

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.,
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)¹

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

WEINSCHENK, *Administrative Patent Judge*.

ORDER²
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ Ruckus Wireless, Inc., Brocade Communication Systems, Inc., and Netgear, Inc. filed petitions in (now terminated) IPR2017-00718, IPR2017-00719, IPR2017-00720, and IPR2017-00790, and were joined to the above-listed proceedings.

² This Order will be entered in each of the above-listed proceedings as the caption indicates. The parties are not permitted to use this caption 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)

I. INTRODUCTION

On July 31, 2017, Judges Easthom, Anderson, and Weinschenk held a telephone conference call with counsel for Juniper Networks, Inc., Ruckus Wireless, Inc., Brocade Communication Systems, Inc., and Netgear, Inc. (“Petitioner”) and counsel for Chrimar Systems, Inc. (“Patent Owner”). A court reporter was present on the conference call. This order summarizes statements made during the conference call. A more complete record may be found in the court reporter’s transcript, which is to be filed by Patent Owner as an exhibit.

II. ANALYSIS

Patent Owner requested authorization to file a motion to strike certain portions of Petitioner’s Reply that allegedly exceed the scope set forth in 37 C.F.R. § 42.23(b), or, alternatively, to file a sur-reply. Patent Owner argued that the Reply includes new arguments that were not included in the Petition and do not respond to any of the arguments made in Patent Owner’s Response. Petitioner argued that the Reply properly responds to arguments made in Patent Owner’s Response.

After considering the respective positions of the parties, we hereby authorize Patent Owner to file a 7-page motion to strike by August 8, 2017, and we authorize Petitioner to file a 7-page opposition to the motion to strike by August 15, 2017. In the motion to strike, Patent Owner should identify (by page and line numbers) exactly which arguments in Petitioner’s Reply allegedly exceed the proper scope set forth in 37 C.F.R. § 42.23(b), and explain specifically why those arguments exceed the proper scope. The parties are not permitted to submit any additional arguments regarding the

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)

patentability of the challenged claims in the motion to strike or the opposition. Further, no additional evidence may be submitted with the motion to strike or the opposition.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner's request for authorization to file a motion to strike is *granted*;

FURTHER ORDERED that Patent Owner may file a 7-page motion to strike in each of the above-listed proceedings by August 8, 2017, in accordance with the instructions above; and

FURTHER ORDERED that Petitioner may file a 7-page opposition to the motion to strike in the above-listed proceedings by August 15, 2017, in accordance with the instructions above.

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)

PETITIONER:

Talin Gordnia
Michael Fleming
Nima Hefazi
Jonathan Kagan
IRELL & MANELLA, LLP
tgordnia@irell.com
mfleming@irell.com
nhefazi@irell.com
jkagan@irell.com

PATENT OWNER:

Frank A. Angileri
Thomas A. Lewry
Marc Lorelli
Christopher C. Smith
BROOKS KUSHMAN P.C.
fangileri@brookskushman.com
tlewry@brookskushman.com
mlorelli@brookskushman.com
csmith@brookskushman.com

Richard W. Hoffmann
REISING ETHINGTON P.C.
hoffmann@reising.com