

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 IPR2016-01389<sup>1</sup>  
U.S. Patent No. 8,155,012 B2

---

**PATENT OWNER'S MOTION TO EXCLUDE EVIDENCE**

---

<sup>1</sup> 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.

**Table of Contents**

Table of Authorities ..... ii  
List of Exhibits..... iii  
I. Introduction..... 1  
II. Argument ..... 1  
    A. The Board should exclude new evidence, which Petitioners  
        should have included in their original Petition ..... 1  
        1. Petitioners’ new exhibits used to bolster Petitioners’  
           obviousness analysis are untimely and should be  
           excluded ..... 2  
        2. Petitioners’ new exhibits used to supplement their  
           Grounds of the original Petition are untimely and should  
           be excluded ..... 6  
    B. Exhibits 1021-1029, 1031, and 1034 are inadmissible hearsay ..... 9  
III. Conclusion ..... 11  
Certificate of Service ..... 13  
Certificate of Compliance Pursuant to 37 C.F.R. § 42.24 ..... 14

## Table of Authorities

### Cases

<i>Apple, Inc. v. DSS Tech. Mgmt., Inc.</i> , IPR2015-00369, Paper No. 14 (PTAB Aug. 12, 2015).....	10
<i>Ariosa Diagnostics v. Verinata Health, Inc.</i> , 805 F.3d 1359 (Fed. Cir. 2015) .....	2
<i>Corning Inc. v. DSM IP Assets B.V.</i> , IPR2013-00052, Paper No. 88 (PTAB May 1, 2014) .....	1, 2
<i>In re Epstein</i> , 32 F.3d 1559 (Fed. Cir. 1994) .....	10
<i>Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.</i> , 821 F.3d 1359 (Fed. Cir. 2016) .....	1, 2
<i>MaxLinear, Inc. v. Cresta Tech. Corp.</i> , IPR2015-00594, Paper No. 90 (PTAB Aug. 15, 2016).....	7
<i>Nestlé Purina PetCare Co. v. Oil-Dri Corp. of Am.</i> , IPR2015-00737, Paper No. 37 (PTAB June 20, 2016) .....	1, 8
<i>Toshiba Corp. v. Optical Devices, LLC</i> , IPR2014-01447, Paper No. 34 (PTAB Mar. 9, 2016).....	1, 2

### Statutes

35 U.S.C. § 312.....	7
37 C.F.R. § 42.123 .....	2
37 C.F.R. § 42.22 .....	7
37 C.F.R. § 42.64 .....	1, 2

### Rules

Fed. R. Evid. 801 .....	10
Fed. R. Evid. 802 .....	10
Fed. R. Evid. 803 .....	10

**List of Exhibits**

<b>Exhibit No.</b>	<b>Description</b>	<b>Date</b>	<b>Identifier</b>
2017	Memorandum Opinion and order denying AMX's motion for summary judgment of non-infringement of the '012 Patent, Dkt. No. 96, <i>Chrimar Sys., Inc., et al. v. AMX, LLC</i> , Civil Action No. 6:13-cv-881-JDL, Eastern District of Texas	Oct. 22, 2014	
2018	Memorandum Opinion and order construing certain terms of the '012 Patent, Dkt. No. 105, <i>Chrimar Sys., Inc., et al. v. AMX, LLC</i> , Civil Action No. 6:13-cv-881-JDL, Eastern District of Texas	Jan. 8, 2015	
2019	Memorandum Opinion and order construing certain terms of the '012 Patent and denying AMX's motion for summary judgment of indefiniteness regarding the "distinguishing" terms of the '012 Patent, Dkt. No. 108, <i>Chrimar Sys., Inc., et al. v. AMX, LLC</i> , Civil Action No. 6:13-cv-881-JDL, Eastern District of Texas	Jan. 16, 2015	
2020	Memorandum Opinion and order denying AMX's motion for summary judgment of indefiniteness regarding certain claims of the '012, '107, and '760 Patents, Dkt. No. 122, <i>Chrimar Sys., Inc., et al. v. AMX, LLC</i> , Civil Action No. 6:15-cv-164-JDL, Eastern District of Texas	Mar. 28, 2016	

<b>Exhibit No.</b>	<b>Description</b>	<b>Date</b>	<b>Identifier</b>
2021	Memorandum Opinion and Order, Dkt. No. 123, filed in <i>Chrimar Systems, Inc., et al. v. Alcatel-Lucent, et al.</i> , Civil Action No. 6:15-cv-163-JDL, Eastern District of Texas	Mar. 28, 2016	
2030	Memorandum Opinion and Order, Dkt. No. 454, filed in <i>Chrimar Systems, Inc., et al. v. ADTRAN, Inc., et al.</i> , Civil Action No. 6:15-cv-618-JRG-JDL, Eastern District of Texas	June 20, 2016	
2032	Defendants' Combined Motion for Summary Judgment and Claim Construction (selected portions), Dkt. No. 73, filed in <i>Chrimar Systems, Inc., et al. v. AMX, LLC</i> , Civil Action No. 6:13-cv-881-JDL, Eastern District of Texas	July 28, 2014	
2033	Defendants' Responsive Claim Construction Brief (selected portions), Dkt. No. 432, filed in <i>Chrimar Sys., Inc., et al. v. ADTRAN, Inc., et al.</i> , Civil Action No. 6:15-cv-618-JRG-JDL, Eastern District of Texas	May 12, 2016	
2034	Memorandum Opinion and Order, Dkt. No. 223, filed in <i>Chrimar Sys., Inc., et al. v. Alcatel-Lucent, et al.</i> , Civil Action No. 6:15-cv-163-JDL, Eastern District of Texas	July 29, 2016	
2035	Memorandum Opinion and order on ALE's motion to construe certain claim terms of the '012 and '760 Patents, Dkt. No. 318, filed in <i>Chrimar Sys., Inc., et al. v. AMX, LLC</i> , Civil Action No. 6:15-cv-164-JDL, Eastern District of Texas	Sept. 27, 2016	

# 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.