

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 IPR2016-01399
Patent 8,902,760 B2¹

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

WEINSCHENK, *Administrative Patent Judge*.

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

¹ Ruckus Wireless, Inc., Brocade Communication Systems, Inc., and Netgear, Inc. filed a petition in IPR2017-00719 (now terminated), and were joined to this proceeding.

I. ANALYSIS

During the oral hearing in this proceeding, Patent Owner notified us for the first time that the patent at issue in this proceeding, U.S. Patent No. 8,902,760 B2 (“the ’760 patent”), also was the subject of an *ex parte* reexamination. Paper 62, 2; Paper 63, 226:11–228:12. After the oral hearing, Patent Owner notified us that an *Ex Parte* Reexamination Certificate had issued for the ’760 patent on September 18, 2017. Paper 64, 1. The *Ex Parte* Reexamination Certificate indicates that certain claims of the ’760 patent at issue in this proceeding were amended during the *ex parte* reexamination. Ex. 2056, 1:23–2:4. As a result, we seek additional briefing from the parties addressing what impact the amendments made during the *ex parte* reexamination have on this proceeding.

Specifically, the parties should address the following issues:

- 1) whether we should issue a final written decision with respect to the amended claims *or* terminate this proceeding as to the amended claims; and
- 2) whether the limitation added to the amended claims was addressed by the parties in the Petition and the Patent Owner Response in this proceeding, and, if so, where that limitation was addressed in those papers. The parties also should identify any authority that supports their positions. The parties are not authorized to submit any additional evidence with the requested briefing. To the extent a party does not address any of the issues set forth above, that party will be considered to have waived any arguments relating to that issue in this proceeding.

II. ORDER

In consideration of the foregoing, it is hereby
ORDERED that each party may file a brief, limited to five (5) pages,
according to the instructions above by November 7, 2017; and
FURTHER ORDERED that no additional evidence may be submitted
with the requested briefing.

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Patent 8,902,760 B2

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