

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 IPR2016-01399
U.S. Patent No. 8,902,760

**PETITIONERS' REPLY BRIEF PURSUANT TO
ORDER FOR ADDITIONAL BRIEFING REGARDING
PATENTABILITY OF CLAIMS AMENDED
DURING EX PARTE REEXAMINATION**

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Petitioners' Brief (Paper 70) establishes that the amended claims are unpatentable based on the evidence of record. For Ground 1, the Board determined "Hunter teaches a piece of central equipment, such as a hub." Paper 8, 6. Examples include "multimedia hub 120" and "10Base-T hub 170," each of which can include a power supply, and provide power and BaseT data to terminal equipment over a 10Base-T bus. *Id.*; Paper 70, 2-3 (citing Hunter). The evidence shows each hub is also a "BaseT Ethernet hub," as recited in the amended claims. "10Base-T hub 170" meets this limitation, because, as Chrimar agrees, "BaseT" includes 10Base-T. Paper 26, 18-19. Hub 120 is 10Base-T at least because it provides 10Base-T Ethernet data over the 10Base-T bus. Paper 1, 25-26. Chrimar's argument about the repeater overlooks this. Chrimar's other arguments are also incorrect. Paper 71, 4-5. They overlook that hub 120 connects to terminal equipment, such as PC 125. Ex. 1003, 32:16-22; Fig. 1. And the argument about isoEthernet confirms the references teach developing an isoEthernet system with 10BaseT. Paper 71, 5.

For Ground 2, the Board found that the IEEE references "teach a piece of central BaseT Ethernet equipment, such as a BaseT Repeater." Paper 8, 13 (citing excerpts from IEEE references disclosing repeaters and bridges). Chrimar's argument misses the point. Paper 71, 5. The appropriate inquiry is whether the repeaters and bridges satisfy the BRI of the claim term "hub." It is not whether they meet the definition of "hub" in the IEEE references. The BRI of the claim

term “hub” is not limited to that definition. *See* Paper 70, 5. Moreover, “hub” in the IEEE references does not pertain to 10Base-T or 100Base-T. Rather, it is specific to Clause 12 of the standard, which is for 1Base5, rather than any or all Base-T. Ex. 1007, 29 (“hub” references clause 12); Ex. 1006, 207 (clause 12 is for 1Base5).

The Board should not consider Section II of Chrimar’s Response because it violates the Board’s Order (Paper 69, 3) by not responding to the Opening Brief. But even if the Board considers it, Chrimar has not shown that the statutes it cites limit the Director’s jurisdiction over the patentability of the amended claims in this proceeding. § 314(a) sets the requirements for instituting trial. § 315(b) limits when a petition may be filed. And § 312(a) sets the requirements for a Petition. These do not limit the Director’s jurisdiction once trial is instituted. In fact, § 315(d) shows the breadth of the Director’s jurisdiction during an IPR proceeding.

Chrimar’s due process argument is unfounded. In *In re Nuvasive, Inc.*, 841 F.3d 966, 968 (2016), the Patent Owner could not file a brief to respond to the arguments in a Reply. Here, the Board authorized Chrimar to file a brief. Paper 69, 3. The brief itself provides due process. Finally, Chrimar waived any complaints about additional pages or evidence when it did not propose modifications to the Board’s Procedure; spent only half its allotted pages on patentability; and chose to pursue claim amendments in the *ex parte* reexamination but not in this proceeding.

Respectfully submitted,
January 23, 2018

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. section 42.6 that a complete copy of the **PETITIONERS' REPLY BRIEF PURSUANT TO ORDER FOR ADDITIONAL BRIEFING REGARDING PATENTABILITY OF CLAIMS AMENDED DURING EX PARTE REEXAMINATION** is being served by electronic mail, as agreed to by the parties, the same day as the filing of the above-identified document in the United States Patent and Trademark Office/Patent Trial and Appeal Board, upon:

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