

Paper No. \_\_\_\_\_

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DELL, INC., HEWLETT-PACKARD COMPANY, and NETAPP, INC.,  
Petitioners,

v.

ELECTRONICS AND TELECOMMUNICATIONS RESEARCH INSTITUTE,  
Patent Owner.

Case IPR2013-00635  
Patent No. 6,978,346

**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

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**TABLE OF AUTHORITIES**

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## **I. Introduction**

Patent Owner ("PO") filed its Response to Petition on June 20, 2014 ("Response," Paper 28). Petitioner submits this reply under 37 C.F.R. § 42.23.

## **II. Statement of Material Facts in Dispute**

PO did not submit a statement of material facts in its Response to Petition. Accordingly, Petitioner neither denies nor admits any facts.

## **III. Statement of Relief Requested**

Petitioner requests cancellation of claims 1-3 and 5-8 of the '346 patent by way of this *inter partes* review.

## **IV. Response to Patent Owner's Arguments**

### **A. Overview**

PO's validity arguments rest upon flawed reasoning regarding the "RAID controlling unit" limitation. It is very clear that US Patent 5,574,950 (Ex. 1005, hereinafter, "Hathorn") teaches a redundant array of inexpensive disks (RAID). As explained further below, the data mirroring operation of Hathorn is a RAID configuration, and even PO's own expert acknowledge that Hathorn teaches a RAID. Given that Hathorn has a RAID, the issue presented in the Response is "which components in Hathorn are RAID controllers?" PO narrowly construes the first and second RAID controlling units to be separate computing devices that each read and write directly to all of the disk drives in the RAID.

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