

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMX, LLC,

Petitioner,

v.

CHRIMAR SYSTEMS, INC.,

Patent Owner.

Case IPR2016-00572 (Patent 9,049,019 B2)

Case IPR2016-00573 (Patent 9,019,838 B2)

**PATENT OWNER CHRIMAR SYSTEMS, INC.'S
PROPOSED DISCOVERY REQUESTS
UNDER 37 C.F.R. § 42.51(b)(2)**

Patent Owner Chrimar Systems, Inc. (“Chrimar”) requests that Petitioners AMX, LLC and Dell Inc. respond to the following interrogatories by providing complete answers, and respond to the following requests for production by producing the following documents and things.

INSTRUCTIONS

1. In responding to and producing documents and things responsive to these Requests, Petitioner is to comply with Federal Rules of Civil Procedure 26, 33, and 34, the applicable Patent Trial and Appeal Board rules, the Board’s relevant orders, and the instructions in the Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756 (Aug. 14, 2012).

2. If Petitioner is aware of any responsive documents but cannot produce them because they have been lost or destroyed or are no longer in Petitioner’s possession, custody, or control, Petitioner should identify those documents.

3. If Petitioner finds the meaning of any term in the Requests unclear, Petitioner should assume a reasonable meaning, state what the assumed meaning is, and produce documents and things on the basis of that assumed meaning.

DEFINITIONS

1. The term “documents” has the meaning set forth in Federal Rule of Civil Procedure 34, including, but not limited to, electronically stored information in the responding party’s possession, custody, or control.

2. The term “communications” means any transmittal of information, recognizing that Petitioners are not required or requested to produce an oral communication.

3. The term “Petitioners, ” “You,” or “Your” means AMX, LLC and/or Dell Inc. and includes any employees, agents, counsel, representatives, or others authorized to act on their behalf.

4. The term “Chrimar Litigation” means the litigations styled: *Chrimar Systems, Inc. d/b/a CMS Technologies and CMS Holding, LLC v. AMX*, Civil Action No. 6:15-cv-164 (E.D. Tex.); and/or *Chrimar Systems, Inc. d/b/a CMS Technologies and CMS Holding, LLC v. Dell, Inc. and Aerohive Networks, Inc.*, Civil Action No. 6:15-cv-639 (E.D. Tex.).

5. The term “These IPRs” means *AMX, LLC and Dell, Inc. v. Chrimar Systems, Inc.*, Case No. IPR2016-00569; *AMX, LLC. v. Chrimar Systems, Inc.*, Case No. IPR2016-00572; *AMX, LLC. v. Chrimar Systems, Inc.*, Case No. IPR2016-00573; and *AMX, LLC and Dell, Inc. v. Chrimar Systems, Inc.*, Case No. IPR2016-00574.

INTERROGATORIES

Interrogatory No. 1: Identify all third parties that You have communicated with regarding (1) any request for indemnification made by You; and/or (2) any request

for indemnification directed to You relating to the Chrimar Litigation or related matters as identified under §42.8(b)(2) (“Related Matters”) in These IPRs.

Interrogatory No. 2: Describe any steps or actions You have taken to prevent third parties, such as Your product vendors and co-defendants, from being deemed a real party-in-interest and/or privy for These IPRs.

Interrogatory No. 3: Identify any third party that has contributed, monetarily or otherwise, to the preparation or filing of These IPRs.

Interrogatory No. 4: Identify any third party that has a right to control (solely or in combination with others) any aspect of Your activities in These IPRs.

Interrogatory No. 5: Identify any third party for which You have a right to control (solely or in combination with others) any aspect of the third party’s activities in district court litigation involving the patents in These IPRs.

Interrogatory No. 6: Identify any third party to whom You have provided (or intend to provide) updates regarding the status of These IPRs or events that transpire in These IPRs.

REQUESTS FOR PRODUCTION

Request No. 1: All indemnity agreements involving the accused products in the Chrimar Litigation or Related Matters that are applicable or potentially applicable to patent infringement claims involving any one or more of the following U.S. Patents: U.S. Patent No. 8,942,107; U.S. Patent No. 9,049,019; U.S. Patent No. 9,019,838; or U.S. Patent No. 8,902,760.

Request No. 2: All agreements with any third party regarding These IPRs.

Request No. 3: All agreements with any third party regarding district court litigation involving U.S. Patent No. 8,942,107; U.S. Patent No. 9,049,019; U.S. Patent No. 9,019,838; or U.S. Patent No. 8,902,760.

Request No. 4: Documents or communications with any third party concerning the strategy and/or tactics related to these These IPRs, including but not limited to:

- (1) The decision to initiate an IPR challenge to U.S. Patent No. 8,942,107; U.S. Patent No. 9,049,019; U.S. Patent No. 9,019,838; or U.S. Patent No. 8,902,760;

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