

**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 IPR2014-00901  
Appl. Serial No.: 09/753,245  
Filing Date: December 29, 2000  
Title: APPARATUS FOR REDUNDANT INTERCONNECTION  
BETWEEN MULTIPLE HOSTS AND RAID

**Mail Stop Patent Board**

Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND CORRECTED 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**

## TABLE OF CONTENTS

<b>I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8 (a) (1)</b> .....	1
A. Real Party-In-Interest Under 37 C.F.R. § 42.8 (b) (1) .....	1
B. Related Matters Under 37 C.F.R. § 42.8 (b) (2).....	1
C. Lead and Back-Up Counsel Under 37 C.F.R. § 42.8 (b) (3).....	2
D. Service Information .....	2
<b>II. PAYMENT OF FEES UNDER 37 C.F.R. § 42.103</b> .....	2
<b>III. REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104</b> .....	3
A. Grounds for Standing Under 37 C.F.R. § 42.104.....	3
B. Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested .....	3
C. Claim Construction under 37 C.F.R. §§ 42.104(b)(3) .....	5
1. “RAID” (Claims 1-9) .....	6
2. “RAID controller/RAID controlling unit” (Claims 1-9).....	7
3. “exchange/exchanges information” (Claims 1-9) .....	7
4. “connection unit” (Claims 1-9) .....	7
5. “network interface controller,” “network controlling unit,” and “network interface controlling unit” (Claims 1-9) .....	7
<b>IV. SUMMARY OF THE ’346 PATENT</b> .....	8
A. Brief Description .....	8
B. Prosecution History .....	9
<b>V. MANNER OF APPLYING CITED PRIOR ART TO EVERY CLAIM FOR WHICH AN IPR IS REQUESTED, THUS ESTABLISHING A REASONABLE LIKELIHOOD THAT AT LEAST ONE CLAIM OF THE ’346 PATENT IS UNPATENTABLE</b> .....	10
A. Brief Description of the References .....	10
i. Mylex.....	10
ii. Hathorn .....	11
iii. Deitz .....	12

iv. Griffith.....	12
v. DeKoning.....	14
B. Motivation to Combine.....	14
A. [GROUND 1 and GROUND 2] – The Combination of Mylex and Hathorn Renders Obvious Claims 1-9.....	17
i. Detailed Disclosure.....	20
B. [GROUND 3] – The Combination of Deitz or Mylex with Griffith or DeKoning Renders Obvious Claims 1-9 .....	42
i. Detailed Disclosure.....	44
<b>VI. CONCLUSION .....</b>	<b>60</b>
<b>CERTIFICATE OF SERVICE .....</b>	<b>62</b>

## 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 the references presented in this petition. Petitioner 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 IPR No. IPR2013-00635 and petitions for IPR Nos. IPR2014-00949 and IPR2014-00976.

# 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.