

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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JUNIPER NETWORKS, INC., RUCKUS WIRELESS, INC.,  
BROCADE COMMUNICATION SYSTEMS, INC., and NETGEAR, INC.,  
Petitioner,<sup>1</sup>

v.

CHRIMAR SYSTEMS, INC.,  
Patent Owner.

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Case IPR2016-01389  
Patent 8,155,012 B2

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

EASTHOM, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a) and 37 C.F.R. § 42.73*

<sup>1</sup> The Board joined the latter three Petitioner parties to the instant proceeding after they collectively filed a petition in Case IPR2017-00790 (terminated).

## I. INTRODUCTION

Juniper Networks, Inc. filed a Petition (Paper 1, “Pet.”) pursuant to 35 U.S.C. §§ 311–19 to institute an *inter partes* review of claims 31, 35, 36, 40, 43, 52, 55, 56, 59, 60, and 65 (the “challenged claims”) of U.S. Patent No. 8,155,012 B2 (Ex. 1001 (the “’012 patent”)). Pet. 1. After ChriMar Systems, Inc. (“Patent Owner”) filed a Preliminary Response (Paper 10, “Prelim. Resp.”), we instituted an *inter partes* review of the challenged claims (Paper 12, “Institution Decision” or “Inst. Dec.”). We then joined the other three Petitioner parties listed in the heading and refer to the four Petitioner parties collectively as “Petitioner.” *See* note 1; Paper 28.

After the Institution Decision, Patent Owner filed a Response. Paper 29 (“PO Resp.”). Petitioner filed a Reply. Paper 36 (“Pet. Reply”). Patent Owner filed a Motion to Exclude Evidence (Paper 48) and a Motion to Strike Petitioner’s Reply (Paper 50). Petitioner filed a Motion to Exclude Evidence. Paper 49.

Petitioner relies on, *inter alia*, three Declarations by Ian Crayford. Ex. 1002; Ex. 1046; Ex. 1048. Patent Owner relies on, *inter alia*, a Declaration by Dr. Vijay K. Madiseti. Ex. 2038. The Board filed a transcription of the Oral Hearing held on July 31, 2017. (Paper 66, “Tr.”).<sup>2</sup>

The Board has jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision issues pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that the challenged claims are unpatentable.

<sup>2</sup> Oral hearings in related Cases IPR2016-01391, IPR2016-01397, and IPR2016-01399 occurred on the same day, with similar issues presented and argued.

### A. *Related Proceedings*

Petitioner cites 56 civil actions based on the '012 patent filed in the Eastern District of Michigan, Eastern District of Texas, and Northern District of California.<sup>3</sup> Pet. 1 (citing Ex. 1012 (“a list identifying each of these civil actions”)). Patent Owner identifies 20 civil actions as “related matters.” Paper 9, 2–3. The parties also identify a number of related requests for *inter partes* review, including Case Nos. IPR2016-00569 (terminated/settled), IPR2016-00573 (terminated/settled), IPR2016-00574 (terminated/settled), IPR2016-00983 (terminated/settled), IPR2016-01151 (terminated/settled), IPR2016-01391 (final written decision), IPR2016-01397 (final written decision), IPR2016-01399 (pending), IPR2016-01425 (terminated/settled), and IPR2016-01426 (not instituted). *See* Pet. 1; Paper 9, 3.

During the Oral Hearing, Patent Owner informed the panel that a reexamination examiner finally rejected claims in the '012 patent. *See* Paper 67, Ex. 2058 (Examiner’s Answer).<sup>4</sup> Patent Owner also informed the panel during the Oral Hearing that another reexamination examiner considered claims of U.S. Patent No. 8,902,760, which are at issue in Case IPR2016-01399. *See* IPR2016-01399, Paper 69 (ordering briefing to address the claims amended during the reexamination proceeding).

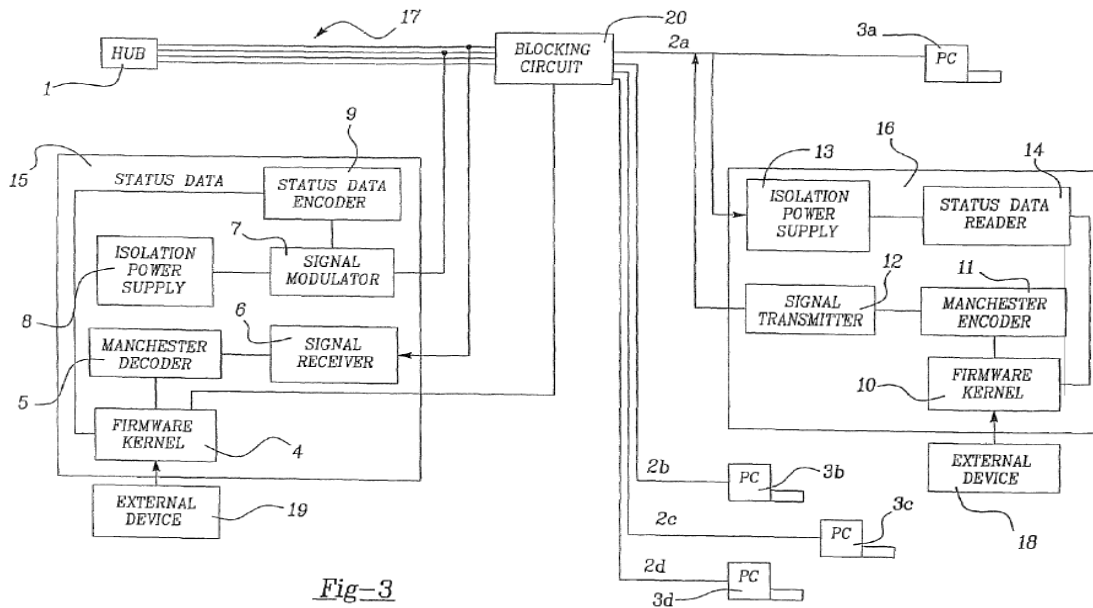
<sup>3</sup> Patent Owner also cites a number of district court cases involving related claim construction issues. *See* Prelim. Resp. 16–18 & nn.19–22.

