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Paper 10
Date: June 12, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

ARISTA NETWORKS, INC.,
Petitioner,

v.

ORCKIT CORPORATION,
Patent Owner.

IPR2024-01238
Patent 8,830,821 B2

Before COKE MORGAN STEWART, *Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.*

ORDER

Arista Networks, Inc. ("Petitioner") filed a request for Director Review of the Decision denying institution ("Decision," Paper 7) in the above-captioned case, and Orckit Corporation ("Patent Owner") filed an authorized response. *See* Papers 8, 9.

Having considered the request and the response, the Decision warrants review by a Delegated Rehearing Panel ("DRP"). Accordingly, Director Review of the Decision is delegated to a DRP to review the Decision and determine whether the Board misapprehended or overlooked any issue, including: (1) whether the Board's construction of the limitation "digital logic . . . configured to determine a probability of concurrent failure of said working entity and said protection entity" in claim 14 was correct; (2) whether the Board properly considered Petitioner's argument that Ashwood Smith[1] teaches this limitation; and (3) if Ashwood Smith does teach this limitation, whether discretionary denial is warranted based on Patent Owner's arguments under 35 U.S.C. § 325(d).

Absent good cause, the DRP shall issue a decision within 30 days of this Order.

Accordingly, it is:

ORDERED that the request for Director Review is delegated to a DRP.

[1] WO 2004/068799 A1, pub. Aug. 12, 2004 (Ex. 1037).

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