

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMX, LLC and DELL INC.,  
Petitioner,

v.

CHRIMAR SYSTEMS, INC.,  
Patent Owner.

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Case IPR2016-00569 (Patent 8,942,107 B2)  
Case IPR2016-00574 (Patent 8,902,760 B2)<sup>1</sup>

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Before KARL D. EASTHOM, GREGG I. ANDERSON, and  
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

ORDER  
Authorizing Motion for Additional Discovery  
37 C.F.R. § 42.51(b)(2)

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<sup>1</sup> We exercise our discretion to issue this order in each case using a joint caption. Unless otherwise authorized, the parties are not permitted to use a joint caption.

IPR2016-00569 (Patent 8,942,107 B2)

IPR2016-00574 (Patent 8,902,760 B2)

## I. INTRODUCTION

On April 13, 2016, Judges Easthom, Anderson, and Weinschenk held a telephone conference call with counsel for AMX, LLC and Dell Inc. (collectively, “Petitioner”) and counsel for ChriMar Systems, Inc. (“Patent Owner”). A court reporter was present on the conference call. This order summarizes statements made during the conference call. A more complete record may be found in the court reporter’s transcript, which is to be filed by Patent Owner as an exhibit.

## II. ANALYSIS

Patent Owner requested authorization to file a motion for additional discovery relating to whether certain parties should have been identified by Petitioner as real parties in interest. During the conference call, Patent Owner argued, *inter alia*, that certain parties may be obligated to indemnify Petitioner in connection with an ongoing district court case, and, thus, may have funded, directed, or controlled the Petition. Petitioner argued that, even if such indemnification obligations exist, none of the identified parties funded, directed, or controlled the Petition. After hearing the respective positions of the parties, we authorized Patent Owner to file a motion for additional discovery of no more than 10 pages, due no later than April 20, 2016. We also authorized Petitioner to file an opposition to the motion of no more than 10 pages, due no later than April 27, 2016.

We directed Patent Owner to *Garmin Int’l, Inc. v. Cuozzo Speed Techs. LLC*, Case IPR2012-00001, slip op. at 6–16 (Paper 26) (PTAB Mar. 5, 2013), for an explanation of the factors that we consider in connection with a motion for additional discovery. Patent Owner should, *inter alia*, identify in its motion the discovery being requested and explain why the

IPR2016-00569 (Patent 8,942,107 B2)

IPR2016-00574 (Patent 8,902,760 B2)

discovery is necessary in the interest of justice, specifically identifying the evidence already in Patent Owner's possession tending to show beyond speculation that in fact something useful will be uncovered by the requested discovery. Patent Owner also should file as an exhibit any proposed written discovery requests.

### III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner's authorized motion for additional discovery under 37 C.F.R. § 42.51(b)(2) is due by April 20, 2016, and is limited to 10 pages;

FURTHER ORDERED that Petitioner's authorized opposition is due by April 27, 2016, and is also limited to 10 pages; and

FURTHER ORDERED that no reply is authorized.

IPR2016-00569 (Patent 8,942,107 B2)  
IPR2016-00574 (Patent 8,902,760 B2)

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