

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

**PETITIONERS' BRIEF PURSUANT TO
ORDER FOR ADDITIONAL BRIEFING REGARDING
PATENTABILITY OF CLAIMS AMENDED
DURING EX PARTE REEXAMINATION**

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The Board's Order (Paper 69) authorized Petitioners to file an opening brief that addresses the patentability of the amended claims based on the asserted grounds of unpatentability on which this IPR was instituted. Paper 69, 2.

Of the claims challenged in this IPR, claims 73 and 145 were amended during the *ex parte* reexamination pending during this IPR. Ex. 2056, 2. Claim 73 was amended to include the following limitation, but was not otherwise changed: "the piece of central network equipment is a BaseT Ethernet hub." *Id.* This limitation added to claim 73 is addressed below for Grounds 1 and 2. Claim 145 was amended to account for the fact that certain claims it originally referenced were cancelled in the reexamination. *Id.* The substance of amended Claim 145, thus, has been addressed in prior submissions and is not addressed further herein.

I. CLAIM 73 IS OBVIOUS BASED ON GROUND 1

The Papers and evidence in the record show that claim 73, prior to being amended, was obvious based on Hunter (Ex. 1003) in view of Bulan (Ex. 1004). The relevant portions of the Petition (Paper 1) are pages 8-24 that provide an overview of Hunter in view of Bulan and the reasons that a person having ordinary skill in the art (PHOSITA) would have combined the relevant teachings of these references; page 42 that discusses that the limitations of original claim 73 are a subset of claim 1 (*see also* Response (Paper 26), 10-12); and pages 25-35 that show that the combination of Hunter in view of Bulan teaches each of the

limitations of claim 1, and therefore claim 73. *See also* Decision (Paper 8), 10.

The Reply (Paper 33) includes relevant discussions at pages 11-18 that respond to Patent Owner's arguments regarding the "BaseT Ethernet terminal equipment" limitation; pages 22-23 that respond to Patent Owner's arguments regarding the "path" limitation of claim 73; and pages 1-11 and 18-19 that respond to Patent Owner's arguments regarding whether a PHOSITA would have combined Hunter and Bulan's relevant teachings. These portions of the Petition and Reply are incorporated herein by reference.

Ground 1 also teaches the limitation added to claim 73 by amendment: "the piece of central network equipment is a BaseT Ethernet hub." As shown in the Petition, Hunter teaches a network with a central piece of network equipment, such as a "hub." Pet. 8-9, 25-27; Ex. 1002 ¶¶ 65-67, 100-103; Ex. 1003, 32:2-9 (multimedia "system 100 may ... comprise a plurality of hubs in separate chassis."). One example of such a hub taught by Hunter is "multimedia hub 120 [that] forms a principal component of the system 100." Ex. 1003, 32:16-17. Hunter also teaches "[a] 10Base-T hub 170 [that] provides 24 SNMP-managed 10Base-T ports." Ex. 1003, 34:18-19; Pet. 26-27; Reply (Paper 33), 16. Patent Owner does not dispute that Hunter teaches central network equipment that is a hub. *See, e.g.*, Patent Owner Response (Paper 26), 15 ("Hunter teaches a multimedia hub (120 in Figure 1) that uses isoEthernet interfaces...."); *id.* at 39.

Hunter also teaches that the central network equipment is a “BaseT Ethernet” hub. For example, Hunter teaches that hub 120 can include a “10Base-T hub repeater.” Ex. 1003, 32:16-19; *see also* Pet. 27 (quoting Ex. 1003, 34:18 (“10Base-T hub 170”). Figure 1 of Hunter shows that the 10Base-T repeater in multimedia hub 120 is connected to other hubs, such as 10Base-T hub 170, over a 10Base-T Ethernet bus. Pet. 29-30; Ex. 1002 ¶¶ 106-107; Ex. 1003, 26:3-8, 32:16-27, 34:18-20, 37:19-28, Fig. 1. This shows that the 10Base-T Ethernet bus in Hunter carries 10Base-T Ethernet signals from the 10Base-T repeater in multimedia hub 120 to other hubs such as 10Base-T hub 170. Ex. 1003, 37:19-28 (“In the illustrated embodiment, the bus comprises a 10Base-T bus. A 10Base-T bus conventionally comprises two twisted-pair conductors 240, 250, each used for unidirectional transmission of data.”); Fig. 2 (bus with conductors 240 and 250). Additionally, for example, Hunter teaches that 10Base-T hub 170 can include power sources for phantom powering associated devices. Pet. 26-27; Reply (Paper 33), 16-18; Ex. 1046, ¶¶ 73, 76-79, Ex. 1003, 34:18-19, 19:2-7. Again, Hunter describes that each such instance of phantom powering would occur over a 10Base-T Ethernet bus carrying 10Base-T Ethernet signals. *Id.*; Pet. 29-30; Ex. 1002 ¶¶ 106-107; Ex. 1003, 26:3-8, 34:18-20, 37:19-28.

The record also shows that the isoEthernet interfaces of hub 120 can carry 10Base-T Ethernet signals when using the 10Base-T mode of isoEthernet. Ex.

1010, 165 (isoEthernet includes a 10Base-T mode in which the “IsoEthernet layer functions as a 10Base-T transceiver.”). Also, the broadest reasonable interpretation of the claim term “BaseT Ethernet” includes 10Base-T, and the Patent Owner has not disputed this. Patent Owner Response (Paper 26), 18-19. Thus, amended claim 73 is obvious based on Ground 1.

II. CLAIM 73 IS OBVIOUS BASED ON GROUND 2

The Papers and evidence in the record also show that claim 73, prior to being amended, was obvious based on Bloch (Ex. 1005) in view of Huizinga (Ex. 1009) and the IEEE 802.3 references, IEEE-1993 (Ex. 1006) and IEEE-1995 (Exs. 1007, 1008). The relevant portions of the Petition (Paper 1) are pages 43-55 that provide an overview of Bloch in view of Huizinga and IEEE 802.3, and the reasons that a person having ordinary skill in the art (PHOSITA) would have combined the relevant teachings of these references; page 66 that discusses that the limitations of original claim 73 are a subset of claim 1; and pages 55-61 that show that the combination teaches each of the limitations of claim 1, and therefore claim 73. The relevant portions of the Reply (Paper 33) are pages 1-11 that respond to Patent Owner’s arguments regarding reasons a PHOSITA would have combined Bloch, Huizinga, and the IEEE 802.3 references’ relevant teachings. These portions of the Petition and Reply are incorporated herein by reference.

Ground 2 also teaches the limitation added to claim 73 by amendment: “the

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