

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS INC.,
RUCKUS WIRELESS, INC.,
BROCADE COMMUNICATION SYSTEMS, INC.,
and NETGEAR, INC.,
Petitioners,

v.

CHRIMAR SYSTEMS, INC.,
Patent Owner.

Case IPR2016-01389¹
U.S. Patent No. 8,155,012 B2

**PATENT OWNER'S RESPONSE TO PETITIONS
FOR *INTER PARTES* REVIEW UNDER 37 C.F.R. § 42.220**

¹ Ruckus Wireless, Inc., Brocade Communication Systems, Inc. and Netgear, Inc. (“Ruckus et al.”) filed a petition in (now terminated) IPR2017-00790, and Ruckus et al. has been joined to the instant proceeding.

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Table of Authorities

Cases

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Gillette Co. v. S.C. Johnson & Son, Inc.,
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Kinetic Concepts, Inc. v. Smith & Nephew, Inc.,
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MasterImage 3D, Inc. v. RealD Inc.,
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Monarch Knitting Mach. v. Sulzer Morat GmbH,
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Stryker Corp. v. Karl Storz Endoscopy Am., Inc.,
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WBIP, LLC v. Kohler Co.,
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Statutes

35 U.S.C. § 10313

35 U.S.C. § 31613

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