

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,  
DELL TECHNOLOGIES INC., DELL INC., and  
ARISTA NETWORKS, INC.  
Petitioner,

v.

CORRIGENT CORPORATION,  
Patent Owner.

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IPR2023-00169  
IPR2023-00515  
Patent 7,330,431 B2

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Before NATHAN A. ENGELS, CHRISTOPHER L. OGDEN, and  
BRENT M. DOUGAL, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

ORDER  
Consolidation of Proceedings  
35 U.S.C. § 315(d); 37 C.F.R. § 42.122(a)

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In separate decisions, we instituted *inter partes* review in the above-listed proceedings. *See* IPR2021-00169, Paper 10 (PTAB July 6, 2023, 2023); IPR2021-00515, Paper 7 (PTAB Aug. 4, 2023). The two proceedings involve the same patent, similar prior art, and largely the same arguments. Cisco Systems, Inc., Dell Technologies Inc., and Dell Inc. (“Cisco and Dell”) are Petitioners in the first proceeding, while Arista Networks, Inc. (“Arista”) is Petitioner in the second proceeding.

In the second instituting decision, we determined that the IPR2023-00515 Petition “is substantially duplicative of the IPR2023-00169 [P]etition,” and we noted that the similarity between the two cases “minimizes the impact on the Board’s resources, particularly if we were to consolidate the two cases under 35 U.S.C. § 315(d) and Arista takes a subordinate role as to any overlapping issues between the two cases, as Arista suggests.” IPR2021-00515, Paper 7 at 15.

By email dated August 18, 2023, the parties jointly proposed a consolidation plan as follows:

IPR2023-00515 (Arista’s IPR proceeding) will be consolidated into IPR2023-00169 (the Cisco and Dell IPR proceeding). Arista’s petition and exhibits 1020-1034 will be filed in IPR2023-00169 and the grounds of unpatentability in IPR2023-00515 will be incorporated into IPR2023-00169 as Ground 5 through Ground 8. Counsel for Dell, Cisco and Arista will be a joint petitioners’ group, that will submit joint filings. Counsel for Dell and Cisco will lead the joint petitioners’ group.

Patent Owner has stipulated that it will not be filing a motion to amend.

The parties propose the following amendments to the schedule for IPR2023-00169:

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| Filing                    | Current Due Date   | Proposed Due Date |
|---------------------------|--------------------|-------------------|
| Patent Owner Response     | September 28, 2023 | October 19, 2023  |
| Petitioner's Reply        | December 21, 2023  | January 25, 2024  |
| Patent Owner's Sur-Reply  | February 1, 2024   | March 7, 2024     |
| Request for oral argument | February 22, 2024  | March 14, 2024    |

The parties propose the following increases in the wordcount limit for the parties' main papers. Patent Owner Response will be increased from 14,000 to 18,000 words. The word limit for Petitioners' Reply will be increased from 5,600 to 7,200 words. The word limit for Patent Owner's Sur-Reply will be increased from 5,600 to 7,200 words.

Ex. 3001.

We find the joint proposal reasonable and fair. Thus, to secure just, speedy, and inexpensive resolution of both proceedings, and to administer the proceedings efficiently, we exercise our authority to consolidate the trial of IPR2023-00515 with the trial of IPR2023-00169. *See* 37 C.F.R.

§§ 42.1(b), 42.122(a).

Accordingly, it is

ORDERED that, the trial of IPR2023-00515 is consolidated with the trial of IPR2023-00169, and a copy of this Order is filed in both cases;

FURTHER ORDERED that all future filings in the consolidated proceeding are to be made only in IPR2023-00169;

FURTHER ORDERED that Petitioners from both proceedings will collectively be a joint Petitioner's group led by counsel for Cisco and Dell, and will submit joint filings;

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FURTHER ORDERED that the consolidated trial will proceed on all grounds of unpatentability asserted in the petitions filed in IPR2023-00169 and IPR2023-00515, which are as follows:

| <b>Claim(s) Challenged</b> | <b>35 U.S.C. §</b> | <b>Reference(s)/Basis</b>                          |
|----------------------------|--------------------|----------------------------------------------------|
| 1–4, 7–9, 11, 25, 26       | 103(a)             | Baker, Wright                                      |
| 5, 10, 12–16, 18–24, 27–30 | 103(a)             | Baker, Wright, Holender                            |
| 6                          | 103(a)             | Baker, Wright, Zheng                               |
| 17                         | 103(a)             | Baker, Wright, Holender, Zheng                     |
| 1–5, 7–11, 25, 26          | 103(a)             | Baker, Wright, Holender '669                       |
| 12–16, 18–24, 27–30        | 103(a)             | Baker, Wright, Holender '669, Holender '894        |
| 6                          | 103(a)             | Baker, Wright, Holender '669, Zheng                |
| 17                         | 103(a)             | Baker, Wright, Holender '669, Holender '894, Zheng |

FURTHER ORDERED that the case caption in IPR2021-00169 is changed to reflect its consolidation with IPR2023-00515, substantially according to the attached example;

FURTHER ORDERED that, within ten (10) business days of the entry of this Order, Arista must file in IPR2023-00169 the following papers from IPR2023-00515: (a) its Petition (IPR2023-00515, Paper 1), (b) a new Power of Attorney applicable for Arista in IPR2023-00169, and (c) Exhibits 1020–1034.

FURTHER ORDERED that DUE DATE 1 of the Scheduling Order (IPR2023-00169, Paper 11) is changed from September 28, 2023 to October 19, 2023;

FURTHER ORDERED that DUE DATE 2 of the Scheduling Order is changed from December 21, 2023 to January 25, 2024;

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FURTHER ORDERED that DUE DATE 3 of the Scheduling Order is changed from February 1, 2024 to March 7, 2024;

FURTHER ORDERED that DUE DATE 4 of the Scheduling Order is changed from February 22, 2024 to March 14, 2024; and

FURTHER ORDERED that the word count limitations are modified as follows: (a) the limit for the Patent Owner Response will be increased from 14,000 to 18,000 words, (b) the limit for Petitioners' Reply will be increased from 5,600 to 7,200 words, and (c) the limit for Patent Owner's Sur-Reply will be increased from 5,600 to 7,200 words.

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