<sup>4</sup> The reexamination Examiner sustained a final rejection for obviousness of claims 1–3, 5, 6, 10, 11, 13, 16, 18, 19, 22, 24–33, 35, 36, 40–41, 43, 46, 48, 49, 52, 54–73, 76, 80–88, 91, 93–96, 98–104, and 106 over prior art not involved in the instant case. *See* Ex. 2058, 3.

B. The '012 Patent (Ex. 1001)

The '012 patent describes systems for monitoring assets connected to a communication system. Ex. 1001, Abstract. One aspect of the system “generat[es] and monitor[s] data over a pre-existing wiring or cables that connect pieces of networked computer equipment [assets] to a network.” Ex. 1001, 3:19–22. To monitor the assets, central module 15 and remote module 16 identify electronic computer equipment attached to computer network 17. *Id.* at 4:44–47. For example, “central module 15 monitors remote module circuitry 16 that may be permanently attached to remotely located electronic workstations such as personal computers 3A through 3D.” *Id.* at 4:53–56.

Figure 3 of the '012 patent follows:



Ex. 1001, Fig. 3. Figure 3 portrays isolation power supply 8 in central module 15, which supplies direct current (DC) to current loops 2a–2d, personal computers (PCs) 3a–3d, and remote module 16a. *See id.* at 5:33–35, Figs. 3, 4.

Patent Owner argued during the Oral Hearing that the '012 patent supports the last clause of challenged claim 31 (“wherein distinguishing information about the piece of Ethernet data terminal equipment is associated to impedance within the at least one path”), because it supports monitoring assets simply by monitoring a resistor attached to the asset. *See* Ex. 1001, Fig. 8, 8:22–31; Tr. 98:6–103:22.

Figure 8 of the '012 patent follows:

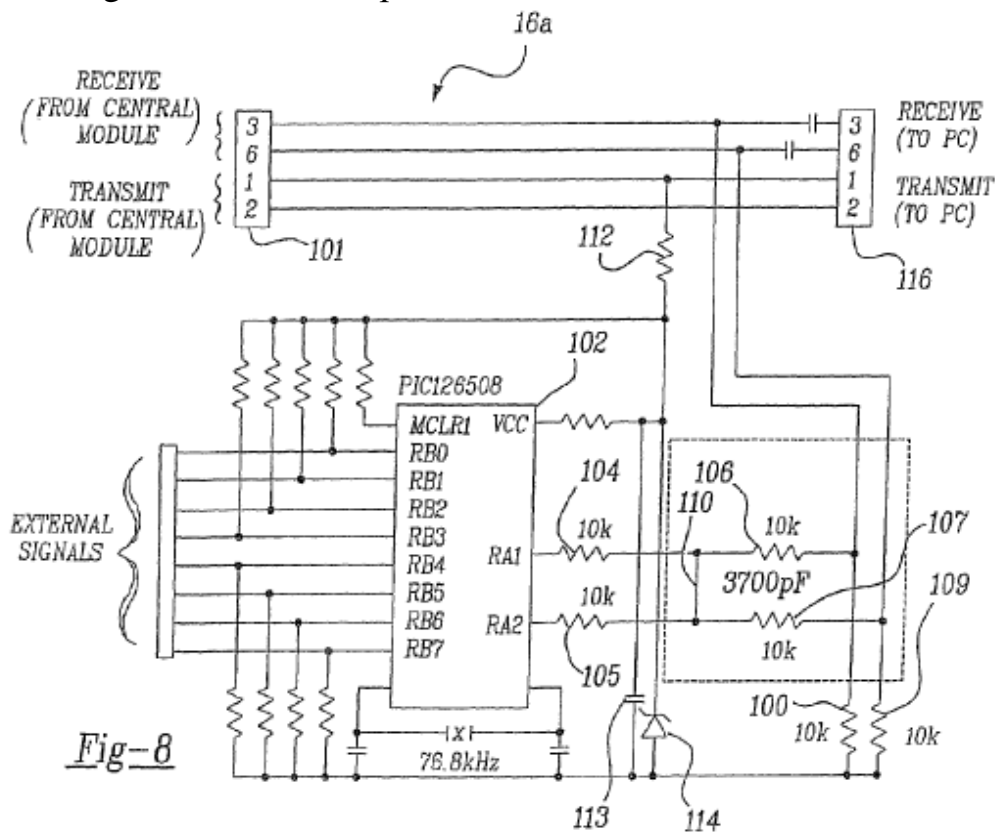


Figure 8 shows resistor 112 connected on a bus between the central module (not depicted) at connector 101 and a PC (not depicted) connected at connector 116. *See* Ex. 1001, 8:22–31, Fig. 4 (showing remote module 16a connected to PC 3a on one side and connected to central module 15a on another side via connectors and a bus). Although the Specification describes resistor circuitry 112 as part of a central module (Ex. 1001, 3:65–67), clearly

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