission's Orders to go into effect on August 23, 2016.

2.2 As noted above, Arista has touted publicly that it will continue selling its products that include the patented SysDB technologies, stating that—notwithstanding the Commission's Orders—Arista plans "to continue the uninterrupted importation of products," claiming without any review that its products now do not infringe, which Cisco's analysis shows to be a false statement. (Arista's Q4 2015 Earning Conference Call, dated Oct. 5, 2015 (Ex. 1) at 6.) And, as of the date of this Enforcement Complaint, Arista admits that it has stockpiled imported inventory in the United States and is marketing these products, which Cisco's analysis has confirmed are still infringing, on its website and offering them for sale—in violation of the Commission's Orders:

I think in terms of thinking about our plans as we move through the rest of the year, we have been pretty consistent in saying that we've taken some steps from a supply chain inventory perspective to give us some flexibility as we work through getting customs approval on the design arounds strategy. I think that, that's still the strategy. *We've seen us grow the inventory significantly. We will continue to do that in Q3. All of that is taken to give us that flexibility.*

(Ita Brennan, Arista's Q2 2016 Earnings Conference Call, dated Aug. 4, 2016 (Ex. 26) at 4.)

This process may take 4-8 months; in the meantime *Arista will supply customers (with product based on the workaround) via an impending \$50-\$100mn inventory build* and US manufacturing by 4Q.

(Nomura Report, dated Jun. 24, 2016 (Ex. 8) at 1.) Indeed, Arista confirms in its securities filings that it has \$210M in non-cancelable purchase commitments in Q3 of 2016 relating at least in part to its imported inventory. (Arista Networks, Inc., Form 10-Q, dated Aug. 4, 2016 (Ex. 6) at 13.)

2.3 As such, Cisco is forced to bring this enforcement proceeding to stop (a) Arista's continued, widespread and unauthorized use of its patented technologies, (b) Arista's infringement of Cisco's lawful patent rights, and (c) the ongoing, acute and irreparable harm to Cisco caused by Arista's deliberate, unlawful conduct. Specifically, Arista has violated and continues to violate the Commission's Cease and Desist Order by marketing, distributing, offering for sale, selling, advertising, and/or aiding or abetting other entities in the sale, and/or distribution of imported products or components covered by one or more of claims 1-2, 8-11 and 17-19 of the '537 patent. (Arista Networks website advertisements for Arista switches, captured Aug. 24, 2016 (Ex. 10).)

2.4 Arista's actions have caused, and are continuing to cause, significant harm to Cisco, as alleged herein, by incorporating Cisco's patented technologies into Arista's products. The technologies at issue were invented by Cisco personnel, are proprietary, and are implemented by Cisco in its innovative products in order to successfully compete in the marketplace. Rather than invest in research and development, Arista took a shortcut by copying innovative networking technologies designed, developed, and patented by Cisco, including Cisco's "SysDB" technology, covered by the '537 patent. These actions significantly harm innovation. Arista's continued intellectual property infringement, in violation of at least the

Cease and Desist Order, stifles innovation, harms domestic industry in the United States, and should be penalized to the full extent of the Commission's authority.

2.5 Accordingly, Cisco requests that the Commission commence formal enforcement proceedings to remedy the continuing unlawful acts of Arista, and/or its affiliated companies, parents, subsidiaries, or other related business entities, and/or its and their successors or assigns, in violation of the Commission's June 23, 2016 Cease and Desist Order. (Ex. 11.)

III. JURISDICTION

3.1 The Commission has jurisdiction over this matter and the proposed parties pursuant to §§ 333 and 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §§ 1333, 1337 and 19 C.F.R. §210.75.

IV. COMPLAINANT

4.1 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 a leading worldwide supplier of networking products, among others. (*See* Cisco Systems, Inc. 2014 Annual Report, dated Sept. 9, 2014 (Ex. 12).) Cisco has significant operations in the United States, including with respect to Cisco's '537 Patent. Cisco is headquartered in San Jose, California, and has research, development, testing, engineering, manufacturing, assembly, packaging, installation, customer service, repair, product support, sales and marketing, and business offices in over 80 United States locations, employing about half of Cisco's 70,000 worldwide employees in the United States. Cisco 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.

