

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*.

EASTHOM, *Administrative Patent Judge*.

ORDER²
Trial Hearing
37 C.F.R. § 42.70

¹ The last three above-listed Petitioner parties have been joined to the instant proceedings in the order listed by filing a petition respectively in each of (now terminated) Cases IPR2017-00790, IPR2017-00718, IPR2017-00720, and IPR2017-00719.

² This Order will be entered in each proceeding as the caption indicates. The parties are not authorized to employ 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)

Petitioner and Patent Owner each request an Oral Hearing. Papers 43 and 44.³ We grant the requests.

The Oral Hearing will commence at **1:00 PM Eastern Time**, on **Thursday, August 31, 2017**, in Hearing Room A, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The Oral Hearing will be open to the public for in-person attendance, accommodated on a first-come, first-served basis. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the Oral Hearing. The Oral Hearing transcript will be entered in the record of each case.

These cases present similar issues. As requested, each party will have two hours total (for all four cases) to present its position. *See* Papers 43 and 44. Petitioner bears the burden of persuasion to show the unpatentability of the challenged patent claims. Therefore, Petitioner will proceed first with respect to the particular instituted grounds and challenged claims. Patent Owner then will respond to Petitioner and make any arguments regarding its Motion to Strike ("Motion"). *See* Paper 45 (authorizing Motion to Strike). Thereafter, Petitioner may use any reserved rebuttal time to address Patent Owner's response and Motion. On rebuttal, Petitioner will be restricted to only those matters raised by Patent Owner's response and Motion. Patent Owner may use any reserved time to respond to Petitioner's arguments regarding only the Motion to Strike.

³ Paper number citations refer to Case IPR2016-01389. The parties filed similar Oral Hearing requests in the other three proceedings.

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Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days before the hearing. The parties shall meet and confer to discuss and resolve any objections to demonstrative exhibits. If such objections cannot be resolved, the parties must initiate a conference call with the Board at least two (2) business days prior to the hearing to resolve any objections to demonstrative exhibits. Any objection to demonstrative exhibits not timely presented will be considered waived.

Each party also shall email (not file) its demonstrative exhibits to Trials@uspto.gov at least two business days prior to the hearing. A hard copy of the demonstratives shall be provided to the court reporter at the hearing. *See CBS Interactive Inc. v. Wireless Scis. LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118) (for guidance regarding the proper content of demonstrative exhibits). Demonstrative exhibits do not constitute evidence and may not introduce new evidence or arguments. Instead, demonstrative exhibits should cite to evidence in the record.

Judge Anderson will participate remotely. The presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the Oral Hearing to ensure the clarity and accuracy of the reporter's transcript and to ensure that each panel member accurately tracks the presentation.

The Board normally expects lead counsel for each party to be present at hearings, although any backup counsel may make the actual presentation, in whole or in part. Requests for audio-visual equipment must be made by e-mail at least five days in advance of the hearing date to Trials@uspto.gov, else the equipment may be unavailable.

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Accordingly, it is ORDERED that the Oral Hearing shall commence at **1:00 PM Eastern Time, on Thursday, August 31, 2017**, in Hearing Room A, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

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