

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 IPR2016-01391¹
U.S. Patent No. 8,942,107 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. filed a petition in (now terminated) IPR2017-00718, who have been joined to the instant proceeding.

TABLE OF CONTENTS

Table of Authorities	iv
List of Exhibits.....	v
I. Introduction.....	1
II. Summary of Patent Owner Response	1
III. Background.....	4
A. Background of the technology relevant to the patent	4
1. Telephone technology	4
2. Ethernet technology differs substantially from telephony.....	6
B. The invention of the ‘107 Patent claims	8
D. Level of ordinary skill	13
E. The prior art on which Petitioners rely	14
IV. Standard for <i>Inter Partes</i> Review	14
V. Claim Construction.....	15
A. "powered off"; "powered-off Ethernet terminal equipment"; "powered-off end device" (Claims 103, 104, 111, 123, and 125).....	15
B. "protocol" (Claims 72 and 123)	17
C. "BaseT" (claim 5).....	18
VI. No Reason to Combine -- An Ordinary Artisan Would Not Have Made Petitioners’ Proposed Combinations	18
A. <u>For both combinations</u> : at the time of the invention, an ordinary artisan would not have had a reason to apply telephone-based phantom operating power to Ethernet terminal equipment.....	19
1. Applying operating power to pre-existing Ethernet terminal devices would have destroyed Bob Smith terminations, saturated the common mode chokes, and thus degrade the propagation of Ethernet data	19
2. When an unused pair of contacts is available – as in Ethernet – an ordinary artisan would have supplied power over the unused pairs, not the data pairs as Petitioners assert	22

B.	<u>Additionally for Bloch-Huizinga-IEEE</u> : An ordinary artisan would not have applied Bloch’s telephone-based phantom power to Ethernet terminal equipment for the additional reason that Bloch would have disrupted and degraded the Ethernet data signal.....	31
C.	Petitioners mistakenly assert that Hunter teaches phantom powering of Ethernet terminal equipment.....	33
1.	Petitioners have failed to show that Hunter’s discussion of “Ethernet®” is relevant to the claimed invention.....	34
2.	Petitioners have not proven their assertion that Hunter teaches hub 170 providing phantom power to Ethernet terminal equipment; on the contrary, Hunter’s phantom-power circuit connects a hub to other hubs – not to Ethernet terminal devices.....	34
3.	Hunter’s specification confirms that Figure 2 does not apply to Ethernet communications	39
D.	<u>Additionally for Hunter-Bulan</u> : An ordinary artisan would not have replaced the “preferable” protective device with the unnecessarily complicated current limiting circuit of Bulan	41
VII.	The Proposed Hunter-Bulan Combination Does Not Disclose Limitations of the Claims	45
A.	The Hunter-Bulan combination does not teach the various claim limitations requiring “a piece of Ethernet terminal equipment” or “end device” that draws different magnitudes of DC current to “convey information” about itself.....	45
1.	All challenged claims: The portion of Hunter’s Figure 2 circuit Petitioners identify as the “TE” is not the claimed “Ethernet terminal equipment”/“end device”	46
2.	All challenged claims: The Hunter-Bulan combination does not teach an Ethernet terminal/end device that draws different DC currents to convey information about itself.....	47
3.	Claims 43, 103 and 111: The Hunter-Bulan combination does not teach the “information to distinguish” limitations.....	50
4.	Claims 74 and 75: The Hunter-Bulan combination does not teach that “at least one path comprises an electrical component,” which is a “resistor”	52

B.	Claim 5: The Hunter-Bulan combination does not teach “BaseT Ethernet communication signals”	54
C.	Claims 72 and 123: The Hunter-Bulan combination does not teach a “detection protocol”	56
D.	Claims 103, 104, 111, 123 and 125: The Hunter-Bulan combination does not teach the “powered-off” limitations	56
VIII.	Claims 103, 104, 111, 123 and 125: The Bloch-Huizinga-IEEE Combination does not Teach the “Powered-Off Ethernet Terminal Equipment” Limitations	60
IX.	Conclusion	63
	Certificate of Service	65
	Certificate of Compliance Pursuant to 37 C.F.R. § 42.24	67

Table of Authorities

Cases

Endo Pharms. Inc. v. Depomed, Inc.,
IPR2014-00656, Paper 66 (September 21, 2015)..... 31, 45

Gillette Co. v. S.C. Johnson & Son, Inc.,
919 F.2d 720 (Fed. Cir. 1990)26

Kinetic Concepts, Inc. v. Smith & Nephew, Inc.,
688 F.3d 1342, 1361 (Fed. Cir. 2012)15

KSR Int’l Co. v. Teleflex Inc.,
550 U.S. 398 (2007).....15

MasterImage 3D, Inc. v. RealD Inc.,
IPR2015-00877, Paper 8 (September 9, 2015)..... 31, 45

Monarch Knitting Mach. v. Sulzer Morat GmbH,
139 F.3d 877 (Fed. Cir. 1998)26

Stryker Corp. v. Karl Storz Endoscopy Am., Inc.,
IPR2015-00764, Paper 13 (September 2, 2015).....43

WBIP, LLC v. Kohler Co.,
829 F.3d 1317 (Fed. Cir. 2016)26

Statutes

35 U.S.C. § 10315

35 U.S.C. § 31614

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