UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

CHRIMAR SYSTEMS, INC.,
Patent Owner

Case No. IPR2018-01511 Patent 8,902,760 B2

PETITIONER'S REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE



IPR2018-01511

Petitioner's Reply to Patent Owner's Preliminary Response

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TABLE OF AUTHORITIES

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Cisco Sys., Inc. et al v. ChriMar Sys., Inc., 15-cv-10817, Dkt. 16 (E.D. Mich. Feb. 17, 2018)
Click-To-Call Techs., LP v. Ingenio, Inc., 899 F.3d 1321 (Fed. Cir. 2018)passim
Clio USA, Inc., No. IPR2013-00438, Paper 9 (P.T.A.B. Jan. 9, 2014)
RaceTires Am., Inc. v. Hoosier Racing Tire Corp., 674 F.3d 158 (3d Cir. 2012)
Statutes
35 U.S.C. § 315
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Other Authorities
157 Cong. Rec. S1023 (March 1, 2011)6
9 Wright & Miller, Federal Prac. and Proc. § 2367 (3d. ed. 2018)6
Black's Law Dictionary (10th ed. 2014)2



PETITIONER'S EXHIBIT LIST

Exhibit No.	Description	Previously Submitted
1001	Declaration of George Zimmerman Under 37 C.F.R. § 1.68 in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent Nos. 8,155,012, 8,902,760; 9,049,019; and 9,812,825	X
1002	Curriculum Vitae of George Zimmerman	X
1003	U.S. Patent No. 8,155,012	X
1004	U.S. Patent No. 8,902,760	X
1005	U.S. Patent No. 9,049,019	X
1006	U.S. Patent No. 9,812,825	X
1007	Final Written Decision regarding U.S. Patent No. 8,155,012, Juniper Networks, Inc. v. ChriMar Sys., Inc., IPR2016-01389, Paper No. 69 (P.T.A.B. Jan. 23, 2018)	X
1008	Final Written Decision regarding U.S. Patent No. 8,942,107, Juniper Networks, Inc. v. ChriMar Sys., Inc., IPR2016-01391, Paper No. 66 (P.T.A.B. Dec. 20, 2017)	X
1009	Final Written Decision regarding U.S. Patent No. 9,019,838, Juniper Networks, Inc. v. ChriMar Sys., Inc., IPR2016-01397 Paper No. 66 (P.T.A.B. Dec. 29, 2017)	X
1010	Final Written Decision regarding U.S. Patent No. 8,902,760, Juniper Networks, Inc. v. ChriMar Sys., Inc., IPR2016-01399 Paper No. 73 (P.T.A.B. Apr. 26, 2018)	X
1011	Oral hearing transcript, August 31, 2017, Juniper Networks, Inc. v. ChriMar Sys., Inc., IPR2016-01389, 1391, 1397, 1399.	X
1012	Opinion, ChriMar Holding Company, LLC, ChriMar Systems, Inc. dba CMA Technologies, Inc v. ALE USA Inc., fka Alcatel-Lucent Enterprise USA, Inc., 17-1848, Dkt. No. 55 (May 8, 2018)	X
1013	Memorandum Opinion and Order, <i>Chrimar Sys., Inc., et al. v. Alcatel-Lucent S.A. et al.</i> , Civil Action No. 6:15-cv-163-JDL, Eastern District of Texas, Dkt. No. 122, March 28, 2016	X
1014	Defendant's Answer, Affirmative Defenses, Jury Demand and Counterclaim to First Amended Complaint, <i>Cisco Sys., Inc. v. ChriMar Sys. Inc.</i> , 2:17-cv-13770, Dkt. 22 (E.D. Mich. Mar. 16, 2018)	X



Exhibit No.	Description	Previously Submitted
1015	List of Pending Cases Involving U.S. Patent No. 8,155,012	X
1016	List of Pending Cases Involving U.S. Patent No. 8,902,760	X
1017	List of Pending Cases Involving U.S. Patent No. 9,049,019	X
1018	List of Pending Cases Involving U.S. Patent No. 9,812,825	X
1019	IEEE 802.3-1985	X
1020	IEEE 802.3i-1990	X
1021	IEEE 802.3u-1995	X
1022	IEEE International Standard ISO/IEC 8802-3: 1993	X
1023	IEEE Standards Association News & Events: Press Releases "IEEE 802.3 Standard for Ethernet Marks 30 Years of Innovation and Global Market Growth"	X
1024	Declaration of Jennifer A. Babbitt	X
1025	U.S. Patent No. 4,173,714 to Bloch et al.	X
1026	U.S. Patent No. 4,823,070 to Nelson	X
1027	U.S. Patent No. 5,089,927 to Bulan et al.	X
1028	U.S. Patent No. 5,994,998 to Fisher	X
1029	U.S. Patent No. 6,115,468 to De Nicolo	X
1030	U.S. Patent No. 6,140,911 to Fisher	X
1031	U.S. Patent No. 6,247,058 to Miller et al.	X
1032	U.S. Patent No. 6,865,152 to Luhmann	X
1033	WO 96/23377 to Hunter	X
1034	Swiss Patent No. CH 643 095 A5 to Peguiron, Certified Copy of an English Translation Version of CH 643 095 A5, and Declaration of John E. Dawson	X
1035	Ex Parte Reexamination Certificate for U.S. Patent No. 8,902,760, September 18, 2017	X
1036	<i>Ex Parte</i> Reexamination Advisory Action for U.S. Patent No. 8,155,012, June 14, 2017	X
1037	Dan Blacharski, "Maximum Bandwidth: A Serious Guide to High-Speed Networking", Que Corporation (1997)	X
1038	Michael Nootbar, "Why Power Over Signal Pairs?" (March 2000)	X



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