

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the *Inter Partes* Review of:

Trial Number: To Be Assigned

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

Filed: December 29, 2000

Issued: December 20, 2005

Inventor(s): Sung-Hoon Baek, Joong-Bae Kim, Yong-Youn Kim

Assignee: Electronics and
Telecommunications Research Institute

Title: Apparatus For Redundant
Interconnection Between Multiple Hosts
And RAID

Panel: To Be Assigned

Mail Stop *Inter Partes* Review
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR *INTER PARTES* REVIEW UNDER 37 C.F.R. § 42.100

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On behalf of International Business Machines Corporation (“IBM”) and Oracle America, Inc. (“Oracle”) (collectively “Petitioners”) and in accordance with 35 U.S.C. § 311 and 37 C.F.R. § 42.100, *inter partes* review (“IPR”) is respectfully requested of Claims 1-9 (“the Challenged Claims”) of U.S. Patent No. 6,978,346 (“the ’346 Patent”), attached hereto as Exhibit 1004.

I. MANDATORY NOTICES PURSUANT TO 37 C.F.R. § 42.8(a)(1)

Pursuant to 37 C.F.R. § 42.8(a)(1), the mandatory notices identified in 37 C.F.R. § 42.8(b) are provided below as part of this Petition.

A. 37 C.F.R. § 42.8(b)(1): Real Parties-In-Interest

IBM and Oracle are the real parties-in-interest.

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

The ’346 patent is the subject of a number of civil actions in the District Court for the District of 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 Case Nos. IPR2013-00635, IPR2014-00901, and IPR2014-00949.

C. 37 C.F.R. § 42.8(b)(3) and (4): Lead and Back-Up Counsel and Service Information

The Petitioners provide the following designation of counsel:

Lead Counsel	Back-up Counsel
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Pursuant to 37 C.F.R. § 42.10(b), Powers of Attorney from Oracle and IBM accompany this Petition. Please address all correspondence to lead and back-up counsel. The Petitioners consent to electronic service by email at IBM-Safe-Storage-KEService@kirkland.com.

II. PAYMENT OF FEES PURSUANT TO 37 C.F.R. § 42.103

The undersigned authorize the Office to charge the fee set forth in 37 C.F.R. § 42.15(a) for this Petition to Deposit Account No. 506092. Review of nine (9) claims is requested, and thus no excess claim fees are required. The undersigned further authorize payment for any additional fees that may be due in connection with this Petition to be charged to the above-referenced Deposit Account.

III. GROUNDS FOR STANDING PURSUANT TO 37 C.F.R. § 42.104(A)

Petitioners certify that the '346 Patent is available for IPR and that Petitioners are not barred or estopped from requesting IPR of the Challenged

Claims on the grounds identified in the Petition. The Petition is filed within one year of service of the complaints against Petitioners.¹

IV. 37 C.F.R. § 42.104(B): IDENTIFICATION OF CHALLENGE

Petitioners request that the Challenged Claims be found unpatentable.

A. 37 C.F.R. § 42.104(b)(1): Claims for Which IPR Is Requested

Petitioners request IPR of the Challenged Claims.

B. 37 C.F.R. § 42.104(b)(2): The Specific Art and Statutory Ground(s) on Which the Challenge is Based

IPR of the Challenged Claims is requested in view of the following:

- U.S. Pat. No. 6,070,251, to Chong (“Chong US”). Chong US was filed on June 26, 1997, and issued on May 30, 2000. Chong US is prior art under 35 U.S.C. §§ 102(e)² and 102(a), and is attached hereto as Ex. 1005.
- A counterpart to Chong US also published as Japanese Pat. No. JPH11120092A to Chong (“Chong JP”). Chong JP was published on April 30, 1999. Chong JP is prior art under 35 U.S.C. § 102(b) and is attached hereto as Ex. 1006. A certified translation of Chong JP is attached hereto as Ex. 1007.

¹ The complaint against Oracle (Case No. 13-cv-01089) was served on June 19, 2013. The complaint against IBM (Case No. 13-cv-01151) was served on July 1, 2013.

² Reference to 35 U.S.C. § 102 throughout this Petition is to the pre-AIA version of this provision, applicable to the ’346 Patent.

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