

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 REQUEST TO FILE SETTLEMENT AGREEMENT AS
BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO
35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)**

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, <i>Orckit Corporation v. Arista Networks, Inc.</i> , Civil Action No. 1:23-cv-00821 (D. Del., Jul. 28, 2023)
1013	Federal Court Statistics
1014	Stipulation and Order to Stay Action, <i>Orckit Corporation v. Arista Networks, Inc.</i> , 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(b) and 37 C.F.R. § 42.74(c), and the Board's authorization via email on November 4, 2025, Petitioner Arista Networks, Inc. ("Petitioner" or "Arista") and Patent Owner Orckit Corporation ("Patent Owner" or "Orckit") hereby jointly request that the true copy of their Confidential Settlement Agreement, filed concurrently herewith as Exhibit 1039, be treated as business confidential information and be kept separate from the file of the involved patent. Pursuant to 37 C.F.R. § 42.74(b), Exhibit 1039 is the entire agreement or understanding between the parties made in connection with, or in contemplation of, the termination of this proceeding, and further, Exhibit 1039 is a true and accurate copy of the agreement between the parties that resolves the present proceeding. Concurrently with the filing of this Request, the parties are filing a Joint Motion to Terminate the above-captioned *inter partes* review.

The parties consider the Confidential Settlement Agreement to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed. As such, the parties hereby jointly request that the Confidential Settlement Agreement be treated as business confidential information, be kept as a separate paper 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. § 317(b) and 37 C.F.R. § 42.74(c). The parties further jointly request that in the event a person or entity

makes a request for access to the Confidential Settlement Agreement, that such written request be served upon the parties on the day the request is provided to the Board.

Respectfully submitted,

Date: November 4, 2025

By: /Eliot D. Williams/

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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 REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)** and Exhibit 1039 were served on Patent Owner via email at the following correspondence addresses:

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Date: November 4, 2025

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