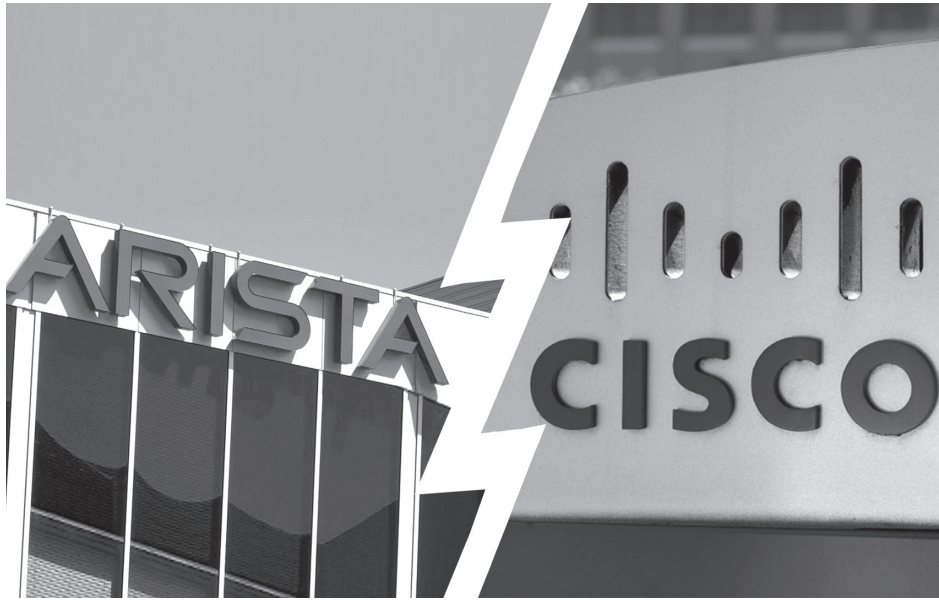


## FROM THE COURTS

# Cisco, Arista Settle IP, Antitrust Disputes With Arista Paying \$400M



JASON DOIY

Cisco Systems and Arista Networks also pledged in a joint statement to bring no new intellectual property litigation related to existing products for five years and to arbitrate any disputes over new products.

by Scott Graham

Networking giant Cisco Systems Inc. has reached a \$400 million settlement in its wide-ranging, 3-year-old intellectual property dispute with Arista Networks Inc.

With opening statements in Arista's antitrust countersuit just hours away Monday in San Jose, the parties announced a nearly global settlement for litigation over Ethernet switches that spans federal court, the U.S. International Trade Commission and the Patent Trial and Appeal Board.

The parties pledged in a joint statement to bring no new IP litigation related to existing products for five years and to arbitrate any disputes over new products. In addition to the \$400 million payment, Arista agreed to maintain the product modifications required by previous ITC rulings and make "limited changes to further differentiate its user interfaces from Cisco's."

"Cisco and Arista have come to an agreement which resolves existing litigation and demonstrates their commitment to the principles of IP protection," the statement said.

Cisco will continue to pursue its appeal of the "scenes a faire" decision that excused a 2016 jury finding that Arista infringed Cisco's copyright of its command line interface, which is used to configure and manage networking equipment.

The settlement provides a substantial measure of vindication to Cisco, which has loudly complained of "brazen misappropriation" of IP by former Cisco executives who left to start Arista. Cisco general counsel Mark Chandler chronicled the litigation on his blog. Those posts giving rise to Arista's antitrust action scheduled for trial Monday, with Arista arguing that Cisco had improperly used bogus litigation to scare customers away from Arista.

Cisco won some early skirmishes at the ITC. The commission found "a culture of copying" at Arista and excluded imports of some infringing switches. But Arista managed to design around some of those orders, and the Patent Trial and Appeal Board invalidated

many of Cisco's patent claims. The big blow against Cisco came last year when a jury in Freeman's court found that Arista had copied Cisco's interface, but that the CLI was uncopyrightable because it was based on widely accepted programming practices in the computer industry. Both sides appealed, with the Federal Circuit hearing arguments June 6.

