

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent of: Baek *et al.*

U.S. Patent No.: 6,978,346

Attorney Docket No.: 27450-0011IP1

Issue Date: December 20, 2005

Appl. Serial No.: 09/753,245

Filing Date: December 29, 2000

Title: APPARATUS FOR REDUNDANT INTERCONNECTION BETWEEN  
MULTIPLE HOSTS AND RAID

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**PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT NO. 6,978,346**

**PURSUANT TO 35 U.S.C. §§ 311-319, 37 C.F.R. § 42**

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## EXHIBITS

VMWARE-1001: U.S. Patent No. 6,978,346 to Baek et al., foreign application priority date 9/19/2000 (“the ’346 patent”);

VMWARE-1002: Excerpts from the Prosecution History of the ’346 Patent;

VMWARE-1003: Expert Declaration of Dr. Robert Horst;

VMWARE-1004: Dr. Robert Horst Curriculum Vitae;

VMWARE-1005: U.S. Patent No. 5,574,950 to Hathorn et al., issued 11/12/1996 (“Hathorn”);

VMWARE-1006: Smith, Kevin J., “Storage Area Networks: Unclogging LANs and Improving Data Accessibility,” Mylex Corporation White Paper (published 5/29/1998) (“Mylex paper”);

VMWARE-1007: U.S. Patent No. 6,401,170 to Griffith et al., filed on 8/18/1999 (“Griffith”);

VMWARE-1008: U.S. Patent No. 6,578,158 to Deitz et al., filed on 10/28/1999 (“Deitz”);

VMWARE-1009: Affidavit of Mr. Chris Butler, on behalf of Internet Archive;

VMWARE-1010: U.S. Patent No. 6,073,218 to DeKoning et al., filed on 12/23/1996 (“DeKoning”);

VMWARE-1011: Clark, “Designing Storage Area Networks,” 1<sup>st</sup> Edition, Addison-Wesley Professional (1999);

VMWARE-1012: Spainhower, “Design for Fault-Tolerance in System ES /9000 Model 900,” IEEE (1992);

VMWARE-1013: IEEE 100: Authoritative Dictionary of IEEE Standards Terms, 7th Edition (2000); and

VMWARE-1014: Siewiorek, D and Swarz R., “Reliable Computer Systems, Design and Evaluation,” Digital Press (1992).

VMware, Inc. (“Petitioner”) petitions for *Inter Partes* Review (“IPR”) under 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42 of claims 1-9 (“the Challenged Claims”) of U.S. Patent No. 6,978,346 (“the ’346 patent” or “the Baek patent”). As explained in this petition, there exists a reasonable likelihood that Petitioner will prevail with respect to each of the Challenged Claims.

The Challenged Claims are unpatentable based on teachings set forth in at least the references presented in this petition. Petitioner respectfully submits that an IPR should be instituted, and that the Challenged Claims should be cancelled as unpatentable.

**I. MANDATORY NOTICES UNDER 37 C.F.R § 42.8 (a) (1)**

**A. Real Party-In-Interest Under 37 C.F.R. § 42.8 (b) (1)**

Petitioner VMware, Inc. is the real party-in-interest.

**B. Related Matters Under 37 C.F.R. § 42.8 (b) (2)**

The ’346 patent is the subject of a number of civil actions in the District Court for Delaware: Civil Action Nos. 1-13-cv-01152; 1-13-cv-01151; 1-13-cv-01150; 1-13-cv-01088; 1-13-cv-01089; 1-13-cv-01090; 1-13-cv-00928; 1-13-cv-00927; 1-13-cv-00931; 1-13-cv-00932; 1-13-cv-00930; 1-13-cv-00929; 1-13-cv-00926; 1-12-cv-01629; 1-12-cv-01625; 1-12-cv-01627; 1-12-cv-01624; 1-12-cv-01628; and 1-12-cv-01626.

The ’346 patent is also the subject of *Inter Partes* Review No. IPR2013-00635.

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