

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE CORPORATION, NETAPP INC.
and HUAWEI TECHNOLOGIES CO., LTD.
Petitioners,

v.

CROSSROADS SYSTEMS, INC.
Patent Owner.

Case IPR2014-01207

Patent 7,051,147

DECLARATION OF JODI L. GREGORY

I, Jodi L. Gregory, declare as follows:

1. I am over the age of 21, and I have personal knowledge of the facts contained herein unless otherwise indicated.
2. I am the founder and President of Access Information Services, Inc., which provides customized business research and analyses. I have been employed there since 1988. My duties include research and analysis, and I conduct workshops on Internet research. I am regularly engaged by a wide variety of companies to conduct research regarding the availability of scientific literature. In 2012, Access Information Services, Inc. merged with Seek Information Services, an intellectual property research firm.
3. From 1989 to 1994, I was also Manager of the Information & Analysis Center with UES Inc., a research, development, and technology creation and transfer company. My work duties there included creating and managing a centralized information resource center, managing research on over 200 companies and their competitors, and acquiring online databases, end-user tools, collection development systems, and database management systems.
4. I have served on the Association of Independent Information Professionals' Board of Directors, and I have held the positions of President-Elect

and President of the Association.

5. I have authenticated documents and submitted declarations in the contested legal proceedings listed in Appendix D.

6. A true and correct copy of my Curriculum Vitae is attached hereto as Appendix A.

7. I have been asked to confirm the public accessibility of the ProtecTIER for the REO 9500D User Guide and Reference V. 1.2, copyright Mar. 25, 2008 (“ProtecTIER User Guide”, Exhibit 1226) prior to April 7, 2010. For the reasons detailed below, based on my research in this matter, the ProtecTIER User Guide was publicly accessible prior to April 7, 2010 as interested members of the public could have accessed, viewed, and downloaded the ProtecTIER User Guide with reasonable diligence if they so desired.

8. A search of the Internet Archive Wayback Machine shows that the ProtecTIER User Guide was publically available and publically accessible at least as early as November 19, 2008, as explained below.

9. The Wayback Machine is an archive of information obtained from the World Wide Web that is created and maintained by the Internet Archive, a non-profit organization. The Wayback Machine enables a user to access archived

versions of a web page over a period of time. To accomplish this, the Wayback Machine captures “snapshots” of publically accessible web pages on the Internet—preserving these web pages as they existed on the Internet at the point of time of capture. A user can supply a URL (*i.e.*, Internet address) of a desired web page to the Wayback Machine’s website interface and the user will be presented with a list of dates upon which the web page was archived. The user can click one of the listed dates to access and view the web page as it existed on the selected date. Each archived web page is assigned a distinct URL that includes the original web page URL as well as a date code, which is a list of numbers in the format of “yyyymmddhhmmss” (*i.e.*, year, month, day, hour, minute, second). The date code indicates, down to the second, when the archived web page was captured. For example, the embedded date code in the URL assigned to the archived version of the ProtecTIER User Guide indicates that the web page was captured on November 19, 2008 at 12:48 and 17 seconds: <https://web.archive.org/web/20081119124817/http://support.overlandstorage.com/jive/servlet/KbServlet/download/6321-102-2239/10400176-101.pdf>. Accordingly, an interested party could have accessed and viewed the ProtecTIER User Guide on November 19, 2008 by browsing to the publically accessible URL [- 3 -](http://support.overlandstorage.com/jive/servlet/KbServlet/download/6321-102-</p></div><div data-bbox=)

2239/10400176-101.pdf. I am relying on my knowledge and years of experience utilizing the search function of the Wayback Machine and the instruction I was given by Christopher Butler, Office Manager of the Internet Archive. That instruction is reflected in the affidavit of Christopher Butler, previously prepared in relation to authentication of other documents for IPR2014-01207 and attached hereto as Appendix B.

10. The interested party could have alternatively accessed the ProtecTIER User Guide on November 12, 2008 by clicking on the “REO 9500D Manual” link on the “REO 9500D” web page that was part of the www.overlandstorage.com website. An archived version of the “REO 9500D” page is available at: <https://web.archive.org/web/20081112032240/http://www.overlandstorage.com/US/products/reo9500D.html>. Clicking on the “REO 9500D Manual” link of the “REO 9500D” web page would navigate the interested party to the “Knowledge Center’s REO 9500D Manuals Category” web page. An archived version of the “Knowledge Center’s REO 9500D Manuals Category” page is available at: <https://web.archive.org/web/20081115203146/http://support.overlandstorage.com/jive/kbcategory.jspa?categoryID=529> (illustrated in Appendix C). The interested party could have then further clicked on “ProtecTIER for the REO 9500D User Guide and Reference” (indicated in Appendix C by a blue arrow) to obtain the

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