

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-945

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO
CERTAIN PATENT CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 38) of the presiding administrative law judge (“ALJ”) terminating the investigation as to the following patent claims: (1) claims 48-49, 51-52, 56, and 59-60 of U.S. Patent No. 7,023,853 (“the ’853 patent”); (2) claims 5, 8, 12-14, 16, 18-21, and 25 of U.S. Patent No. 6,377,577 (“the ’577 patent”); (3) claims 11, 13, and 15 of U.S. Patent No. 7,061,875 (“the ’875 patent”); (4) claims 3, 6, 15-17, 19-24, 26-28, 31, 33, 35, 38-42, 48-49, 51-55, 57-60, 62-63, 67, and 69-72 of U.S. Patent No. 7,224,668 (“the ’668 patent”); (5) claims 2, 9-14, and 17-18 of U.S. Patent No. 7,460,492 (“the ’492 patent”); and (6) claims 7, 9, 18, and 20 of U.S. Patent No. 8,051,211 (“the ’211 patent”).

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 27, 2015, based on a complaint filed by Cisco Systems, Inc. of San Jose, California. 80 *Fed. Reg.* 4313-14. The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of the ’853, ’577, ’492, ’875, ’668, and ’211 patents. The complaint further alleged the existence of a domestic industry.

The Commission's notice of investigation named Arista Networks, Inc. of Santa Clara, California as the sole respondent. The Office of Unfair Import Investigations is participating in the investigation.

On October 23, 2015, complainant filed an unopposed motion for partial termination of the investigation based on withdrawal of its allegations of infringement with respect to the above-identified patent claims.

On October 27, 2015, the ALJ issued the subject ID (Order No. 38) granting complainant's motion for partial termination and finding that the motion for partial termination satisfies Commission Rule 210.21(a)(1). The ALJ issued corrected IDs on October 29 and November 10, 2015, neither of which made any changes to the terminated patent claims. No party petitioned for review.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210.

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: November 18, 2015