Additional information concerning Cisco can be obtained from its Annual Report at Exhibit 12.

4.2 Cisco is the owner by assignment of all right, title, and interest in and to the '537 patent. The '537 patent is valid, enforceable, and is currently in full force and effect. Certified copies of the relevant assignment records are attached at Exhibit 13.

V. RESPONDENT

5.1 Arista 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.

5.2 Arista markets, distributes, offers for sale, sells, advertises, and/or aids and abets other entities in the sale, and/or distribution of networking equipment and components and software therein, including switches, operating systems, and other software, as further described in Section VIII below.

VI. THE COMMISSION'S ISSUANCE OF A LIMITED EXCLUSION ORDER AND CEASE AND DESIST ORDER

6.1 The '537 patent is generally directed to a system and method for managing data in networking devices. In particular, the '537 patent concerns the use of subsystems, or agents, to externally manage router configuration data stored in a centralized database, referred to as "sysDB." Although prior-art systems used a centralized database (sysDB) to store router configuration data, none allowed the subsystems to manage the data. The system of the '537 patent, on the other hand, allows subsystems to remain modular and independent through the use of a centralized database without the drawback of multiple dependencies among subsystems. Independent claims 1, 10 and 19 of Cisco's '537 patent recite:

1. A method for reducing computational overhead in a centralized database system by externally managing router data in conjunction with a centralized

database subsystem, said database subsystem operatively coupled for communication with a plurality of router subsystems one of which is a first managing subsystem, comprising:

- a) transmitting a management registration request by said first managing subsystem to said database subsystem, said registration request indicating router configuration data for which said first managing subsystem is requesting to provide external management services, said router configuration data managed by said database system and derived from configuration commands supplied by a user and executed by a router configuration subsystem before being stored in said database;
 - b) receiving said management registration request by said database subsystem;
and
 - c) registering said first managing subsystem for external management by said database subsystem.
10. A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for reducing computational overhead in a centralized database system by externally managing router data in conjunction with a centralized database subsystem, said database subsystem operatively coupled for communication with a plurality of router subsystems one of which is a first managing subsystem, said method comprising:
- (a) transmitting a management registration request by said first managing subsystem to said database subsystem, said registration request indicating router configuration data for which said first managing subsystem is requesting to provide external management services, said router configuration data managed by said database system and derived from configuration commands supplied by a user and executed by a router configuration subsystem before being stored in said database;
 - (b) receiving said management registration request by said database subsystem; and
 - (c) registering said first managing subsystem for external management by said managing subsystem.
19. In a router device having a processor and memory, a router operating system executing within said memory comprising:
- (a) a database subsystem;
 - (b) a plurality of client subsystems, each operatively coupled for communication to said database subsystem, one of said client subsystems

configured as a managing subsystem to externally manage router data upon issuing a management request to said database subsystem; and

- (c) a database operatively coupled to said database subsystem, said database configured to store router configuration data and delegate management of router configuration data to a management subsystem that requests to manage router configuration data, said router configuration data managed by said database system and derived from configuration commands supplied by a user and executed by a router configuration subsystem before being stored in said database.

('537 patent (Ex. 14) at Col. 15:20-18:40.)

6.2 As noted above, on June 23, 2016, the Commission issued its opinion that confirmed Administrative Law Judge Shaw's finding that Arista violated Section 337 by its infringement of claims 1-2, 8-11 and 17-19 of the '537 patent and additional claims of multiple additional Cisco patents. (Ex. 7.) The Commission issued a Limited Exclusion Order and Cease and Desist Order directed at Arista's products and components. (Exs. 11, 19.) The Presidential Review Period ended without any intervention on August 22, 2016, and the Commission's Orders went into effect as of August 23, 2016. (Exs. 11, 19.)

6.3 The Commission's Limited Exclusion Order states in relevant part:

Network devices, related software and components thereof that infringe one or more of 1, 2, 8-11, and 17-19 of the '537 patent; claims 6, 7, 20, and 21 of the '592 patent; and claims 5, 7, 45, and 46 of the '145 patent that are manufactured abroad by or on behalf of, or imported by or on behalf of, Respondent, or its affiliated companies, parents, subsidiaries, licensees, or other related business entities, or its successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining terms of the patents, except under license of the patent owner or as provided by law, and except for service, repair, or replacement articles imported for use in servicing, repairing, or replacing network devices under warranty or service contracts, for identical articles, that existed as of the date of this Order.

