

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 IPR2016-01397¹
U.S. Patent No. 9,019,838 B2

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64**

¹ Ruckus Wireless, Inc., Brocade Communication Systems, Inc. and Netgear, Inc. (“Ruckus et al.”) filed a petition in (now terminated) IPR2017-00720, and Ruckus et al. has been joined to the instant proceeding.

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner Chrimar Systems, Inc. (“Chrimar”) submits the following objections to evidence filed by Petitioners Juniper Networks Inc., Ruckus Wireless, Inc., Brocade Communication Systems, Inc. and Netgear, Inc. (collectively referred to as “Petitioners”) on July 7, 2017 in support of Petitioners’ Reply to Patent Owner’s Response.

A. Exhibit 1020

Evidence objected to: Exhibit 1020 (“Madisetti Deposition”), and any reference to or reliance thereon.

Grounds for objection: Patent Owner objects to Exhibit 1020, and Petitioners’ reference to or reliance thereon in this proceeding, under F.R.E. 801, 802 (“Hearsay”) and to the extent Petitioners rely on the testimony in Exhibit 1020 regarding improper Exhibits 1031 and 1034 objected to below. Further, Patent Owner objects to Exhibit 1020 to the extent Petitioners’ reliance on Exhibit 1020 covers subject matter beyond the scope of the grounds raised in the original Petition.

B. Exhibit 1021

Evidence objected to: Exhibit 1021 (“Level One”), and any reference to or reliance thereon.

Grounds for objection: Patent Owner objects to Exhibit 1021, and Petitioners’ reference to or reliance thereon in this proceeding, under F.R.E. 401, 402 (“Relevance”); F.R.E. 403 (“Unfair Prejudice”); F.R.E. 801, 802 (“Hearsay”);

F.R.E. 901, (“Authenticating or Identifying Evidence”); and because Exhibit 1021 constitutes untimely evidence offered to supplement Petitioners’ arguments after the Petition was filed.

Petitioners fail to provide the authentication required by F.R.E. 901 for Exhibit 1021. Petitioners have not provided sufficient testimony of any witness with personal knowledge of Exhibit 1021. Petitioners thus improperly cite to Exhibit 1021 without providing any sufficient authenticating evidence to support a finding that the items are what Petitioners claim they are, in violation of F.R.E. 901. Patent Owner further objects to this exhibit as not relevant under F.R.E. 401 and therefore inadmissible under F.R.E. 402. Even if relevant, Patent Owner objects to this exhibit under F.R.E. 403 because its probative value is substantially outweighed by a danger of unfair prejudice and confusing the issues. Finally, Patent Owner objects to this exhibit as hearsay to the extent that Petitioners, directly or through their expert, rely on any portion of Exhibit 1021 as a truthful depiction of the state art at a particular time period, or for the truth of any other matters asserted with respect to Exhibit 1021.

C. Exhibit 1022

Evidence objected to: Exhibit 1022 (“Pulse”), and any reference to or reliance thereon.

Grounds for objection: Patent Owner objects to Exhibit 1022, and Petitioners' reference to or reliance thereon in this proceeding, under F.R.E. 401, 402 ("Relevance"); F.R.E. 403 ("Unfair Prejudice"); F.R.E. 801, 802 ("Hearsay"); F.R.E. 901, ("Authenticating or Identifying Evidence"); and because Exhibit 1022 constitutes untimely evidence offered to supplement Petitioners' arguments after the Petition was filed.

Petitioners fail to provide the authentication required by F.R.E. 901 for Exhibit 1023. Petitioners have not provided sufficient testimony of any witness with personal knowledge of Exhibit 1023. Petitioners thus improperly cite to Exhibit 1023 without providing any sufficient authenticating evidence to support a finding that the items are what Petitioners claim they are, in violation of F.R.E. 901. Patent Owner further objects to this exhibit as not relevant under F.R.E. 401 and therefore inadmissible under F.R.E. 402. Even if relevant, Patent Owner objects to this exhibit under F.R.E. 403 because its probative value is substantially outweighed by a danger of unfair prejudice and confusing the issues. Finally, Patent Owner objects to this exhibit as hearsay to the extent that Petitioners, directly or through their expert, rely on any portion of Exhibit 1022 as a truthful depiction of the state art at a particular time period, or for the truth of any other matters asserted with respect to Exhibit 1022.

D. Exhibit 1023

Evidence objected to: Exhibit 1023 (“Valor”), and any reference to or reliance thereon.

Grounds for objection: Patent Owner objects to Exhibit 1023, and Petitioners’ reference to or reliance thereon in this proceeding, under F.R.E. 401, 402 (“Relevance”); F.R.E. 403 (“Unfair Prejudice”); F.R.E. 801, 802 (“Hearsay”); F.R.E. 901, (“Authenticating or Identifying Evidence”); and because Exhibit 1023 constitutes untimely evidence offered to supplement Petitioners’ arguments after the Petition was filed.

Petitioners fail to provide the authentication required by F.R.E. 901 for Exhibit 1023. Petitioners have not provided sufficient testimony of any witness with personal knowledge of Exhibit 1023. Petitioners thus improperly cite to Exhibit 1023 without providing any sufficient authenticating evidence to support a finding that the items are what Petitioners claim they are, in violation of F.R.E. 901. Patent Owner further objects to this exhibit as not relevant under F.R.E. 401 and therefore inadmissible under F.R.E. 402. Even if relevant, Patent Owner objects to this exhibit under F.R.E. 403 because its probative value is substantially outweighed by a danger of unfair prejudice and confusing the issues. Finally, Patent Owner objects to this exhibit as hearsay to the extent that Petitioners, directly or through their expert, rely on any portion of Exhibit 1023 as a truthful depiction of the state art at a particular

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