

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 No. IPR2016-01399

U.S. Patent No. 8,902,760

Petitioners' Response in Opposition to Patent Owner's Motion for Observations

---

Mail Stop Patent Board  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TABLE OF AUTHORITIES**

**Page**

**Cases**

*Medtronic, Inc. v. Nuvasive, Inc.*, IPR2013-00506, Paper 37, 2-3 (Oct. 15, 2014) .....3, 15

**Rules**

Fed. Reg. Vol. 77, No. 157, 14 (Aug. 14, 2012) .....3, 15  
37 C.F.R. § 42.6(c) .....1

Petitioners hereby submit their Response in Opposition to Patent Owner's Motion for Observations (Paper 44) ("Motion") regarding the cross-examination of Mr. Ian Crayford on July 21, 2017<sup>1</sup>. Petitioners respond and object to each of Patent Owner's observations ("Obs.") as follows:

**Response to Obs. No. 1:** This excerpt is mischaracterized, misleading and irrelevant. The entire excerpt quotes from the examining attorney's (Mr. Lewry) question and **not** Mr. Crayford's testimony, and it excludes Mr. Lewry's preceding statement "I'm not talking about isoEthernet now." Ex. 2055<sup>2</sup>, 25:9-13. Mr. Crayford's uncited response (*Id.*, 25:14-22) and related uncited testimony<sup>3</sup> is

---

<sup>1</sup> Chrimar's Motion could be expunged as it references a deposition transcript (Ex. 2055) that was not in the record in contravention of 37 C.F.R. §42.6(c). Chrimar did not try to rectify this deficiency until August 8, after which the parties reached an agreement on August 11 (Paper 51) and the transcript was admitted on August 14.

<sup>2</sup> Cites to Ex. 2055 in this paper include the errata sheet (Ex. 1049) filed herewith.

<sup>3</sup> *See id.*, 16:20-18:23, 24:2-25:7 ("[Hunter] says 'The draft standard 802.9a provides for the integration of . . . video, voice, and data services to a desktop computer system.' . . . [S]ome of the data services he's referring to are very specifically Ethernet data services . . . he's trying to implement a system that includes . . . a 10Base-T element and an ISDN or isochronous element"), 33:17-34:11, 34:23-35:6,

consistent with his opinions that various examples in Hunter teach Ethernet terminal equipment (e.g. 10Base-T equipment and systems) and Ethernet communications (e.g. 10Base-T, 100Base-T, and isoEthernet, which includes Ethernet and ISDN). Pet., 8-9, Reply, 11-18; Ex. 1046, ¶¶65-100; *infra* Nos. 14-29, 32.

**Response to Obs. No. 2:** This excerpt is incomplete (deletes testimony at Ex. 2055, 27:19-28:10), misleading (ignores related testimony at *id.*, 152:23-153:22) and irrelevant. None of the challenged claims require powering a PC over Ethernet cables. Reply, 1, 6; Pet. 3-5; Ex. 2055, 40:14-25. Mr. Crayford's testimony is consistent with Petitioners' arguments that the Hunter-Bulan combination teaches every limitation of such claims. Pet, 8-15, 22-42; Reply, 11-26. He also testified that Hunter teaches "provid[ing] enough power to maintain [] the phone network." Ex. 2055, 28:9-10, *see also id.*, 26:19-27:7, 33:17-20; 158:15-18.

**Response to Obs. No. 3:** This excerpt is misleading because, as Mr. Crayford explained in his rebuttal declaration (Ex. 1046, ¶¶67-68) and uncited testimony (e.g. Ex. 2055, 32:15-34:11, 43:15-44:10), based on a proper analysis of the disclosure of

---

41:7-43:20; 23:10-24, 25:3-7, 44:3-9, 50:13-18, 56:1-4, 57:6-18, 60:19-23, 61:9-62:3, 110:25-112:19, 115:20-117:23, 118:22-120:12, 125:12-126:20, 128:5-129:9, 129:18-130:17, 132:10-134:8, 134:3-8, 135:4-9, 135:19-23, 138:8-10, 138:16-18, 139:8-23, 146:14-148:4, 149:22-151:2, 178:11-181:10, 182:11-183.11.

the reference as a whole, Hunter teaches Ethernet in several different ways including “both an isoEthernet/802.9 network and also with parts of the network operating as 10Base-T LAN elements in that network.” Ex. 2055, 33:13-34:11; *see also id.*, 18:9-12 (Hunter specifically references the “802.9 standard.”); *supra* No. 1.

**Response to Obs. No. 4:** This excerpt is mischaracterized and misleading as it does **not** quote Mr. Crayford but rather quotes Mr. Lewry reading portions of a document (Ex. 2050 to Mr. Crayford’s deposition) that the Board denied Chrimar permission to file in this proceeding. Paper 42, 3. Petitioners have also moved to exclude Ex. 2050 and any related testimony, including that which Chrimar includes in Obs. No. 4. Paper 46. Chrimar’s citation to its attorney’s questions constitutes an improper introduction of new evidence and argument in its Motion, and an attempt to bypass the Court’s order rejecting its request to file a Sur-Reply. *Id.*; Fed. Reg. Vol. 77, No. 157, 14 (Aug. 14, 2012); *Medtronic, Inc. v. Nuvasive, Inc.*, IPR2013-00506, Paper 37, 2-3 (Oct. 15, 2014); Ex. 2055, 37:12-21, 38:11-19. Accordingly, Obs. No. 4 should be expunged. The excerpt is also irrelevant to any of the limitations of the challenged claims (*supra* Nos. 2, 3) and to the state of the art at the time of the invention (April 10, 1998) as the underlying unauthorized evidence is from 1999.

**Response to Obs. No. 5:** This excerpt is mischaracterized and misleading as it quotes Mr. Lewry’s questions and **not** Mr. Crayford’s testimony and excludes Mr. Crayford’s testimony in which he identified two different examples of references in

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.