

**UNITED STATES PATENT AND TRADEMARK OFFICE**

-----  
**BEFORE THE PATENT TRIAL AND APPEAL BOARD**  
-----

D-Link Systems, Inc.,

*Petitioner,*

v.

Chrimar Systems, Inc.

*Patent owner,*

-----  
Case: IPR2016-01425  
-----

**PETITION FOR *INTER PARTIES* REVIEW**

**OF U.S. PATENT NO. 8,155,012**

## TABLE OF CONTENTS

<b>I. INTRODUCTION AND STATEMENT OF RELIEF REQUESTED (37 C.F.R. §42.22(a))</b> .....	1
<b>II. GROUNDS FOR STANDING (37 C.F.R. §42.104(a))</b> .....	1
<b>III. MANDATORY NOTICES (37 C.F.R. §42.8(a)(1))</b> .....	1
<b>A. Real Party-In-Interest (37 C.F.R. §42.8(b)(1))</b> .....	1
<b>B. Identification of Related Matters (37 C.F.R. §42.8(b)(2))</b> .....	1
<b>C. Counsel and Service Information (37 C.F.R. §§42.8(b)(3) &amp; (b)(4))</b> .....	2
<b>D. Payment of fees (37 C.F.R. §42.103)</b> .....	2
<b>IV. REQUEST FOR REVIEW</b> .....	3
<b>A. Claims To Be Reviewed</b> .....	3
<b>B. Each Of The Cited References Is Available As Prior Art</b> .....	3
<b>C. Identification Of Challenge</b> .....	4
<b>V. The '012 Patent</b> .....	5
<b>A. Description of the Purported Invention</b> .....	5
<b>B. Level of Ordinary Skill</b> .....	8
<b>C. State of The Technology Prior To The '012 Patent</b> .....	8
1. Monitoring Ethernet Data Terminal Equipment In an Ethernet Network Based on Current/Impedance Detection Was Known...	9
2. Providing Electrical Power and Communication Signal Over A Common Twisted-Pair Wire Was Known.....	10
<b>VI. Priority Claims in the '012 Patent</b> .....	10
<b>VII. Claim Construction</b> .....	12
<b>VIII. THERE IS A REASONABLE LIKELIHOOD THAT CLAIMS 31, 34, 35, 36, 40, 43, 44, 52, 56, and 60 ARE UNPATENTABLE.</b> .....	13
<b>A. Ground I – Obviousness based on Chang (USPN 5,991,885) alone or in view of Patton (USPN 5,121,482)</b> .....	14
<b>B. Ground 2 – Obviousness of based on De Nijs (USPN 5,568,525) alone or in view of Chaudhry (USPN 5,790,363)</b> .....	29
<b>IX. CONCLUSION</b> .....	38

### EXHIBIT LIST

<b><i>Exhibit No.</i></b>	<b><i>Description</i></b>
<b>1001</b>	U.S. Patent 8,155,012 ('012 patent)
<b>1002</b>	Return Summon in EDTX Case No. 6:15cv653, Docket No. 7
<b>1003</b>	List of Related Matters
<b>1004-1</b>	EDTX Case No. 6:15-cv-653, Claim Construction Order dated June 17, 2016 (Docket No. 454)
<b>1004-2</b>	EDTX Case No. 6:15-cv-163, Claim Construction Order dated March 28, 2016 (Docket No. 123)
<b>1004-3</b>	EDTX Case No. 6:13-cv-880, Claim Construction Order dated January 7, 2015 (Docket No. 99)
<b>1005</b>	U.S. Provisional Application No. 60/081,279
<b>1006</b>	U.S. Patent No. 5,991,885 (Chang)
<b>1007</b>	U.S. Patent No. 5,121,482 (Patton)
<b>1008</b>	U.S. Patent No. 5,568,525 (De Nijs)
<b>1009</b>	U.S. Patent No. 5,790,363 (Chaudhry)
<b>1010</b>	U.S. Patent No. 5,406,260 (Cummings)
<b>1011</b>	U.S. Patent No. 5,444,184 (Hassel)
<b>1012</b>	Declaration of Dr. Andrew Wolfe
<b>1013</b>	Curriculum Vitae of Dr. Andrew Wolfe
<b>1014</b>	IBM Cabling System <a href="http://ohlandl.ipv7.net/NIC/TR-cable.html#RJ45_ICS_UTP">http://ohlandl.ipv7.net/NIC/TR-cable.html#RJ45_ICS_UTP</a>

**I. INTRODUCTION AND STATEMENT OF RELIEF REQUESTED (37 C.F.R. §42.22(a))**

Petitioner petitions for institution of *inter partes* review of U.S. Patent No. 8,155,012 (“the ’012 patent”) (Ex. 1001) and cancellation of that patent’s claims

**II. GROUNDS FOR STANDING (37 C.F.R. §42.104(a))**

The undersigned and Petitioner certify that the ’012 patent is available for review. Petitioner further certifies that it is not estopped from requesting *inter partes* review challenging claims of the ’012 patent. Petitioner was not served with a complaint for infringement more than a year ago of the instant petition. *See* Ex. 1002.

**III. MANDATORY NOTICES (37 C.F.R. §42.8(a)(1))**

**A. Real Party-In-Interest (37 C.F.R. §42.8(b)(1))**

D-Link Systems, Inc.

**B. Identification of Related Matters (37 C.F.R. §42.8(b)(2))**

The ’012 patent is the subject of 56 civil actions filed in the Eastern District of Michigan, Eastern District of Texas, and Northern District of California.

Attached as Exhibit 1003 is a list identifying each of these civil actions, which includes *Chrimar Systems Inc., et al. v. D-Link Systems, Inc.*, Case No. 6:15cv653; consolidated to Case No. 6:15cv618 (E.D.TX). The ’012 patent is also subject of pending IPR in IPR2016-00983 and IPR2016-01389.

IPRs have also been filed on related U.S. Patent Nos. 8,902,760, 8,942,107, and 8,019,838: IPR2016-00569, IPR2016-00574, IPR2016-00573, IPR2016-01151, IPR2016-01391, IPR2016-01397, IPR2016-01399, IPR2016-01426. These cases may affect, or be affected by, decisions in this proceeding.

**C. Counsel and Service Information (37 C.F.R. §§42.8(b)(3) & (b)(4))**

Lead Counsel	Back-up Counsel
Victoria Hao (Reg. No. 47,630) Law Offices of S.J. Christine Yang 17220 Newhope Street, Suites 101 & 102 Fountain Valley, California 92708 Tel: (714) 641-4022 Fax: (714) 641-2082 <a href="mailto:vhao@sjclawpc.com">vhao@sjclawpc.com</a>	Martha Hopkins (Reg. No. 46,277) Law Offices of S.J. Christine Yang 17220 Newhope Street, Suites 101 & 102 Fountain Valley, California 92708 Tel: (714) 641-4022 Fax: (714) 641-2082 <a href="mailto:mhopkins@sjclawpc.com">mhopkins@sjclawpc.com</a>

Pursuant to 37 C.F.R. § 42.10(b), Powers of Attorney accompany this Petition. Please address all correspondence to lead and back-up counsel. Petitioner also consents to electronic service by email.

**D. Payment of fees (37 C.F.R. §42.103)**

The undersigned authorizes the PTO to charge the required fees to Deposit Account No. 60-0381. Review of 15 claims is requested.

The undersigned authorizes payment for additional fees that may be due with this Petition to be charged to the above-referenced Deposit Account.

# 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.