(Ex. 19 at Section 1.)

6.4 The Commission's Cease and Desist Order provides in relevant part:

The following conduct of Respondent in the United States is prohibited by this Order. For the remaining term of the relevant '537 patent, '592 patent and '145 patent, Respondent shall not: (A) import or sell for importation into the United States covered products; (B) market, distribute, sell, or otherwise transfer (except for exportation) imported covered products; (C) advertise imported covered products; (D) solicit U.S. agents or distributors for imported covered products; or (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

(Ex. 11 at Section III.)

6.5 In open disregard of the Commission's Orders, Arista continues to, *inter alia*, market, distribute, offer for sale, selling, advertise, and/or aid and abet other entities in the sale and/or distribution of, after August 22, 2016, imported products and components that infringe the '537 patent.¹ (Arista Networks website advertisements for Arista switches, captured Aug. 24, 2016 (Ex. 10).)

VII. THE ARISTA PRODUCTS AT ISSUE

7.1 Arista's infringing products include network devices and related software, and their components ("Covered Products"). Exemplary Covered Products include the Arista switches, including at least the 7010, 7048, 7050, 7060, 7150, 7250, 7260, 7280, 7300, 7320, and 7500 series models and/or Arista EOS, including at least version 4.16.6M and later. These Covered Products are imported or made with imported components into the United States and enable businesses, institutions, service providers, and other entities in the United States, in data centers or dedicated computing center environments to supply networks and transport data, voice, and video. The marketing, distributing, offering for sale, selling, advertising, and/or aiding or abetting other entities in the sale after importation and/or distribution of the Covered Products

¹ Discovery may demonstrate that Arista's continuing marketing and sale of its products also violates the Limited Exclusion Order and Cease and Desist Order with respect to the '592 and '145 patents; Cisco reserves its right to amend this Complaint to add allegations of infringement relating to those patents.

after the effective date of the Cease and Desist Order (*i.e.*, after August 22, 2016) violates the Cease and Desist Order issued to Arista.²

VIII. EVIDENCE OF VIOLATION OF THE CEASE AND DESIST ORDER

8.1 Arista has violated the ITC's Cease and Desist Order by marketing, distribution, offering for sale, selling, advertising, and/or aiding or abetting other entities in the sale and/or distribution of Covered Products after August 22, 2016.

8.2 Specifically, on June 27, 2016, upon the issuance of the Commission's Orders, Arista's President and Chief Executive Officer Jayshree Ullal issued a letter to customers stating that Arista had purportedly developed a redesign of its operating-system software that no longer infringed the '537 patent:

We recently released a new version of EOS (4.16.6M) that we believe addresses the ITC's infringement findings in this case. This new version of EOS is now available for download and will be shipped as the default image on all of new products in the near future.

(Jayshree Ullal Letter to Customers, dated Jun. 27, 2016 (Ex. 20) at 2.) As confirmed by Cisco's testing and demonstrated herein, however, Arista's allegedly redesigned network devices still infringe claims 1-2, 8-11 and 17-19 of the '537 patent.

8.3 On July 27, 2016, after Arista publicly released to its customers its redesigned version of EOS, Cisco's counsel purchased in the United States a publicly available representative Covered Product, Arista's 7050 series network device, Model No. DCS-7050TX-48 with EOS version 4.16.7M. (Receipts of purchase of Arista Product (Ex. 21).) The "4.16.7M" version of Arista's EOS operating system is subsequent to the allegedly redesigned 4.16.6M version and reflects Arista's alleged efforts to design around the '537 patent. Photographs of the representative 7050 series are attached to this Complaint as Exhibit 22.

² Discovery may demonstrate that Arista has imported or aided and abetted others in importing Covered Products.

