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<sup>1</sup> U.S. Patent No. 8,902,760

### PATENT OWNER'S MOTION TO EXCLUDE EVIDENCE

<sup>&</sup>lt;sup>1</sup> Ruckus Wireless, Inc., Brocade Communication Systems, Inc. and Netgear, Inc. filed a petition in (now terminated) IPR2017-00719, who have been joined to the instant proceeding.

### **Table of Contents**

Table	of Au	thorities	ii
List o	f Exhil	bits	iii
I.	Introd	luction	1
II.	Argur	nent	1
	Α.	<ul> <li>The Board should exclude new evidence and new arguments, which Petitioners should have included in their original Petition</li> <li>Petitioners' new exhibits used to bolster Petitioners' obviousness analysis are untimely and should be excluded</li> <li>Petitioners' new exhibits used to supplement their Grounds of the original Petition are untimely and should</li> </ul>	
	B.	be excluded Exhibits 1021-1029, 1031, and 1035 are inadmissible hearsay	
III.	Concl	usion	
Certif	icate o	f Service	14
Certif	ïcate o	f Compliance Pursuant to 37 C.F.R. § 42.24	16

### **Table of Authorities**

### Cases

Apple, Inc. v. DSS Tech. Mgmt., Inc., IPR2015-00369, Paper No. 14 (PTAB Aug. 12, 2015)	.10
Ariosa Diagnostics v. Verinata Health, Inc., 805 F.3d 1359 (Fed. Cir. 2015)	2
Corning Inc. v. DSM IP Assets B.V., IPR2013-00052, Paper No. 88 (PTAB May 1, 2014)	2
<i>In re Epstein</i> , 32 F.3d 1559 (Fed. Cir. 1994)	.10
Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd., 821 F.3d 1359 (Fed. Cir. 2016)1	, 2
MaxLinear, Inc. v. Cresta Tech. Corp., IPR2015-00594, Paper No. 90 (PTAB Aug. 15, 2016)	8
Nestlé Purina PetCare Co. v. Oil-Dri Corp. of Am., IPR2015-00737, Paper No. 37 (PTAB June 20, 2016)1	, 8
Toshiba Corp. v. Optical Devices, LLC, IPR2014-01447, Paper No. 34 (PTAB Mar. 9, 2016)1	, 2

### Statutes

35 U.S.C. § 312	7
37 C.F.R. § 42.123	
37 C.F.R. § 42.22	
37 C.F.R. § 42.64	

### Rules

Fed. R. Evid.	801	
Fed. R. Evid.	802	
Fed. R. Evid.	803	10

### **List of Exhibits**

Exhibit			
No.	Description	Date	Identifier
2017	Memorandum Opinion and Order, Dkt. No. 96, filed in Chrimar Systems, Inc., et al. v. AMX, LLC, Civil Action No. 6:13-cv-881-JDL, Eastern District	10/22/2014	
	of Texas		
2018	Memorandum Opinion and Order, Dkt. No. 105, filed in Chrimar Systems, Inc., et al. v. AMX, LLC, Civil Action No. 6:13-cv-881-JDL, Eastern District of Texas	1/8/2015	
2019	Memorandum Opinion and Order, Dkt. No. 108, filed in Chrimar Systems, Inc., et al. v. AMX, LLC, Civil Action No. 6:13-cv-881-JDL, Eastern District of Texas	1/16/2015	
2020	Memorandum Opinion and Order, Dkt. No. 122, filed in Chrimar Systems, Inc., et al. v. Alcatel-Lucent, et al., Civil Action No. 6:15-cv-163- JDL, Eastern District of Texas	3/28/2016	
2021	Memorandum Opinion and Order, Dkt. No. 123, filed in Chrimar Systems, Inc., et al. v. Alcatel-Lucent, et al., Civil Action No. 6:15-cv-163- JDL, Eastern District of Texas	3/28/2016	
2035	Memorandum Opinion and Order, Dkt. No. 318, filed in Chrimar Systems, Inc., et al. v. AMX, LLC, Civil Action No. 6:13-cv-881-JDL, Eastern District of Texas	9/27/2016	

DOCKET

Exhibit			
No.	Description	Date	Identifier
2036	Response to Office Action (Reexam Control No. 90/009,513) (June 15, 2010)	6/15/2010	
2037	Notice of Intent to Issue Ex Parte Reexamination Certificate (Reexam Control No. 90/009,513) (Nov. 22, 2010)	11/22/2010	
2038	Declaration of Dr. Vijay Madisetti		Madisetti Decl.
2039	Deposition transcript of Ian Crayford		Crayford Dep.
2040	Slides titled "DTE Power via MDI: System Requirements," presented on November 5, 1999 by Arlan Anderson of Nortel Networks	11/5/1999	Anderson 1999 slides
2041	IEEE Power via MDI Task Force Meeting Minutes from March 7-8, 2000	3/7-8/2000	
2042	IEEE Power via MDI Task Force Meeting Minutes from May 24-25, 2000	5/24-25/2000	
2043	Slides titled "DTE Power over MDI: Building Consensus," presented on May 24, 2000 by Ralph Andersson of TDK Semiconductor, Daniel Dove of Hewlett Packard, and Robert Muir of Level One Communications	5/24/2000	Dove slides
2044	Slides titled "Powering and Discovery Alternatives," presented on May 24, 2000 by Arlan Anderson of Nortel Networks	5/24/2000	Anderson 2000 slides
2045	IEEE Power via MDI Task Force Meeting Minutes from July 11-12, 2000	7/11-12/2000	

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