

US INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-944

LIMITED EXCLUSION ORDER

The United States International Trade Commission (“Commission”) has determined that there is a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the unlawful importation, sale for importation, or sale within the United States after importation by Respondents Arista Networks, Inc. (“Arista” or “Respondent”) of certain network devices, related software and components thereof that infringe one or more of claims 1, 2, 8-11, and 17-19 of U.S. Patent No. 7,162,537 (“the ’537 patent”); claims 6, 7, 20, and 21 of U.S. Patent No. 6,741,592 (“the ’592 patent”); and claims 5, 7, 45, and 46 of U.S. Patent No. 7,200,145 (“the ’145 patent”).

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, public interest, and bonding. The Commission has determined that an appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of network devices, related software and components thereof manufactured by or on behalf of Respondent or its affiliated companies, parents, subsidiaries, licensees, or other related business entities, or their successors or assigns.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude the issuance of the limited exclusion order.

During the Presidential review period, the Commission has further determined to set a zero bond for the network devices, related software and components thereof that are manufactured by, for, or on behalf of Arista.

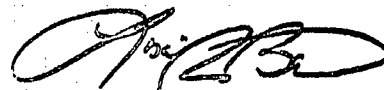
Accordingly, the Commission hereby **ORDERS** that:

1. 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.
2. Notwithstanding paragraph 1 of this Order, the aforesaid network devices, related software and components thereof are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption under zero bond by, for, on or behalf of Arista pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337(j)), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43251), from the day

after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order.

3. At the discretion of U.S. Customs and Border Protection (“CBP”) and pursuant to the procedures it establishes, persons seeking to import network devices, related software and components thereof that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses to substantiate the certification.
5. In accordance with 19 U.S.C. § 1337 (l), the provisions of this Order shall not apply to network devices, related software and components thereof that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.
6. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).
7. The Secretary shall serve copies of this Order upon each party of record in this investigation.
8. Notice of this Order shall be published in the Federal Register.

By order of the Commission.

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

Lisa R. Barton
Secretary to the Commission

Issued: June 23, 2016

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, Andrew Beverina, Esq., and the following parties as indicated, on **June 23, 2016**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
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On Behalf of Complainant Cisco Systems, Inc.:

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- Via Express Delivery
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On Behalf of Respondent Arista Networks, Inc.:

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