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 IPR2016-01391[1]
Patent 8,942,107 B2

_____

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

ANDERSON, *Administrative Patent Judge*.

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

[1] Ruckus Wireless, Inc., Brocade Communication Systems, Inc., and
Netgear, Inc. filed a petition in (now terminated) IPR2017-00718, who have
been joined to the instant proceeding. Paper 25.

I. INTRODUCTION

Juniper Networks, Inc. ("Petitioner") filed a Petition (Paper 1, "Pet.") pursuant to 35 U.S.C. §§ 311–19 to institute an *inter partes* review of claims 1, 5, 31, 43, 70, 72, 74, 75, 83, 103, 104, 111, 123, and 125 ("the challenged claims") of U.S. Patent No. 8,942,107 B2 ("the '107 patent," Ex. 1001), filed February 10, 2012.[2] ChriMar Systems, Inc. ("Patent Owner") filed a Preliminary Response ("Prelim. Resp.," Paper 7). We instituted an *inter partes* review of the challenged claims (Paper 9, "Institution Decision" or "Inst. Dec."). We then joined the other three Petitioner parties listed above. *See* note 1; Paper 25. Patent Owner filed a Response ("PO Resp.," Paper 26) and Petitioner filed a Reply ("Pet. Reply," Paper 33). The Board filed a transcription of the Final Hearing held on August 31, 2017. (Paper 63, "Tr.").

Petitioner relies on, *inter alia*, First Declaration of Ian Crayford ("First Crayford Decl.," Ex. 1002) filed with the Petition and Second Declaration of Ian Crayford ("Second Crayford Decl.," Ex. 1046) filed with its Reply. A Third Declaration of Ian Crayford authenticates certain exhibits[3] (Ex. 1048). Patent Owner took a first deposition of Mr. Crayford ("First Crayford Deposition," "First Crayford Dep.," Ex. 2039) and a second

---

[2] The cover page of the '107 patent alleges it is a "[C]ontinuation of application No. 12/239,001, filed on Sep. 26, 2008, now Pat. No. 8,155,012, which is a continuation of application No. 10/668,708, filed on Sep. 23, 2003, now Pat. No. 7,457,250, which is a continuation of application No. 09/370,430, filed on Aug. 9, 1999, now Pat. No. 6,650,622, which is a continuation-in-part of application No. PCT/US99/07846, filed on Apr. 8, 1999." Ex. 1001 (63). A provisional application was filed April 10, 1998. *Id.* (1).

[3] Exhibits 1021–1024, 1030, 1031, and 1035–1042.

deposition of Mr. Crayford ("Second Crayford Deposition," "Second Crayford Dep.," Ex. 2055) for which it filed Observations ("Obs.," Paper 44) and Petitioner filed an Opposition to Observations ("Opp. Obs.," Paper 55).

Patent Owner relies on, *inter alia*, a Declaration by Dr. Vijay K. Madisetti ("Madisetti Decl.," Ex. 2038) filed with its Response. Petitioner took the deposition of Dr. Madisetti ("Madisetti Deposition," "Madisetti Dep.," Ex. 1020).

Petitioner's Motion to Exclude (Paper 46) is *denied*. Patent Owner's Motion to Exclude (Paper 45) is *denied-in-part and dismissed-in-part*. Patent Owner's Motion to Strike Petitioner's Reply (Paper 47) is *denied*.

The Board has jurisdiction under 35 U.S.C. § 6. 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.

A. Related Proceedings

Petitioner advises us that the '107 patent is the subject of fifty one (51) civil actions filed in the Eastern District of Michigan, Eastern District of Texas, and Northern District of California. Pet. 1 (citing *Docket Navigator* printout dated July 7, 2016, Ex. 1012). Petitioner is a defendant in *Chrimar Systems, Inc., et al. v. Juniper Networks, Inc.*, Case No. 3:16-cv-558 (N.D. Cal.).[4] *Id.* The '107 patent was the subject of a now terminated *inter partes* review, *AMX, LLC, and Dell Inc. v. Chrimar Systems, Inc.*, IPR2016-00569 ("'569 IPR"). *Id.*[5]

---

[4] Patent Owner advises us that this lawsuit is stayed. Prelim. Resp. 3.
[5] We instituted trial in the '569 IPR on August 10, 2016. '569 IPR, Paper

Patent Owner identifies nineteen (19) related actions. Paper 6, 2–3. Patent Owner cites specifically to *Chrimar Systems, Inc., et al. v. ADTRAN, Inc., et al.*, Civil Action No. 6:15-cv-618-JRG-JDL (E.D. Tex.) (the '618 lawsuit"), *Chrimar Systems, Inc., et al. v. Alcatel-Lucent, et al.*, Civil Action No. 6:15-cv-163-JDL (E.D. Tex.) (the "'163 lawsuit"), and *Chrimar Systems, Inc., et al. v. AMX LLC.,* No. 6:13-cv-881-JDL (E.D. Tex.) (the "'881 lawsuit") (collectively the "District Court") as having construed several terms of the '107 patent and several of Patent Owner's related patents sharing a common specification. Prelim. Resp. 3 n4, 12–13. The Patent Owner indicates that the following petitions for *inter partes* review are related to this case:

Case No.	Involved U.S. Patent No.
IPR2016-00569 (*see* n.5)	U.S. Patent No. 8,942,107
IPR2016-00573	U.S. Patent No. 9,019,838
IPR2016-00574	U.S. Patent No. 8,902,760
IPR2016-00983	U.S. Patent No. 8,155,012
IPR2016-01151	U.S. Patent No. 9,019,838
IPR2016-01389	U.S. Patent No. 8,155,012
IPR2016-01397	U.S. Patent No. 9,019,838
IPR2016-01399	U.S. Patent No. 8,902,760
IPR2016-01425	U.S. Patent No. 8,155,012
IPR2016-01426	U.S. Patent No. 9,019,838

Paper 6, 3.

19. Trial was terminated as to Petitioner AMX LLC only on November 9, 2016. *Id.* at Paper 27. Petitioner Dell Inc. was terminated on January 20, 2017, terminating the proceeding. *Id.* at Paper 40.

B. Technology and the '107 Patent

1. Technology

The '107 patent "relates generally to computer networks and, more particularly, to a network management and security system for managing, tracking, and identifying remotely located electronic equipment on a network." Ex. 1001, col. 1, ll. 27–30. The '107 patent is "adapted to be used with an existing Ethernet communications link or equivalents thereof." *Id.* at col. 3, ll. 41–43.

2. The '107 Patent (Ex. 1001)

The '107 patent describes a communication system that generates and monitors data relating to the electronic equipment, and can for example use the "pre-existing wiring or cables that connect pieces of networked computer equipment to a network." Ex. 1001, col. 3, ll. 24–27. In a first embodiment, the system includes a remote module attached to the electronic equipment being monitored. *Id.* at col. 3, ll. 27–30. The remote module transmits a low frequency signal containing equipment information to a central module over the cable. *Id.*

The communication or monitoring of the network equipment can be accomplished "over preexisting network wiring or cables without disturbing network communications." Ex. 1001, col. 12, ll. 1–7. This is accomplished "by coupling a signal that does not have substantial frequency components within the frequency band of network communications." *Id.* For example, a high frequency network such as an Ethernet network operates at higher frequencies of between 5 MHz to 10 MHz. *Id.* at col. 12, ll. 19–23. A

DOCKET ALARM

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.

fastcase®
Smarter legal research.