

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. 9,019,838**

Case No. IPR2016-01151

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	'838 Patent	U.S. Patent No. 9,019,838
1002	Seifert Decl.	Declaration of Rich Seifert
1003	'838 Actions	List of Pending Civil Actions for U.S. Patent No. 9,019,838
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	IEEE 802.3-1993	IEEE 802.3-1993 Standard
1009	IEEE 802.3u-1995	IEEE 802.3u-1995 Standard
1010	IEEE 802.3-2000	IEEE 802.3-2000 Standard
1011	Baxter Depo.	Deposition transcript of Leslie Baxter
1012	Ethernet V1	The Ethernet: A Local Area Network (1980)
1013	Gigabit Ethernet	Excerpt from Gigabit Ethernet, R. Seifert (1998)
1014	PCnet-FAST	Am79C971 PCnet-FAST Hardware User's Manual
1015	Agilent Application Note	An Overview of the Electrical Validation of 10BASE-T, 100BASE-TX, and 1000BASE-T Devices
1016	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)

Number	Short Name	Description
1017	Seifert CV	Curriculum Vitae of Rich Seifert
1018	Seifert Materials	List of Materials Reviewed by Rich Seifert
1019	Am79C971	Am79C971 PCnet-FAST Preliminary Data Sheet
1020	'870 IDS	Information Disclosure Statement in File History of U.S. Patent No. 5,905,870
1021	'787 Patent	U.S. Patent No. 6,118,787
1022	Dist. Ct. Complaint	Second Amended Complaint in <i>Chrimar Systems, Inc. v. ADTRAN, Inc.</i> , No. 6:15-cv-00618-JDL, Dkt. 254 (E.D. Tex. Jan. 25, 2016)
1023	'107 Patent	U.S. Patent No. 8,942,107

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 (37 C.F.R. § 42.8(b)(1))	1
2.	Related Matters (37 C.F.R. § 42.8(b)(2))	1
3.	Designation of Lead and Back-up Counsel and Service Information (37 C.F.R. §§ 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 '838 Patent	3
A.	Level of Ordinary Skill	3
B.	Description of the Alleged Invention of the '838 Patent	4
C.	Priority Claims in the '838 Patent.....	5
D.	Priority Date of the '838 Patent.....	6
1.	The challenged claims are not entitled to the April 10, 1998 filing date of the '279 provisional.....	7
2.	Inventor testimony alone cannot establish an earlier invention date as a matter of law.	10
3.	The Boenke letters do not establish an invention date.	10
IV.	State of the Art.....	11
V.	Claim Construction.....	12
A.	“BaseT”	13
B.	“pairs of contacts”	14

VI.	Identification of Challenge (37 C.F.R. § 42.104(b)) and Reasonable Likelihood that the Challenged Claims Are Unpatentable.....	17
A.	Ground 1: The challenged claims are obvious based on the De Nicolo references.....	18
1.	The De Nicolo References	18
2.	Reasons to Combine the De Nicolo References	18
3.	Independent Claim 1	22
a.	“A central piece of network equipment”	22
b.	“at least one Ethernet connector comprising first and second pairs of contacts used to carry BaseT Ethernet communication signals”	24
c.	“the central piece of network equipment to detect different magnitudes of DC current flow via at least one of the contacts of the first and second pairs of contacts”	25
d.	“[the central piece of network equipment] to control application of at least one electrical condition to at least one of the contacts of the first and second pairs of contacts in response to at least one of the magnitudes of the DC current flow”	29
4.	Dependent Claim 2: “wherein the different magnitudes of DC current flow are part of a detection protocol”	31
5.	Dependent Claim 7: “wherein the central piece of network equipment to provide at least one DC current via at least one of the contacts of the first and second pairs of contacts and to detect distinguishing information within the DC current via the at least one of the contacts of the first and second pairs of contacts”	32
6.	Dependent Claim 26: “wherein the central piece of network equipment to distinguish one end device from	

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.