IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CROSSROADS SYSTEMS, INC.,	§ §	
Plaintiff,	§ §	
	§	CIVIL ACTION NO. 1:09-CV-00879-SS
v.	§ §	
	§	JURY DEMANDED
(1) POSTVISION, INC., D/B/A	§	
ARCHION,	§	
(2) CELEROS CORPORATION,	§	
(3) DIGILINK TECHNOLOGY, INC.,	§	
(4) CIPHERMAX, INC.,	§	
(5) INTRANSA, INC.,	§	
(6) RASILIENT SYSTEMS, INC.,	§	
(7) QLOGIC CORPORATION, and	§	
(8) OVERLAND STORAGE, INC.	§	
	§	
Defendants.	§	

CROSSROADS SYSTEMS, INC.'S CONCISE STATEMENT OF INFRINGEMENT

Crossroads Systems, Inc. ("Crossroads") alleges that Digilink Technology, Inc. ("Digilink"), Rasilient Systems, Inc. ("Rasilient"), and Overland Storage, Inc. ("Overland") (collectively, referred to herein as "Defendants") each infringes directly and indirectly, either literally or under the doctrine of equivalents, Claims 1-4, 7-14 of United States Patent No. 6,425,035 (the "'035 Patent"). Crossroads further alleges that Overland infringes directly and indirectly, either literally or under the doctrine of equivalents, Claims 1-3, 6-7, 9-12, 14-16, 18-19, 21-23, 25-26, 28-30, 32-35 and 37-38 of United States Patent No. 7,051,147 (the "'147 Patent").[1] This statement is preliminary as Crossroads has received no discovery from any of the Defendants. Crossroads reserves the right to supplement and/or amend its positions herein based

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[1] QLogic Corporation and Crossroads filed a Motion to Dismiss QLogic from the instant case. Postvision, Inc., d/b/a Archion and Crossroads filed a Stipulation of Dismissal as to Archion. As a result, neither of these Defendants is included in the instant Statement.

upon further information obtained during the discovery process, claim construction or further analysis. In addition, Crossroads may determine that Overland, Digilink, and Rasilient make, use, offer to sell, sell or import (or have made, used, offered to sell, sold or imported) products other than those specifically called out below that infringe one or both of the '035 and '147 Patents.

Crossroads alleges that Overland has infringed the '035 Patent by making, using, and/or selling its REO Series of Virtual Tape Library appliances,[2] its NEO Tape Library line of products with library partitioning option ("LPO") and FCO3 or GEOi2 cards[3] and its ULTAMUS RAID products[4] (collectively, the "Overland Products). Crossroads further alleges that Digilink has infringed the '035 Patent by making, using, and/or selling its Digiliant SAN Storage Server line of products with Open-E operating system[5] ("Digiliant Open-E Storage Servers") and its Digiliant SAN Storage Server line of products running Windows Storage Server 2008 with iSCSI target operating system[6] ("Digiliant Windows Storage Servers") (collectively the "Digilink Products"). Crossroads further alleges that Rasilient has infringed the '035 Patent by making, using, and/or selling RASTOR Performance RAID Storage Systems[7] and its PixelStor High Performance Video Storage System[8] (collectively the "Rasilient Products"). The Overland Products, Digilink Products and Rasilient Products are referred to collectively as the "Accused Products." Crossroads further alleges that Overland has infringed the '147 Patent

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[2] For example, Overland's REO 1000, 1500, 2000, 4000, 4500, 4500c, 4600, 9000, 9100, 9100c and 9100D products.
[3] For example, Overland's NEO 2000, 2000E, 4000, 4000E and 8000 products.
[4] For example, Overland's ULTAMUS RAID 1200 and 4800 products.
[5] For example, Digiliant's R4E124AD-NO, R4E136AD-NO, R10104AD-NO, S10104AD-NO, S20108AD-NO, R20108AD-NO, R2E11AD-NO, R3E116AD-NO and R90148AD-NO products.
[6] For example, Digiliant's S10104AD-NW, S20108AD-NW, R10104AD-NW, R20108AD-NW, R2E112AD-NW, R3E116AD-NW, R4E122AD-NW, R4E124AD-NW, R4E134AD-NW and R90148AD-NW products.
[7] For example, Rasilient's Rastor 3000, 3500, 4000, 6000, 7500 and 8500 products.
[8] For example, Rasilient's PixelStor 3000 product.

by making, using, and/or selling its NEO Tape Library line of products with LPO and FCO3 cards (referred to as "Overland's Fibre-to-Fibre Products").[9]

I. Overview of the '035 and '147 "Access Controls" Patents

The '035 and '147 Patents disclose apparatus and methods for providing access controls between hosts and remote storage using native low level block protocol. The '035 Patent provides access controls between hosts and "remote" storage, where the storage is remote if the connection between host and storage includes *any serial transport medium.* The principle difference between the two patents is that the '147 Patent requires that the transport mediums between the host and storage be fibre channel transport mediums.[10]

