UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARISTA NETWORKS, INC.,

Petitioner,

v.

ORCKIT CORPORATION,

Patent Owner.

Case No. IPR2024-01238
U.S. Patent No.: 8,830,821 B2

JOINT MOTION TO TERMINATE *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,830,821 UNDER 35 U.S.C. § 317 AND 37 C.F.R. § 42.72

Submitted Electronically

PETITIONER'S EXHIBIT LIST

Ex[No.]	Description of Documents
1001	U.S. Patent No. 8,830,821 ("'821 Patent") to Cohn et al.
1002	Prosecution File History of the '821 Patent
1003	Declaration of Dr. Paul Min under 37 C.F.R. § 1.68
1004	Reserved
1005	U.S. Patent Application Publication No. 2004/0205239 by Doshi ("Doshi")
1006	"Definitive MPLS Network Designs," by Guichard Cisco Press, 2005 ("Guichard")
1007	U.S. Patent Publication No. 2003/0117950 to Huang ("Huang")
1008	"MATE: MPLS Adaptive Traffic Engineering" by Elwalid et al., IEEE, 2001
1009	"Traffic Engineering with MPLS," by Osborne et al., Cisco Press, 2003
1010	"Fast Network Re-optimization Schemes for MPLS and Optical Networks" by Bhatia et al., 2006
1011	RFC 3209
1012	Complaint, *Orckit Corporation v. Arista Networks, Inc.*, Civil Action No. 1:23-cv-00821 (D. Del., Jul. 28, 2023)
1013	Federal Court Statistics
1014	Stipulation and Order to Stay Action, *Orckit Corporation v. Arista Networks, Inc.*, Civil Action No. 1:23-cv-00821 (D. Del., Dec. 4, 2023)
1015	Katherine K. Vidal, Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation (June 21, 2022)

Ex[No.]	Description of Documents
1016	U.S. Patent Publication No. 2008/0155257
1017	U.S. Patent No. 7,624,142
1018	U.S. Patent Publication No. 2006/0015781
1019	Definitive MPLS Network Designs Guichard, Copyright Public Record(s)
1020	Definitive MPLS Network Designs Guichard, Library of Congress Record(s)
1021	Internet Archive Affidavit, Definitive MPLS Network Designs (Guichard)
1022	RFC 3272
1023	"Multiprotocol Label Switching (MPLS) Traffic Engineering," Cisco IOS Release 12.0(5)
1024	IETF "Multiple Metrics for Traffic Engineering with IS-IS and OSPF," Fedyk et al.
1025	U.S. Patent Publication No. 2011/0141877 to Xu et al., ("Xu")
1026	U.S. Patent No. 5,699,403 to Ronnen ("Ronnen")
1027	RFC 2026
1028	U.S. Patent No. 8,102,774
1029	U.S. Patent Publication No. 2007/0201513
1030	RFC 3469
1031	U.S. Patent No. 6,980,906
1032	U.S. Patent No. 7,502,884
1033	U.S. Patent No. 7,197,418

Ex[No.]	Description of Documents
1034	U.S. Patent Publication No. 2006/0250948
1035	U.S. Patent Publication No. 2007/0047469
1036	U.S. Patent Publication No. 2006/0291391
1037	WO 2004/068799 by Ashwood Smith ("Ashwood Smith")
1038	Declaration of Sylvia D. Hall-Ellis
1039	Confidential Settlement Agreement

Pursuant to 35 U.S.C. § 317(a), 37 C.F.R. § 42.72, and 37 C.F.R. § 42.74, Petitioner Arista Networks, Inc. ("Arista") and Patent Owner Orckit Corporation ("Orckit") (collectively, the "Parties") jointly move to terminate the above-captioned *inter partes* review proceeding pursuant to the Parties' settlement of their dispute related to the challenged patent, U.S. Patent No. 8,830,821 B2 (the "'821 Patent"). This joint motion was authorized by the Board in its email dated November 4, 2025.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), Petitioner and Patent Owner submit concurrently herewith a true and correct copy of the Confidential Settlement Agreement governing the resolution of this *inter partes* review and the underlying litigation. *See* Exhibit 1039. There are no other agreements, written or oral, between the Parties made in connection with, or in contemplation of, the termination of this proceeding.

The parties are concurrently filing a joint request that the Confidential Settlement Agreement be treated as business confidential information, be kept separate from the file of the involved patent, and be made available only to Federal Government agencies on written request, or to any person on a showing of good cause pursuant to 35 U.S.C. § 42.74(c). In view of that request, Exhibit 1039 has been filed as available to "Parties and Board Only."

