

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Baek *et al.*
U.S. Patent No.: 6,978,346
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

IBM-ORACLE-1001: U.S. Patent No. 6,978,346 to Baek et al., foreign application priority date 9/19/2000 ("the '346 patent");

IBM-ORACLE-1002: Excerpts from the Prosecution History of the '346 Patent;

IBM-ORACLE-1003: Expert Declaration of Dr. Robert Horst;

IBM-ORACLE-1004: Dr. Robert Horst Curriculum Vitae;

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

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

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

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

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

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

IBM-ORACLE-1011: Clark, "Designing Storage Area Networks," 1st Edition, Addison-Wesley Professional (1999);

IBM-ORACLE-1012: Spainhower, "Design for Fault-Tolerance in System ES /9000 Model 900," IEEE (1992);

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

IBM-ORACLE-1014: Siewiorek, D and Swarz R., "Reliable Computer Systems, Design and Evaluation," Digital Press (1992).

International Business Machines Corporation and Oracle America, Inc. (collectively "Petitioners") petition 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 Petitioners 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. Petitioners respectfully submit 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)

The real parties-in-interest are International Business Machines Corporation and Oracle America, Inc.

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 and petition for *Inter Partes* Review No. IPR2014-00901.

C. Lead and Back-Up Counsel Under 37 C.F.R. § 42.8 (b) (3)

Petitioners provide the following designation of counsel.

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D. Service Information

Please address all correspondence and service to counsel at the addresses provided in Section I(C) of this petition. Petitioners also consent to electronic service by email at IBM-Safe-Storage-KEService@kirkland.com.

II. PAYMENT OF FEES UNDER 37 C.F.R. § 42.103

Petitioners authorize the Patent and Trademark Office to charge Deposit Account No. 506092 for the fee set forth in 37 C.F.R. § 42.15 (a) for this petition and further authorize payment for any additional fees to be charged to this Deposit Account.

III. REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104**A. Grounds for Standing Under 37 C.F.R. § 42.104**

Petitioners certify that the '346 Patent is eligible for IPR. The present petition is being filed within one year of service of the complaint against Petitioners in the Delaware District

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