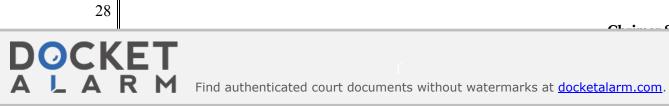
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21	UNITED STATES DISTRICT COURT		
	NORTHERN DISTRICT OF CALIFORNIA		
22	CHRIMAR SYSTEMS INC., et al.,	Case No. 3:16-cy-00186-SI	
23	Plaintiffs,))	
24	vs.)	(Concurrently Filed in Case No. 3:16-cv- 00624-SI; 3:16-cv-00558-SI; 3:16-cv-00897-	
	ĺ (SI)	
25	RUCKUS WIRELESS, INC., Defendant.	DEFENDANTS' PRELIMINARY CLAIM	
26)	CONSTRUCTIONS AND PRELIMINARY	
27		IDENTIFICATION OF EXTRINSIC EVIDENCE	
28			



VS. NETGEAR, INC., Defendant. VS. JUNIPER NETWORKS, INC., Defendant. VS. FORTINET, INC., Defendant.

1. PRELIMINARY CLAIM CONSTRUCTIONS AND IDENTIFICATION OF INTRINSIC SUPPORT

Pursuant to Patent Local Rule 4-2, Defendants Ruckus Wireless, Inc., NETGEAR, Inc., Juniper Networks, Inc., and Fortinet, Inc. (collectively, the "Defendants"), hereby provide their preliminary claim constructions with respect to the asserted claims 31, 35, 36, 40, 43, 52, 56, 59, 60, and 65 of U.S. Patent No. 8,155,012 (the "012 Patent"); claims 1, 31, 37, 59, 69, 72, 73, 106, 112, 134, 142, and 145 of U.S. Patent No. 8,902,760 (the "760 Patent"); claims 1, 5, 31, 43, 70, 72, 75, 83, 103, 104, 111, 123, and 125 of U.S. Patent No. 8,942,107 (the "107 Patent"); and 1, 2, 7, 26, 29, 38, 40, 47, 55, and 69 of U.S. Patent No. 9,019,838 (the "838 Patent") (collectively, the "Asserted Claims") and intrinsic support for those constructions.

Defendants' proposed terms and claim elements for construction are limited to the patent claims identified in Plaintiffs ChriMar Systems, Inc. d/b/a CMS Technologies and ChriMar Holding Company, LLC ("Plaintiffs") Patent Local Rule 3-1 and 3-2 Disclosures. Defendants' proposed constructions are based upon information currently available to Defendants. One or more of these claim terms and phrases are indefinite and otherwise improper under 35 U.S.C. § 112(2), and Defendants reserve all rights to assert those defects as to each such claim term or phrase. Additionally, as discovery progresses, Plaintiffs produce documents that have or will be requested, and additional information becomes available, Defendants reserve the right to amend their proposed constructions following their meet and confer with Plaintiffs in preparation for

filing a Joint Claim Construction Statement, pursuant to Patent Local Rule 4-3. Defendants reserve the right to supplement, revise, modify, or otherwise finalize the proposed constructions, positions, and/or information in this disclosure to take into account additional information that comes to light, including without limitation as additional contentions are made, facts are ascertained, analyses are made, and proposed constructions are provided by Plaintiffs.

Subject to the above limitations and reservations of rights, Defendants submit the following proposed constructions as set forth in Attachment A for the Asserted Claims.

As for the remaining terms and phrases identified by Defendants in their Patent Local Rule 4-1 Disclosures, Defendants agree with Plaintiff that those terms and phrases do not require the Court's construction at this time.

2. PRELIMINARY IDENTIFICATION OF EXTRINSIC EVIDENCE

Pursuant to Patent Local Rule 4-2 and the Court's Civil Minutes Order, Dkt. No. 68, Defendants provide below a preliminary identification of extrinsic support for their claim construction positions, including with respect to confirming the plain and ordinary meaning of the terms identified in their Patent Local Rule 4-1 disclosures (to the extent that Plaintiffs construes those terms contrary to their plain and ordinary meaning as would be understood by one of ordinary skill in the art): CMS-4-2_00000001 - CMS-4-2_00008343. Defendants also expressly reserve the right to rely on any extrinsic evidence that Plaintiffs rely upon and/or to supplement this disclosure if Plaintiffs propose a construction or applies a different meaning of the terms than the plain and ordinary meaning.

Defendants may also rely upon the testimony, statements, and/or deposition exhibits of the listed inventors and/or prosecuting attorneys of the Patents-in-Suit¹ for claim construction purposes. In summary, such testimony could include an explanation of the meaning of the claim terms in the context of the subject matter of the Patents-in-Suit, a description of the state of the technology relating to the claimed invention at the time the applications for the Patents-in-Suit were filed, a description of the qualifications of a person of ordinary skill in the art at the time the

The "Patents-in-Suit" refers to the '012 Patent, '760 Patent, '107 Patent, and '838 Patent.



1 | 3 | 3 | 3 | 4 | 6 |

applications for the Patents-in-Suit were filed, and how a person of ordinary skill in the art would interpret the identified claim terms or phrases at the time the applications for the 'Patents-in-Suit were filed. Defendants may supplement their claim constructions following the completion of the depositions of the above-listed individuals or entities.

Defendants may also rely upon the testimony and/or statements of their expert, Mr. Ian Crayford, regarding the proposed constructions, including the indefiniteness of any claims. Mr. Crayford's resume is attached hereto as Attachment B. In summary, such testimony could include an explanation of the meaning of the claim terms in the context of the subject matter of the Patents-in-Suit, a description of the state of the technology relating to the claimed inventions at the time the applications for the Patents-in-Suit were filed, a description of the qualifications of a person of ordinary skill in the art at the time the applications for the Patents-in-Suit were filed, and how a person of ordinary skill in the art would interpret the identified claim terms or phrases at the time the applications for the Patents-in-Suit were filed. Such testimony could also include an opinion that a person of ordinary skill in the art at the time the applications for the Patents-in-Suit were filed would construe the claim terms as Defendants have proposed. Defendants also expressly reserve the right to rely on additional expert opinions in rebuttal of any opinions submitted by Plaintiffs.

Finally, Defendants may rely upon declarations of other prior artists identified in Defendants' Patent Local Rule 3-3 disclosures. Such declarations relate to the understanding of those of ordinary skill in the art regarding the plain and ordinary meaning of the disputed terms in the context of the subject matter of the Patents-in-Suit and a description of the state of the technology relating to the claimed invention at the time the applications for the Patents-in-Suit were filed.

DOCKET A L A R M

1	Dated: August 19, 2016	
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