I. ARGUMENT

A joint motion to terminate generally must "(1) include a brief explanation as to why termination is appropriate; (2) identify all parties in any related litigation involving the patents at issue; (3) identify any related proceedings currently before the Office; and (4) discuss specifically the current status of each such related litigation or proceeding with respect to each party to the litigation or proceeding." *Heartland Tanning, Inc. v. Sunless, Inc.*, IPR2014-00018, Paper 26 at 2 (P.T.A.B. July 28, 2014).

a. Brief Explanation as to Why Termination Is Appropriate

Good cause exists to terminate this proceeding. "The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding." Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019) at 86; *see also id.* ("There are strong public policy reasons to favor settlement between the parties to a proceeding."); 35 U.S.C. § 317(a) ("An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed"). Here, the Parties respectfully submit that termination is appropriate because they have reached an agreement that resolves all disputes between the Parties involving the '821 Patent at issue in the above-

captioned *inter partes* review and the Board has not issued an institution decision on remand (*see* Paper 14), a final written decision, or decided the merits of the proceeding. *See* EX1039. The Parties agree that neither Petitioner nor Patent Owner will be prejudiced by termination of this proceeding. Terminating the proceeding now would serve the interests of judicial economy as well as the mutual interest of the parties.

Pursuant to 37 C.F.R. § 42.74(b), the Parties acknowledge that, as of the filing of this Motion, Exhibit 1039 represents the entire agreement or understanding between the Parties made in connection with, or in contemplation of, the termination of this proceeding, and further, that Exhibit 1039 is a true and accurate copy of the agreement between the Parties that resolves the present proceeding. The Parties certify that there are no other written or oral agreements or understandings, including any collateral agreements, between them, including but not limited to licenses, covenants not to sue, confidentiality agreements, payment agreements, or other agreements of any kind that have been made in connection with or in contemplation of the termination of the instant proceeding.

b. Identification of Parties and Status of Litigation

The underlying district court litigation between the Parties, captioned *Orckit Corporation v. Arista Networks, Inc.*, No. 1:23-cv-00821 (D. Del.), is stayed and will be dismissed by stipulation pursuant to the Parties' Confidential Settlement

Agreement. Patent Owner is the plaintiff in the district court litigation. Petitioner is the named defendant in the district court litigation and the only Petitioner in this proceeding, meaning that this proceeding can be terminated in its entirety pursuant to this motion.

The ’821 Patent is at issue in other litigation not involving Arista. In particular, the ’821 Patent is at issue in *Orckit Corporation v. Juniper Networks Inc.*, Case No. 1-23-cv-00822 (D. Del.), which is currently stayed pending the outcome of another *inter partes* review involving the Parties (IPR2024-01239), which the Parties are also jointly moving to terminate as discussed further below. *See Orckit Corporation v. Juniper Networks Inc.*, No. 1-23-cv-00822, Dkt. 18, 19 (D. Del.) (Apr. 7, 2025). The ’821 Patent is also at issue in *Orckit Corporation v. Cisco Systems, Inc.*, Case No. 2-25-cv-00181 (E.D. Tex.), which is pending. At least because Arista is not a party to the other pending litigations involving the ’821 Patent, and because the Parties have settled their dispute regarding the ’821 Patent, the Parties respectfully submit that termination of this proceeding is appropriate.

c. Identification and Status of Proceedings Before the USPTO

The Parties have now resolved their dispute and reached agreement to terminate this proceeding as well as *inter partes* review proceeding IPR2024-01239 (concerning U.S. Patent No. 10,652,111). The Parties are also jointly moving to terminate IPR2024-01239. The USPTO can conserve its resources by terminating

now, removing the need for the Board to further consider the arguments and to render a Final Written Decision.

Therefore, for the foregoing reasons, the parties jointly and respectfully request termination of the present proceeding, IPR2024-01238, without prejudice to either party.

Respectfully submitted,

Date: November 4, 2025

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 42.6(e), the undersigned certifies that on November 4, 2025, a complete and entire copy of the **JOINT MOTION TO TERMINATE INTER PARTES REVIEW OF U.S. PATENT NO. 8,830,821 UNDER 35 U.S.C. § 317 AND 37 C.F.R. § 42.72** and Exhibit 1039 were served on Patent Owner via email at the following correspondence addresses:

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