

CISCO SYSTEMS, INC. v. INTERNATIONAL TRADE COMMISSION, Appeal Nos. 2016-2563, -2539 (Fed. Cir. September 27, 2017). Before Reyna, Schall and Wallach. Appealed from International Trade Commission.

Background:

Cisco filed a complaint with the International Trade Commission (ITC) alleging that network switches, and related software and components of the switches, which were imported by Arista Networks, Inc. ("Arista"), infringed six of its patents. The relevant claim language of the patents recites a database system and router configuration data, as follows:

said router configuration data managed by said database system and derived from configuration commands supplied by a user and executed by a router configuration subsystem *before being stored in said database*. (Emphasis added).

The ITC determined that "being stored in the database," as recited in the claims, requires the storage of "router configuration data" as opposed to "configuration commands supplied by a user." Based on this claim construction, the ITC determined that Arista's switches infringed three of Cisco's six patents. Thus, the ITC entered an exclusion order, which excluded entry of Arista's switches, related software and components into the United States. Arista appealed the ITC's finding of infringement and the scope of the exclusion order. Cisco cross-appealed the ITC's finding that Arista did not infringe the remaining three of its six patents.

Issue/Holding:

Did the ITC conduct a proper claim construction of the "before being stored in the database" claim limitation? Yes, affirmed.

Discussion:

Arista challenged the ITC's claim construction on two grounds. First, Arista argued that "before being stored in the database" modifies the term "executed." Thus, Arista argued that the "configuration commands supplied by a user" constitutes what is "being stored." The Federal Circuit did not agree with this argument, and instead found that the claims and the specification support the ITC's finding, which requires storage of "router configuration data." In particular, claim 19 requires that the referenced database be "configured to store router configuration data," and does not require that the database be configured to store user-supplied commands. Similarly, the Federal Circuit found that the specification provides "ample support" for the ITC's claim construction.

Next, Arista argued that arguments presented by Cisco during patent prosecution should control the meaning of the claim language. During prosecution, Cisco argued that the applied art did not "disclose teach or otherwise suggest executing configuration commands before storing them in a database." However, when taken in context with various other statements made by Cisco during prosecution, the Federal Circuit found the prosecution history language to be too ambiguous to form a conclusion that user-supplied commands are required to be stored in the database. Thus, the Federal Circuit affirmed the ITC's decision.