Cisco's expert has examined the representative DCS-7050TX-48 with EOS version 4.16.7M, and determined that, as with the prior versions, it satisfies all the requirements of claims 1-2, 8-11 and 17-19 of the '537 patent. Claim charts demonstrating how claims 1-2, 8-11 and 17-19 of the '537 patent read on the representative DCS-7050TX-48 with EOS version 4.16.7M are attached as Exhibit 23. As such, the claim of a workaround is a thin veil to cover Arista's ongoing infringement and convince its customers, many of whom have strongly supported protection of intellectual property rights, that they are buying a product that is non-infringing.

8.4 Arista has marketed, distributed, offered for sale, sold, advertised, and/or aided or abetted other entities in the sale and/or distribution for consumption in the United States Covered Products that were imported or made with imported components subsequent to August 22, 2016, and intends to continue doing so. For example, Arista markets, offers to sell, sells, and advertises the Covered Products on its website, www.arista.com. (Arista Networks website advertisements for Arista switches, captured Aug. 24, 2016 (Ex. 10); *see also* Jayshree Ullal Blog, *The State of Telemetry in Cloud Networking*, dated Aug. 23, 2016 (Ex. 2) at 2.) Arista also aids and abets third party vendors in the sale and distribution of the Covered Products. (Third Party website advertisements for Arista switches, captured Aug. 24, 2016 (Ex. 24).) Moreover, Arista publicly stated that it intends to continue to market, distribute, offer for sale, sell, advertise, and/or aid or abet other entities in the sale and/or distribution of the Covered Products notwithstanding the Commission's orders. (Arista's Q4 2015 Earning Conference Call, dated Oct. 5, 2015 (Ex. 1) at 6-7; *see also* Arista's Chief Financial Officer, Oppenheimer Technology, Internet & Communications Conference Transcript, dated August 9, 2016 (Ex. 3) at 2 ("[I]t's within [Arista's] right to continue to sell."); Nomura Media, Telecom and Internet Conference Transcript (Ex. 5) at 10 ("[Arista is] perfectly entitled to sell the product."))

8.5 Arista's Chief Financial Officer confirmed Arista's violations of the Commission's Cease and Desist Order by using a United States contract manufacturer to manufacture network devices using imported components covered by the Commission's orders and by building up inventory in the United States so Arista could "buy time." (Cowen Technology, Media & Telecom Conference Tr., dated Jun. 1, 2016 (Ex. 25) at 13; Pacific Crest Global Technology Leadership Forum, dated Aug. 24, 2016 (Ex. 9) at 2 ("[a]nd we've also built on our buildings [*sic*] some inventory, etc., in the US so that again we have flexibility"); Arista's Q2 2016 Earnings Conference Call, dated Aug. 4, 2016 (Ex. 26) at 6 ("I think in Q3 we're pretty much in a normal [sales] situation using offshore supply. I think as we move into Q4 . . . we will probably still be leveraging an oversee [*sic*] supply chain."); Arista's Chief Financial Officer, Oppenheimer Technology, Internet & Communications Conference Transcript, dated August 9, 2016 (Ex. 3) at 4 ("As we said, most of our Q3 revenue will come from products that were actually manufactured at the other contract manufacturer . . . [f]rom abroad."), at 4 ("So that means basically that we now have the capability to manufacture those products in the US. The next step is ramp to volume."), at 5 ("We have the inventory buffers, and we'll consume those over time").) Moreover, numerous market research reports discuss Arista's plan to stockpile inventory in the United States to circumvent the Commission's Orders. (See Nomura Report, dated Jun. 24, 2016 (Ex. 8) at 1 (stating "Arista will supply customers (with product based on the workaround) via an impending \$50-\$100mn inventory build"); JMP Securities - Internet Security, Comm., dated Jun. 24, 2016 (Ex. 27) at 2 (stating "management has indicated that the company will build up \$50-100M of inventory in Q2"); see also Barclays Equity Research, dated Jun. 23, 2016 (Ex. 28) at 1 (discussing Arista's stockpiled inventory in the United States);

Goldman Sachs Global Investment Research, dated Jun. 20, 2016 (Ex. 29) at 6 (discussing Arista's United States inventory).)

