

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

CROSSROADS SYSTEMS, INC.,  
Patent Owner.

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Case IPR2014-01207  
Patent 7,051,147

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**PATENT OWNER'S OBJECTIONS TO EVIDENCE  
PURSUANT TO 37 CFR § 42.64(B)(1)**

Pursuant to 37 C.F.R. § 42.64, Patent Owner submits the following objections to certain evidence relied upon by Petitioner in its Reply Brief.

**I. Objections to Exhibits 1224, 1225, and 1226**

Patent Owner objects to exhibits 1224, 1225, and 1226 under FRE 401 and 402 on the grounds that they are irrelevant. Preliminary infringement allegations are irrelevant and it is improper to construe claims with respect to accused instrumentalities, which appears to be the purpose of these exhibits. Furthermore, exhibit 1226 is not alleged to be prior art nor alleged to relate to instituted prior art.

Patent Owner further objects to exhibits 1224, 1225, and 1226 because, if they were otherwise relevant, they would constitute unauthorized supplemental information that does not comply with the requirements of 37 C.F.R. § 42.123. Furthermore, these exhibits are not responsive to any allegation made in Patent Owner's response, and are therefore improper under 37 C.F.R. § 42.23(b). To the extent that Petitioners intend to rely on an analogy between these exhibits and the alleged prior art, such arguments, or any other arguments based on these exhibits, should have been made in the original petition, as required by 37 C.F.R. § 42.23(a).

## II. Objections to Exhibit 1230

Patent Owner objects to exhibit 1230 under 37 C.F.R. § 42.53 because it constitutes uncompelled direct testimony that has not been submitted in the form of an affidavit.

Patent Owner objects to Exhibit 1230 under FRE 401 and 402 on the grounds that it is irrelevant. Exhibit 1230 purports to be a document from December 2002, which is well after any relevant time period.

Patent Owner further objects to exhibit 1230 under FRE 802 on the grounds that it constitutes inadmissible hearsay that does not fall under an exception. Petitioners' rely on exhibit 1230 for the truth of the matters asserted, namely that "[d]espite its superior performance as a networked storage topology in SANs and storage fabric applications, Fibre Channel has not seen wide adoption as a native hard drive interface."

Petitioner further objects to exhibit 1230 under FRE 901 because Petitioner has not produced evidence sufficient to authenticate this exhibit.

Dated: August 28, 2015

Respectfully submitted,

/John L. Adair/

John L. Adair

Registration No. 48,828

*Counsel for Patent Owner*

## CERTIFICATE OF SERVICE

The undersigned certifies service of *Patent Owner's Objections to Evidence Pursuant to 37 CFR § 42.64(b)(1)*, on August 28, 2015 on counsel for Petitioner by e-mail pursuant to agreement at the following addresses:

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By: /John L. Adair /  
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