
From: Christopher C. Smith [mailto:csmith@brookskushman.com]

Sent: Friday, February 24, 2017 4:46 PM

To: Trials <Trials@USPTO.GOV>; 'nhefazi@irell.com' <nhefazi@irell.com>; justin.cohen@tklaw.com; hoffmann@reising.com; Frank A. Angileri <fangileri@brookskushman.com>; Thomas A. Lewry <tlewry@brookskushman.com>; Marc Lorelli <mlorelli@brookskushman.com>; hoffmann@reising.com; japowers@duanemorris.com; cjtyson@duanemorris.com

Subject: RE: IPR2016-01389, 01391, 01397, 01399; IPR2017-00718, 00719, 00720, 00790

IPR2017-00718, 00719, 00720, 00790

Dear Ms. Vignone,

The parties have now met and conferred regarding Petitioners' motions to join IPR2017-00718, 00719, 00720, 00790 (Petitioners' IPRs) with IPR2016-01389, 01391, 01397, 01399 (Juniper IPRs), and have agreed to the following.

1. Patent Owner, Chrimar Systems, Inc., agrees to waive its right to file preliminary responses in IPR2017-00718, 00719, 00720 and 00790.
2. Petitioners confirm that they will maintain an "understudy" role in IPR2017-00718, 00719, 00720 and 00790 so long as the Juniper IPRs are maintained, and will not file additional briefs or seek additional depositions beyond the briefs and depositions submitted/taken by Juniper. While Petitioners do not envision any differences in position with Juniper nor the need to file any separate briefs, Petitioners reserve the right to request to file an addendum (of 5 pages or less) to Juniper briefs, should the need arise. And of course, Petitioners would agree that Patent Owner should have a corresponding number of additional pages for its responsive briefing limited to the issues raised in Petitioners' addendum, as necessary. Patent Owner reserves the right to object to any addendums filed by Petitioners, which in combination with any of Juniper's briefs, would exceed the total word count allowed by the PTAB briefing rules.
3. The parties jointly propose that any joined IPRs are to be subject to the same schedules adopted in the corresponding Juniper IPRs.

If the Board believes that a call would be helpful, the Parties have the following availability early next week: February 27th (4:00 PM EST) and March 1st (1-3 PM EST). Thank you.

Regards,

Christopher C. Smith (Attorney for the Patent Owner)



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From: Vignone, Maria [<mailto:Maria.Vignone@USPTO.GOV>] **On Behalf Of** Trials

Sent: Wednesday, February 22, 2017 3:54 PM

To: 'nhefazi@irell.com' <nhefazi@irell.com>; justin.cohen@tklaw.com; hoffmann@reising.com; Frank A. Angileri <fangileri@brookskushman.com>; Thomas A. Lewry <tlewry@brookskushman.com>; Marc Lorelli <mlorelli@brookskushman.com>; Christopher C. Smith <csmith@brookskushman.com>; hoffmann@reising.com; japowers@duanemorris.com; cjtyson@duanemorris.com

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Counsel,

Petitioner in IPR2017-00718, 00719, 00720, 00790 filed motions requesting joinder with IPR2016-01389, 01391, 01397, 01399. Patent Owner recently filed a response indicating that it does not oppose the motions for joinder. The panel requests that the parties submit a joint email indicating whether Patent Owner will agree to waive its preliminary response in IPR2017-00718, 00719, 00720, 00790, or, alternatively, whether Patent Owner will agree to file its preliminary response in those cases by March 22, 2017, or earlier. The panel also requests that the parties meet and confer by February 24, 2017, and provide several dates and times at the beginning of next week when they are available for a conference call to discuss the motions for joinder.

Thank you,

Maria Vignone
Paralegal Operations Manager
Patent Trial and Appeal Board
United States Patent and Trademark Office
703-756-1288