Arista, meanwhile, escapes any potential damages for patent infringement that occurred before it designed around the Cisco patents, and can continue competing against Cisco. Cisco's district court patent infringement had been set to begin before U.S. District Judge Jeffrey White of the Northern District of California once the ITC proceedings wound to conclusion.

In the trial set to begin Monday, Arista alleged Cisco monopolized or attempted to monopolize several markets for Ethernet switches. Arista contended that Cisco encouraged customers and competitors to adopt its command line interface for years, making it the industry standard for configuring and managing networking equipment, including switches.

When Arista began mounting a serious competitive threat, Cisco sued in December 2014 for infringing its IP rights in the CLI. Chandler declared on his blog that "the patented and copyrighted Cisco features and implementations being used by Arista are not industry standards."

Lawsuits by themselves are protected activity that generally cannot form the basis for antitrust litigation. But Arista alleged that Cisco sales staff had circulated Chandler's blog post, and subsequent posts about developments at the International Trade Commission, to sow fear and uncertainty among Arista customers. Arista claimed to have suffered as much as \$161 million in lost sales, though pre-trial rulings appeared to place some obstacles in the way of Arista's damages case.

**Scott Graham focuses on intellectual property and the U.S. Court of Appeals for the Federal Circuit. Contact him at [sgraham@alm.com](mailto:sgraham@alm.com).**



## CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Council Zoning Hearing** on **Wednesday, August 22, 2018 beginning at 6:00 PM**, to consider the following amendment to Section 53-184(e) "Zoning Workshop" to provide for issuance of courtesy notices to property owners and Homeowner Associations within a 500-foot radius from the property. The City Council will consider this item for **FIRST READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166**.

The City of Doral proposes to adopt the following Ordinance:

**ORDINANCE No. 2018-16**

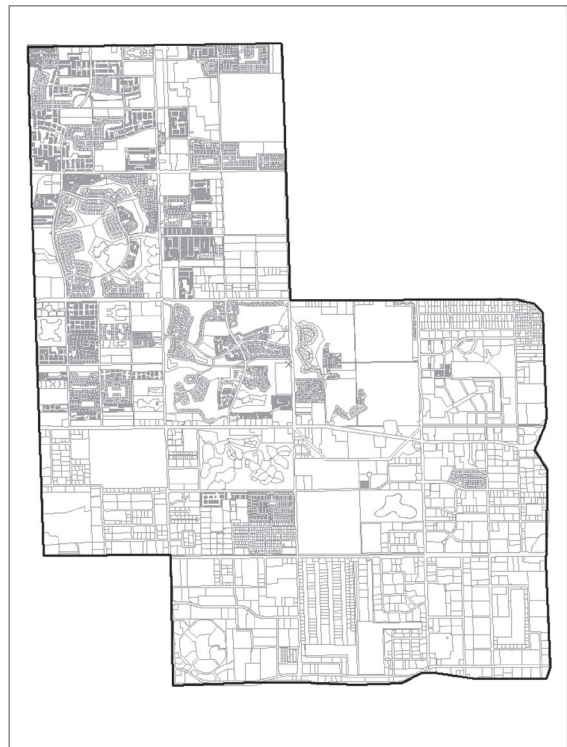
**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING AN AMENDMENT TO SECTION 53-184(e), "ZONING WORKSHOP" OF THE LAND DEVELOPMENT CODE, TO PROVIDE FOR ISSUANCE OF COURTESY NOTICES TO PROPERTY OWNERS AND HOMEOWNER ASSOCIATIONS WITHIN A 500-FOOT RADIUS FROM THE PROPERTY; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 18-08-DOR-04

**APPLICANT:** City of Doral

**REQUEST:** Amendment to Section 53-184(e) "Zoning Workshop" to provide for issuance of courtesy notices to property owners and Homeowner Associations within a 500-foot radius from the property.

**Location Map**



Information relating to the subject application is on file and may be examined in the City of Doral, Planning and Zoning Department Located at **8401 NW 53rd Terrace, Doral, FL. 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL. 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

**NOTE:** If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide interpretation services during the zoning application process or during any quasi-judicial proceeding.

**NOTA:** Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento durante el proceso de solicitudes de zonificación.

Connie Diaz, CMC  
City Clerk  
City of Doral  
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