

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

**PATENT OWNER'S REQUEST FOR
ORAL ARGUMENT**

I. Request for Argument and Specified Issues

Patent Owner respectfully requests oral argument on the currently scheduled date of October 30, 2015 to address the following issues:

- (i) The appropriate construction of the claims, including terms related to “map/mapping,” “access controls,” and “control access ... using NLLBP”;
- (ii) Petitioners have failed to show by a preponderance of the evidence the unpatentability of any challenged claim on the ground upon which trial has been instituted, specifically:
 - a. Claims 14–39 under 35 U.S.C. § 103(a) over CRD-5500 User’s Manual, CRD-5500 Data Sheet, and Smith;
 - b. Claims 14–39 under 35 U.S.C. § 103(a) over Kikuchi and Bergsten; and
 - c. Claims 14–39 under 35 U.S.C. § 103(a) over Bergsten and Hirai;
- (iii) Kikuchi is not prior art to the challenged patent;
- (iv) Objective evidence of non-obviousness shows that the challenged claims are not unpatentable;
- (v) Petitioners’ and Patent Owner’s respective motions to exclude, responses, and replies;
- (vi) All other issues raised in any papers filed in this proceeding to the extent relevant to the Board’s determination of patentability.

Patent Owner requests permission to use audio/visual equipment to display demonstrative exhibits, including a projector and screen for presentation of slides.

II. Proposed Structure for Oral Arguments in All Related Proceedings

Patent Owner proposes two alternatives for the Board's consideration.

First Proposal: All CRD-5500 Related Grounds Argued Together

Regarding the structure of the argument, Patent Owner notes that this is one of six related proceedings scheduled for oral argument on October 30, specifically, IPR 2014-01197, -01207, -01209, -01226, -01463, and -01544. Because all of these proceedings raise related issues regarding the same challenged patents and include related grounds, Patent Owner addresses the appropriate structure of all of these proceedings together.

Proceedings IPR2014-01226, -01463, and -01544 (the "Cisco/Quantum Proceedings"), originally brought by Petitioners Cisco and Quantum, share a single primary reference on all instituted grounds: the CRD-5500 Instruction Manual. Accordingly, Patent Owner agrees with those Petitioners that oral argument related to the CRD-5500 grounds should occur in the morning of October 30, and that Petitioners Cisco/Quantum and Patent Owner each be allotted one hour for arguments as to these grounds.

Oracle and Netapp, Petitioners in the -1197, -1207, and -1209 proceedings (the "Oracle/Netapp Proceedings"), request that these three proceedings be

consolidated for argument in the afternoon. IPR2014-01207 is the only one of these proceedings that includes the CRD-5500 Instruction Manual as a reference, and only as to one ground. Given that all Petitioners' arguments regarding these grounds are similar, it would be more efficient and fair to argue the CRD-5500 related grounds in the -1207 proceeding together with the Cisco/Quantum Proceedings in the morning. Doing so will keep all arguments related to the CRD-5500 Instruction Manual grouped together, for the Board's convenience and to more clearly focus the issues. In such case, Petitioners would make serial opening arguments, with the -1207 Petitioners being allotted whatever time they choose from their total argument time from the Oracle/Netapp proceedings. Patent Owner would follow with one combined argument, including whatever time it chose to include from its argument in the Oracle/Netapp Proceedings. Petitioners would then present serial rebuttals.

Second Proposal: Separate Hearings as between Petitioners, with CRD-5500 Related Grounds At the Beginning of the Second Argument

However, if the Board wishes to keep arguments between the two sets of Petitioners separated into different hearings, Patent Owner suggests that oral argument as to the CRD-5500 grounds in the Oracle/Netapp Proceedings be allocated to the beginning of oral argument in the afternoon. Petitioners' first opening argument would be limited to the CRD-5500 grounds. Patent Owner would respond, also limited to the same grounds, and Petitioner would reply.

Then, Petitioner would begin its second opening argument as to the remaining grounds in the Oracle/Netapp Proceedings, followed by Patent Owner, etc.

This arrangement would allow the Board to group the CRD-5500 arguments together but maintain separate hearings as between Petitioners. Patent Owner is also concerned that the -1207 Petitioners will choose not to address the CRD-5500 in their opening argument, implicitly relying on the arguments made by the Cisco and Quantum Petitioners, requiring Patent Owner to address all Petitioners' arguments in its response, and leaving Petitioners to address the CRD-5500 grounds for the first time in rebuttal. Segregating the CRD-5500 argument would force the parties, if they intend to make any such arguments, to do so before turning to the other grounds. Patent Owner believes that, given the number of grounds involved, that the combined oral argument for the Oracle/Netapp Proceedings should be ninety minutes per side, of which 30 minutes could be allotted to the CRD-5500 grounds and one hour permitted for the remaining grounds. If neither party speak on the CRD, this hearing would be limited to one hour per side.

Dated: September 22, 2015

Respectfully submitted,

/James H. Hall/

James H. Hall

Reg. No. 66,317

Counsel for Patent Owner

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.