II. '035 Patent

With respect to Claim 1 (and the asserted claims depending from Claim 1) of the '035 Patent, the Accused Products infringe by providing virtual local storage on remote storage devices to hosts by presenting the remote storage to hosts so that the storage appears to the host as locally connected storage (despite the fact the storage is remote from the host). Claim 1 of the '035 Patent recites various hardware limitations, such as a buffer, first controller, second controller and supervisor unit each of which are included in the Accused Products. The Accused Products include a map that creates a path between the host and the storage that includes a representation of the host (*e.g.,* the host worldwide name (WWN), host IP address, host iSCSI initiator name, or fibre channel port) and a representation of the storage device (*e.g.,* a LUN or iSCSI target name). In this way, the Accused Products allocate subsets of storage to assigned hosts so that a particular subset of storage is accessible by only the appropriately assigned hosts,

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[9] *See supra* fn 3.

[10] While a fibre channel transport medium is one example of a serial transport medium, there are a number of serial transport mediums that could connect devices in a network.

thereby controlling host access to the storage.[11] The Accused Products receive native low level block protocol commands (*e.g.*, SCSI commands) from the hosts via their serial transport interface (*e.g.*, fibre channel interface, iSCSI transport interface) to allow hosts to access storage using native low level block protocols (*i.e.*, protocols that do not require the overhead of high level protocols or file systems typically required of network servers (e.g., the SCSI protocol)).

With respect to Claim 7 (and the asserted claims depending from Claim 7) of the '035 Patent, Defendants each provide instructions to users regarding how to operate its Accused Products in a storage network. The Accused Products have no alternative function other than to operate in a storage network as claimed in Claim 7 of the '035 Patent. With respect to Claim 11 (and the asserted dependent claims) of the '035 Patent, Defendants each provide instructions to users regarding how to perform the method of providing virtual local storage as claimed using its Accused Products. The Accused Products have no alternative function other than to operate in accordance with the method as claimed in Claim 11 of the '035 Patent.[12]

III.   '147 Patent

As discussed above, the '147 Patent claims providing access controls between hosts and storage in a "fibre-to-fibre" system where hosts send fibre channel commands and fibre channel commands are sent to the storage. With respect to Claim 1 (and the asserted claims depending from Claim 1) of the '147 Patent, the Overland Fibre-to-Fibre Products control host to storage

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[11] Overland describes the ability to provide the claimed access controls in several ways. The REO Series of Virtual Tape Library appliances assign "initiator access" to targets or assign libraries to ports, the ULTAMUS RAID products perform "SAN LUN mapping," the NEO Tape Library line of products "[map] back-end SCSI devices to front-end Fibre Channel Port LUNs" for Fibre Channel initiators and utilize "Access Control Lists" for iSCSI initiators. Digilink refers to the ability to provide the claimed access controls as assigning "Target IP Access" for the Open-E SAN Storage Servers or as specifying "which initiators can connect to which targets" for the Windows SAN Storage Servers. Rasilient refers to the ability to provide the claimed access controls as LUN masking. Regardless of how it is phrased, each of the Accused Products includes the capability of mapping subsets of storage to hosts and only allowing a host to access a subset of storage if the host is mapped to that subset of storage.
[12] Attached hereto as Exhibits A-I are claims charts showing infringement of the '035 Patent by exemplary products of each of the Defendants.

access and receive fibre channel commands from the host and send fibre channel commands to fibre channel storage. In addition, each of the Overland Fibre-to-Fibre Products maintains a configuration that maps between host devices and subsets of storage. The map maintained by the Accused Fibre-to-Fibre Products associates an FC port for a host with a LUN for storage and presents to such host only those LUNs that are mapped to it; thus preventing hosts from accessing storage not specifically associated with that host's FC port in the map. The Overland Fibre-to-Fibre Products otherwise generally operate like the Overland Products, as described above.

With respect to Claim 6 (and the asserted claims depending from Claim 6) of the '147 Patent, Overland provides instructions to users regarding how to operate the Overland Fibre-to-Fibre Products in a storage network. The Overland Fibre-to-Fibre Products have no alternative function other than to operate in a storage network as claimed in Claim 6 of the '147 Patent. With respect to Claims 21 and 34 (and the asserted claims depending from Claims 21 and 34) of the '147 Patent, Overland provides instructions to users regarding how to operate its Overland Fibre-to-Fibre Products in a system. The Overland Fibre-to-Fibre Products have no alternative function than to operate in a system as claimed in claims 21 and 34. With respect to Claims 10 and 28 (and the asserted claims depending from claims 10 and 28) of the '147 Patent, Overland provides instructions to users regarding how to perform the method as claimed using its Overland Fibre-to-Fibre Products. The Overland Fibre-to-Fibre Products have no alternative function other than to operate in accordance with the methods as claimed in claims 10 and 28.[13]

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[13] Attached hereto as Exhibit J is a claims charts showing infringement of the '147 Patent by an exemplary Overland Fibre-to-Fibre Product.

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