8.6 U.S. Customs records further confirm that Arista has stockpiled inventory of switches and components through importation into the United States from overseas. (*See, e.g.,* Customs Documentation (Ex. 30) (including five shipments in Q2 2016 between Hon Hai Precision (Foxconn) to Arista Networks, Inc., in the United States including shipments of "electronic board" and "computer main board."); Arista Networks, Inc. Form 10-K, dated Feb. 25, 2016 (Ex. 31) at 12.) Cisco expects that discovery will reveal additional specific acts by Arista that violate the Limited Exclusion Order and the Cease and Desist Order with respect to the Covered Products.

8.7 Cisco's requested relief will not adversely affect the public interest. The networking market is highly competitive and fast-moving, and has undergone periods of rapid growth and innovation. Arista identifies at least seven other companies as its direct competitors: Cisco, Brocade Communications Systems, Dell, Hewlett-Packard, Juniper Networks, IBM, and VMWare. (Arista Networks, Inc. Form 10-K, dated Feb. 25, 2016 (Ex. 31) at 36.)

8.8 Arista's public securities filings demonstrate that it is aware of the Cease and Desist Order and the penalties it may face if the redesign is confirmed to infringe:

Cisco may also seek to enforce the Limited Exclusion Order and/or Cease and Desist Order issued in the 944 Investigation by filing for an enforcement action at the USITC. The same would be true if such orders are issued in the 945 Investigation. In such a proceeding, we would need to demonstrate that our technical design-arounds render our products non-infringing or otherwise outside the scope of the Limited Exclusion Order or Cease and Desist Order. If we are unable to do so then *any product shipments after the effective date of the Limited Exclusion Order or Cease and Desist Order (whether from existing imported inventory or from products assembled from foreign sourced components) could be subject to significant civil penalties, potential seizure of that inventory which was found to have an ineffective technical design-around,*

and an order prohibiting the importation of further products until we implement additional technical design-arounds.

(Arista Networks, Inc., Form 10-Q, dated Aug. 4, 2016 (Ex. 6) at 16.) Arista has been given actual notice of its violation of the Cease and Desist Order, and its continued infringement of the '537 Patent, by Cisco's service of this Complaint on Arista at the time of filing with the Commission.

IX. APPROPRIATE RELIEF

9.1 WHEREFORE, by reason of the foregoing, Cisco respectfully requests that the United States International Trade Commission:

- (a) Institute a formal enforcement proceeding, pursuant to 19 C.F.R. § 210.75, to confirm the violation of the Cease and Desist Order, including as described herein;
- (b) Expedite the proceeding and promptly refer this matter to an Administrative Law Judge for issuance of an Initial and Final Determination on the issues of the enforcement violation and remedy requested;
- (c) Direct the Administrative Law Judge to:
 - (1) Permit a necessary and expedited period for fact discovery on Arista's continued violations Cease and Desist Order;
 - (2) Hold a hearing; and
 - (3) Issue a Final Determination on Enforcement as soon as practicable; and
- (d) After the enforcement proceeding, in the event the Commission determines that there has been a violation of the Commission's Cease and Desist Order, provide the following remedies:

- (1) Enforce the Cease and Desist Order pursuant to 19 U.S.C. § 1337(f) and 19 C.F.R. § 210.75, prohibiting Arista Networks, Inc. and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, from engaging in illegal activities;
- (2) Modify the Commission's Limited Exclusion Order and/or Cease and Desist Order pursuant to 19 C.F.R. 210.75(b)(4) in any manner that would assist in the prevention of the unfair practices that were originally the basis for issuing such Order or assist in the detection of violations of such Order;
- (3) Impose the maximum statutory civil penalties for violation of the Commission's Cease and Desist Order (including monetary sanctions for each day's violation of the Cease and Desist Order of the greater of \$100,000.00 or twice the domestic value of the articles entered or sold, whichever is higher) against Arista and any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors and assigns found to be in violation of the Cease and Desist Order;
- (4) Bring a civil action in an appropriate United States District Court pursuant to 19 C.F.R. § 210.75(c) and 19 U.S.C. § 1337(f) requesting collection of

such civil penalties and the issuance of a mandatory injunction preventing further violation of Cease and Desist Order; and

- (5) Impose such other remedies and sanctions as are appropriate and within the Commission's authority.

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Respectfully submitted,



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