

**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)**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION EXTENDING THE TARGET DATE**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review not to review an initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) extending the target date to September 4, 2018.

**FOR FURTHER INFORMATION CONTACT:** Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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 the underlying investigation on January 27, 2015, based on a complaint filed on behalf of Cisco Systems, Inc. (“Complainant”) of San Jose, California. 80 FR 4314-15 (Jan. 27, 2015). The complaint was filed on December 19, 2014 and a supplement was filed on January 8, 2015. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain network devices, related software and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,162,537 (“the ’537 patent”); U.S. Patent No. 8,356,296 (“the ’296 patent”); U.S.

Patent No. 7,290,164; U.S. Patent No. 7,340,597; U.S. Patent No. 6,741,592 (“the ’592 patent”); and U.S. Patent No. 7,200,145 (“the ’145 patent”), and alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The ’296 patent was withdrawn from the investigation. The complaint named Arista Networks, Inc. (“Arista”) of Santa Clara, California as the respondent. A Commission investigative attorney is participating in the investigation.

On June 23, 2016, the Commission found that a Section 337 violation had occurred as to the ’537, ’592, and ’145 patents and issued a cease and desist order (“CDO”) against Arista and a limited exclusion order. 81 FR 42375-76 (June 29, 2016).

The Commission instituted this enforcement proceeding on October 4, 2016, based on a complaint filed on behalf of Cisco. 81 FR 68455 (Oct. 4, 2016). The complaint alleges that Arista violated the June 23, 2016 CDO based on infringement of the ’537 patent.

On June 20, 2017, the ALJ issued his final enforcement ID finding no violation of the CDO. On August 4, 2017, the Commission determined to review the enforcement ID in its entirety and remanded the investigation to the ALJ to consider numerous issues and to set a new target date for completion of the investigation.

On August 25, 2017, the ALJ issued an ID setting the target date as September 4, 2018. No petitions for review were filed.

The Commission has determined not to review the subject 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.



Lisa R. Barton  
Secretary to the Commission

Issued: September 18, 2017