

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Dell Inc.,

Petitioner

v.

ChriMar Systems, Inc.,

Patent Owner

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,155,012**

Case No. IPR2016-00983

Mail Stop Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

LIST OF EXHIBITS

Number	Short Name	Description
1001	'012 patent	U.S. Patent No. 8,155,012
1002	Seifert Decl.	Declaration of Rich Seifert
1003	'012 Actions	List of Pending Civil Actions for U.S. Patent No. 8,155,012
1004	'260 patent	U.S. Patent No. 5,406,260
1005	'279 provisional	U.S. Provisional Application No. 60/081,279
1006	De Nicolo '468	U.S. Patent No. 6,115,468
1007	De Nicolo '666	U.S. Patent No. 6,134,666
1008	Baxter Depo.	Deposition transcript of Leslie Baxter
1009	Dist. Ct. Markman Order	Claim Construction Order in <i>Chrimar Systems, Inc. v. Alcatel-Lucent USA, Inc.</i> , No. 6:15-cv-00163-JDL, Dkt. 123 (E.D. Tex. Mar. 28, 2016).
1010	Baxter Dist. Ct. Decl.	District Court Declaration of Les Baxter, dated December 17, 2015
1011	Seifert Dist. Ct. Decl.	District Court Declaration of Rich Seifert, dated January 21, 2016
1012	De Nijs	U.S. Patent No. 5,568,525
1013	Chaudhry	U.S. Patent No. 5,790,363
1014	IEEE 802.3-1993	IEEE 802.3-1993 Standard
1015	IEEE 802.3l-1992	IEEE 802.3l-1992 Standard
1016	IEEE 802.3r-1996	IEEE 802.3r-1996 Standard
1017	Ethernet V1	The Ethernet: A Local Area Network (1980)

Number	Short Name	Description
1018	Chrimar MSJ Opp.	Chrimar Opposition to Motion for Summary Judgment in <i>Chrimar Systems, Inc. v. Alcatel-Lucent, Inc.</i> , No. 6:13-cv-00880-JDL, Dkt. 90 (E.D. Tex. Oct. 20, 2014)
1019	Gigabit Ethernet	Excerpt from Gigabit Ethernet, R. Seifert (1998)
1020	Joystick Pinout	Joystick PC Gameport Connector Pinout - All-Pinouts
1021	Seifert CV	Curriculum Vitae of Rich Seifert
1022	Seifert Materials	List of Materials Reviewed by Rich Seifert
1023	'012 Amendment	Chrimar's November 11, 2008, February 27, 2009, and March 25, 2011 '012 Patent Claim Amendments
1024	Standler	U.S. Patent No. 4,586,104
1025	IEEE 802.3-2000	IEEE 802.3-2000 Standard

TABLE OF CONTENTS

I.	Introduction.....	1
II.	Compliance with Requirements for <i>Inter Partes</i> Review	1
A.	Mandatory Notices (37 C.F.R. § 42.8(a)(1)).....	1
1.	Real Party-in-Interest (§ 42.8(b)(1)).....	1
2.	Related Matters (§ 42.8(b)(2))	1
3.	Designation of Lead and Back-up Counsel and Service Information (§§ 42.8(b)(3)-(4))	2
B.	Fee for <i>Inter Partes</i> Review (37 C.F.R. § 42.103).....	2
C.	Grounds for Standing (37 C.F.R. § 42.104(a))	3
III.	Relevant Background on the '012 Patent	3
A.	Level of Ordinary Skill	3
B.	Description of the Alleged Invention of the '012 Patent	3
C.	Priority Claims in the '012 Patent.....	5
D.	Priority Date of the '012 Patent.....	6
1.	The challenged claims are not entitled to the April 10, 1998 filing date of the '279 provisional.....	6
2.	Inventor testimony alone cannot establish an earlier invention date as a matter of law.	8
3.	The Boenke letters do not establish an invention date.	8
IV.	State of the Art.....	9
V.	Claim Construction.....	10
A.	“BaseT”	10
B.	“path coupled across”.....	11

C.	“wherein distinguishing information about the piece of Ethernet data terminal equipment is associated to impedance within the at least one path”	12
VI.	Identification of Challenge (37 C.F.R. § 42.104(b)) and Reasonable Likelihood that the Challenged Claims Are Unpatentable.....	15
A.	Ground 1: The challenged claims are obvious based on the De Nicolo references.....	16
1.	The De Nicolo References	16
2.	Reasons to Combine the De Nicolo References	17
3.	Independent Claim 31	19
a.	“An adapted piece of Ethernet data terminal equipment”	19
b.	“an Ethernet connector comprising a plurality of contacts”	21
c.	“at least one path coupled across selected contacts, the selected contacts comprising at least one of the plurality of contacts of the Ethernet connector and at least another one of the plurality of contacts of the Ethernet connector”	21
d.	“wherein distinguishing information about the piece of Ethernet data terminal equipment is associated to impedance within the at least one path”	23
4.	Dependent Claim 35: “wherein the impedance within the at least one path is part of a detection protocol”	24
5.	Dependent Claim 36: “wherein the piece of Ethernet data terminal equipment is a piece of BaseT Ethernet data terminal equipment”	25
6.	Dependent Claim 40: “wherein the at least one path comprises at least one resistor”	25

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.