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 No. IPR2016-01389

U.S. Patent No. 8,155,012

Petitioners' Response in Opposition to Patent Owner's Motion for Observations

Mail Stop Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
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TABLE OF AUTHORITIES

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Cases

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Petitioners hereby submit their Response in Opposition to Patent Owner's

Motion for Observations (Paper 47) ("Motion") regarding the cross-examination of

Mr. Ian Crayford on July 21, 2017[1]. Petitioners respond and object to each of Patent

Owner's observations ("Obs.") as follows:

<u>Response to Obs. No. 1</u>: This excerpt is mischaracterized, misleading and

irrelevant. The entirety of the excerpt quotes a portion of the examining attorney's

(Mr. Lewry) question and **<u>not</u>** Mr. Crayford's testimony, and it notably excludes Mr.

Lewry's preceding statement "I'm not talking about isoEthernet now." Ex. 2055[2],

25:9-13. Mr. Crayford's uncited response to this question (*Id*., 25:14-22) and related

uncited testimony[3] is consistent with his opinions that various examples in Hunter

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[1] Chrimar's Motion could be expunged because it references a deposition transcript

(Ex. 2055) that was not in the record in contravention of 37 CFR 42.6(c). Chrimar

did not try to rectify this deficiency until August 8, 2017, after which the parties

reached an agreement on August 11 (Paper 51) and the transcript was admitted on

August 14, 2017.

[2] Cites to Ex. 2055 in this paper include the errata sheet (Ex. 1049) filed herewith.

[3] *See id*. at 16:20-18:23 ("[W]hen we're talking about IsoEthernet, we're talking

about 10Base-T and ISDN next to each other, over the same wire and with different

modes of operation supported, which allows either stand-alone Ethernet connection,

teach Ethernet terminal equipment (e.g. 10Base-T equipment and systems) and

_____

a stand-alone ISDN connection, and then layers of both of those . . . to co-exist . . .

So [IsoEthernet] has . . . more and more bandwidth, different services for the

isochronous so you can support video conferencing."); 24:2-25:7 ("[Hunter] says

'The draft standard 802.9a provides for the integration of . . . video, voice, and data

services to a desktop computer system.' . . . [S]ome of the data services he's referring

to are very specifically Ethernet data services . . . he's trying to implement a system

that includes . . . a 10Base-T element and an ISDN or isochronous element"); 33:17-

34:11; 34:23-35:6; 41:7-43:20 ("AU we know is terminology for access unit in

802.9. ISTE we know is terminology used for terminal equipment in 802.9"), 23:10-

24, 25:3-7, 44:3-9, 50:13-18, 56:1-4, 57:6-18, 60:19-23, 61:9-62:3, 110:25-112:19,

115:20-117:23, 118:22-120:12, 125:12-126:20, 128:5-129:9, 129:18-130:17,

132:10-134:8, 134:3-8, 135:4-9, 135:19-23, 138:8-10, 138:16-18, 139:8-23, 146:14-

148:4, 149:22-151:2, 178:11-181:10, 182:11-183:11 ("[Hunter 32:16-33:2] says . . .

'multimedia hub 120 contains the following functions: 10Base-T hub repeater' . . .

[A] POSITA would [not] have any issue understanding that . . . would be an Ethernet

repeater. These are isoEthernet interfaces . . . [A] POSITA would [not] have any

problem understanding that isoEthernet includes an Ethernet function. So the

isoEthernet interface includes Ethernet.")

Ethernet communications (e.g. 10Base-T, 100Base-T, and isoEthernet, which includes Ethernet and ISDN). Pet., 8-9, Reply, 14-22; Ex. 1046, ¶¶65-81; *see infra* Obj. Nos. 14-30, 33.

Response to Obs. No. 2: This excerpt is incomplete (deletes testimony at Ex. 2055, 27:19-28:10), misleading (ignores related testimony at *id.*, 152:23-153:22) and irrelevant. None of the challenged claims require powering a PC over Ethernet cables. Reply, 1, 7-8; Pet. 3-5; Ex. 2055, 40:14-25. Mr. Crayford's testimony is consistent with Petitioners' arguments that the Hunter-Bulan combination teaches every limitation of such claims. Pet, 8-15, 22-37; Reply, 14-28. He also testified that Hunter teaches "provid[ing] enough power to maintain [] the phone network." Ex. 2055, 28:9-10, *see also id.* 26:19-27:7, 33:17-20; 158:15-18.

Response to Obs. No. 3: This excerpt is misleading because, as Mr. Crayford explained in his rebuttal declaration (Ex. 1046, ¶¶67-68) and uncited testimony (e.g. Ex. 2055, 32:15-34:11, 43:15-44:10), based on a proper analysis of the disclosure of the reference as a whole, Hunter teaches Ethernet in several different ways including "both an isoEthernet/802.9 network and also with parts of the network operating as 10Base-T LAN elements in that network." Ex. 2055, 33:13-34:11; *see also id.*, 18:9-12 (Hunter specifically references the "802.9 standard."); *supra* No. 1.

Response to Obs. No. 4: This excerpt is mischaracterized and misleading as it does **not** quote Mr. Crayford but rather quotes Mr. Lewry reading portions of a document

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