

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 MOTION FOR OBSERVATIONS
ON CROSS-EXAMINATION OF IAN CRAYFORD**

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.

Patent Owner Chrimar Systems, Inc. (“Chrimar”) moves the Board to observe the following passages in the cross-examination of Ian Crayford from July 21, 2017. Chrimar submits the complete transcript of the cross-examination as Exhibit 2055.

1. In Exhibit 2055, at 25:10-11, the witness testified, “ISDN alone can handle voice, video, and data services to a desktop computer.” That testimony is relevant to the Reply’s argument (pp. 14-15, 19-20) and Crayford 2nd Decl. (Ex. 1046) (¶¶74-75) regarding Hunter supplying voice and data to PC 125 and telephone instrument 127.

2. In Exhibit 2055, at 27:9-21, the witness testified that he did “not recall anywhere in the [Hunter] specification where [Hunter] indicates that he's attempting to power anything like a PC.” That testimony is relevant to the Petition’s argument (pp. 10, 25-26) that “Hunter seeks to supply phantom-power to equipment *generally*.” (Emphasis in original.)

3. In Exhibit 2055, at 30:24-31:21, the witness testified, “[i]soEthernet is, I believe, a trademark term, and I don't believe we'll see it used in here in this [Ex. 1032] 802.9 specification. It was a term that was – I believe trademarked by National Semiconductor Certainly one of the first implementations of isoEthernet and National, I believe, proposed isoEthernet as an IEEE standard and what we see here, I believe, is the work of a committee to make this more like a standard than a proprietary developed system of isoEthernet.” The testimony is relevant as context

for Hunter's (Ex. 1003) use of the term "isoEthernet®" throughout the document.

4. In Exhibit 2055, at 36:21-39:18, the witness testified that the draft IEEE 802.9f specification states on page 7, "In the 10Base-T mode of operation remote powering shall not be supported. . . . This insures that 10Base-T services are unaffected by this optional feature." The witness also testified that the IEEE 802.9f draft specification has "a date of 17 June, 1999." That testimony is relevant to the Reply's argument (at 19-20, 22), Mr. Crayford's 2nd Decl. (Ex. 1046) (¶¶74-76, 80), and Mr. Crayford's testimony (Ex. 2055 at 41:7-9) regarding Hunter's purported disclosure of phantom power combined with Ethernet data. The testimony is relevant because the IEEE 802.9f committee worked on phantom power for isoEthernet standard.

5. In Exhibit 2055, at 46:2-18, the witness testified that he did not believe he could find a definition of "Ethernet AU interface" in "any of the documents that are part of this record" to support his belief that "no person of ordinary skill would understand the word Ethernet before AU interface is referring to the 802.3 standard as opposed to the 802.9 standard." That testimony is relevant to the Reply's argument (p. 22) and Mr. Crayford's 2nd Decl. (Ex. 1046) (¶81) that the phrase "Ethernet® AU interface" (at 34:19-20 of Hunter (Ex. 1003)) means "Ethernet® access unit interface," as opposed to "Ethernet® Attachment Unit Interface."

6. In Exhibit 2055, at 62:8-17, the witness testified that, "[w]hen [he] filed

[his] first declaration,” he was “aware that there was an 802.9 specification the IEEE had done,” but nevertheless, “Exhibit 1032 was not an exhibit that [he] submitted to the Board with [his first] declaration.” The testimony is relevant to the timeliness of Petitioners’ submission of Ex. 1032.

7. In Exhibit 2055, at 65:13-22, the witness testified that, “in the context of the '012 patent and the shared specification . . . we're talking about Ethernet communications over pre-existing wiring or cables” and “predominantly 10Base-T Ethernet over unshielded twisted pair.” That testimony is relevant to the Reply’s argument (pp. 2-3) and Mr. Crayford’s 2nd Decl. (Ex. 1046) (¶¶13-21) that “BSTs and CMCs are not relevant.” The testimony is relevant to the environment for Chrimar’s claimed inventions and the knowledge of a person of ordinary skill in the art at the time of the invention.

8. In Exhibit 2055, at 66:5-67:3, the witness testified that, “by terminating the line correctly,” in 10Base-T transmission line systems “you’ll enhance the performance.” That testimony is relevant to the Reply’s argument (pp. 2-3) and Mr. Crayford’s 2nd Decl. (Ex. 1046) (¶¶13-21) that “BSTs and CMCs are not relevant.” The testimony is relevant to the issue of whether a person of ordinary skill in the art at the time of the invention would consider Ethernet terminations when attempting to apply power to conductors that transmit Ethernet data.

9. In Exhibit 2055, at 76:15-23, the witness testified that there is no way

for an average user to determine, “just by looking at the equipment or looking at the markings on the equipment whether it has a Bob Smith termination, a [L]level 1 termination, or some other termination.” He further testified, at 77:24-79:2, that the same is true with respect to a “common mode choke.” That testimony is relevant to the Reply’s argument (pp. 2-3) and Mr. Crayford’s 2nd Decl. (Ex. 1046) (¶¶13-21) that “BSTs and CMCs are not relevant.” The testimony is relevant to what a person of ordinary skill in the art at the time of the invention would consider regarding Bob Smith terminations and common mode chokes when attempting to apply power to conductors that transmit Ethernet data.

10. In Exhibit 2055, at 80:10-18, the witness testified that he had not “done any analysis of either of the Fisher patents [Exs. 1025, 1026] to determine whether either of these patents invalidate any of the claims of the Chrimar patents that are at issue.” The testimony is relevant to whether the Fisher patents are relevant to the claims of the Chrimar patents at issue in the IPRs as argued in the Reply (pp. 6 and 12) and Mr. Crayford’s 2nd Decl. (Ex. 1046) (¶¶25, 31, 58).

11. In Exhibit 2055, at 96:12-23, the witness testified that he was aware “there is a specification for things like attenuation on Cat-3 and Cat-5, and other electrical parameters of the – of the performance of the transmission line.” The testimony is relevant because Petitioners have asserted that CAT-3 and CAT-5 cables comprise 2 unshielded twisted pairs of conductors as argued in the Reply (p.

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