Trials@uspto.gov
571-272-7822

Paper 78
Entered: January 29, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE CORPORATION and NETAPP INC.,
Petitioner,

v.

CROSSROADS SYSTEMS, INC.,
Patent Owner.

Case IPR2014-01207
Patent 7,051,147 B2

Before NEIL T. POWELL, KRISTINA M. KALAN, J. JOHN LEE, and KEVIN W. CHERRY, *Administrative Patent Judges.*

KALAN, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

Oracle Corporation and NetApp Inc. (collectively, "Petitioner")[1] filed a Petition (Paper 1, "Pet.") to institute an *inter partes* review of claims 14–39 of U.S. Patent No. 7,051,147 B2 (Ex. 1001, "the '147 patent") pursuant to 35 U.S.C. §§ 311–319. Crossroads Systems, Inc. ("Patent Owner") filed a Preliminary Response (Paper 11, "Prelim. Resp.").

On February 2, 2015, we instituted trial as to claims 14–39 of the '084 patent. Paper 12 ("Dec."). During trial, Patent Owner filed a Patent Owner Response (Paper 29, "PO Resp."), which was accompanied by a Declaration from John Levy, Ph.D. (Ex. 2053). Petitioner filed a Reply to the Patent Owner Response. Paper 45 ("Reply"). An oral hearing was held on October 30, 2015. A transcript of the consolidated hearing has been entered into the record. Paper 77 ("Tr.").

Petitioner filed a Motion to Exclude (Paper 59) and Reply in support of the Motion to Exclude (Paper 71). Patent Owner filed an opposition to Petitioner's Motion to Exclude (Paper 64).

Patent Owner also filed a Motion to Exclude (Paper 61) and Reply in support of the Motion to Exclude (Paper 70). Petitioner filed an opposition to Patent Owner's Motion to Exclude (Paper 66).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

---

[1] Huawei Technologies Co. Ltd. was a Petitioner in the original Petition. Pet. 1. On October 8, 2015, we granted a joint motion to terminate Petitioner Huawei Technologies Co. Ltd. Paper 69.

We determine that Petitioner has shown by a preponderance of the evidence that claims 14–39 of the '147 patent are unpatentable.

II. BACKGROUND

A. Related Matters

The parties indicate that the '147 patent is asserted in co-pending matters captioned *Crossroads Systems, Inc. v. Oracle Corp.*, Case No. 1-13-cv-00895-SS (W.D. Tex.) and *Crossroads Systems, Inc. v. NetApp, Inc.*, Case No. 1-14-cv-00149-SS (W.D. Tex.). Pet. 2–3; Paper 9, 3. The '147 Patent is also involved in IPR2014-01209 and IPR2014-01544.

B. The '147 Patent (Ex. 1001)

The '147 patent, titled "Storage Router and Method for Providing Virtual Local Storage," issued on May 23, 2006. The '147 patent relates to a storage router and storage network where devices (e.g., workstations) connected to a Fibre Channel ("FC") transport medium are provided access to storage devices connected to a second FC transport medium. Ex. 1001, Abstract. The storage router interfaces with both FC media, mapping workstations on the first FC transport medium, for example, to the storage devices on the second FC transport medium. *Id.* The storage router of the '147 patent allows access from the workstations to the storage devices using "native low level, block protocol." *Id.* One advantage of using such native low level block protocols is greater access speed when compared to network protocols that must first be translated to low level requests, and vice versa, which reduces access speed. *Id.* at 1:58–67.

C. Illustrative Claim

Claim 14 of the '147 patent is reproduced below:

> 14. An apparatus for providing virtual local storage on a remote storage device to a device operating according to a Fibre Channel protocol, comprising:
>
> a first controller operable to connect to and interface with a first transport medium, wherein the first transport medium is operable according to the Fibre Channel protocol;
>
> a second controller operable to connect to and interface with a second transport medium, wherein the second transport medium is operable according to the Fibre Channel protocol; and
>
> a supervisor unit coupled to the first controller and the second controller, the supervisor unit operable to control access from the device connected to the first transport medium to the remote storage device connected to the second transport medium using native low level, block protocols according to a map between the device and the remote storage device.

Ex. 1001, 11:5–22.

D. Prior Art Supporting Instituted Unpatentability Grounds

1. CRD-5500 SCSI RAID Controller User's Manual (1996) ("CRD Manual") (Ex. 1003);
2. CRD-5500 SCSI RAID Controller Data Sheet (Dec. 4, 1996) ("CRD-5500 Data Sheet") (Ex. 1004);
3. Judith A. Smith & Meryem Primmer, *Tachyon: A Gigabit Fibre Channel Protocol Chip*, HEWLETT-PACKARD J. 1, 1–17 (1996) ("Smith") (Ex. 1005);
4. U.S. Patent No. 6,219,771 B1, issued Apr. 17, 2001 ("Kikuchi") (Ex. 1006);
5. U.S. Patent No. 6,073,209, issued June 6, 2000 ("Bergsten") (Ex. 1007); and
6. JP Patent Application Pub. No. Hei 5[1993]-181609, published July 23, 1993 ("Hirai") (Ex. 1008).

Petitioner also relies on the Declaration of Professor Jeffrey S. Chase, Ph.D. (Ex. 1010, "Chase Declaration").

E. Instituted Unpatentability Grounds

We instituted an *inter partes* review of claims 14–39 of the '147 patent on the following grounds:

References	Basis	Claims Instituted
CRD Manual, CRD-5500 Data Sheet, and Smith	§ 103	14–39
Kikuchi and Bergsten	§ 103	14–39
Bergsten and Hirai	§ 103	14–39

III. ANALYSIS

For the challenged claims, Petitioner must prove unpatentability by a preponderance of the evidence. 35 U.S.C. § 316(e). We begin with a claim construction analysis, and then follow with specific analysis of the prior art.

A. Claim Interpretation

The Board interprets claim terms in an unexpired patent using the "broadest reasonable construction in light of the specification of the patent in which [they] appear[]." 37 C.F.R. § 42.100(b); *see* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012). Under the broadest reasonable interpretation standard, claim terms are given their ordinary and customary meaning in view of the specification, as would be understood by one of ordinary skill in the art at the time of the invention. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). Only those terms which are in controversy need be construed, and only to the extent necessary to resolve the controversy. *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

DOCKET ALARM

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.