

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC.,
Petitioner,

v.

CHRIMAR SYSTEMS, INC.,
Patent Owner.

Case IPR2016-01389
Patent 8,155,012 B2
Case IPR2016-01391
Patent 8,942,107 B2
Case IPR2016-01397
Patent 9,019,838 B2
Case IPR2016-01399
Patent 8,902,760 B2

Before KARL D. EASTHOM, GREGG I. ANDERSON, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

UPDATED SCHEDULING ORDER,
WITHDRAWAL and ENTRY OF LEAD COUNSEL¹
37 C.F.R. §§ 42.5, 42.10

¹ This Order will be entered in each case. The parties are not authorized to employ this heading style.

IPR2016-01389 Patent 8,155,012 B2
IPR2016-01391 Patent 8,942,107 B2
IPR2016-01397 Patent 9,019,838 B2
IPR2016-01399 Patent 8,902,760 B2

Patent Owner requested a conference call, held with the panel on February 21, 2017, to discuss replacing its lead counsel and proposed schedule changes to the four listed trials. A court reporter transcribed the call, and the parties will cause the transcription to be entered into the record in each case. On the same day as the conference call, Patent Owner filed a Motion to Authorize Withdrawal of Counsel in each case. *See, e.g.*, IPR2016-01389, Paper 20 (“Motion”). The Motion requests authorization to withdraw Patent Owner’s lead counsel Justin Cohen. *See id.* Pursuant to email instructions by the Board on February 16, 2017, Patent Owner filed a new power of attorney and an updated mandatory notice, which identifies Frank A. Angileri as Patent Owner’s new lead counsel. *See, e.g.*, IPR2016-01389, Papers 18 and 19.

Petitioner noted objections in email communications to the Board to Patent Owner’s request to change lead counsel and Patent Owner’s proposed schedule changes. Petitioner noted that it would not oppose a change in lead counsel if the schedules would remain unchanged in each case. During the call, Patent Owner argued that its current lead counsel had a conflict and its new lead counsel required time to become more familiar with the cases. After hearing from the parties further, the panel discerned little or no prejudice to Petitioner in allowing Patent Owner to enter new lead counsel, and informed the parties that Patent Owner’s request to replace its lead counsel would be granted.

During the call, and by email, the parties agreed to change Due Date 7 (the hearing date, if requested) for all four cases, in order to consolidate the hearings. The panel notes that the trials involve common subject matter.

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The panel also set Due Date 1 for April 4, 2017, after Petitioner informed the Board that Petitioner had offered to change Due Date 1 to March 30, 2017, as a counter to Patent Owner's requested date of April 7, 2017. Petitioner argued prejudice to its client in moving the dates as proposed by Patent Owner for each case, arguing, among other things, that Patent Owner's proposed schedule would allow Patent Owner more time to prepare its Patent Owner Response in each case, and that compressing the hearing date also would prejudice Petitioner's time for preparation.

After hearing from both parties further during the call, the panel noted that moving Due Date 7 to August 31, 2017 would allow both parties more time to prepare for three of the cases, and it would compress the schedule for only one case (in comparison to the current schedules). The parties then agreed to move Due Date 2 (Petitioner's Reply) to June 30, 2017. Similar to resetting Due Date 7, this new date for Due Date 2 allows Petitioner more time to prepare its Reply for three of the cases (in comparison to the current schedules). The parties then agreed to file a revised Scheduling Order listing the remaining agreed upon dates as discussed during the conference (*see* transcription thereof for more details).

ORDER

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion to replace its lead counsel in each proceeding is *granted*;

FURTHER ORDERED that Due Date 7 is set for August 31, 2017 (at 1 PM ET) in each case;

IPR2016-01389 Patent 8,155,012 B2
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FURTHER ORDERED that Due Date 1 is set for April 4, 2017 in each case; and

FURTHER ORDERED that the parties enter a revised schedule stipulating to the newly proposed schedule in each case as set forth during the conference.

PETITIONER:

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