

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
JUL 27 2000
U. S. DISTRICT COURT
BY CLERK'S OFFICE
DEPUTY

CROSSROADS SYSTEMS, (TEXAS), INC. §
§
vs. §
§
CHAPARRAL NETWORK §
STORAGE, INC. §

NO. A 00 CA 217 SS

CROSSROADS SYSTEMS, (TEXAS), INC. §
§
vs. §
§
PATHLIGHT TECHNOLOGY, INC. §

NO. A 00 CA 248 SS

ORDER

BE IT REMEMBERED that on the 25th day of July 2000 the Court, in accordance with *Markman v. Westview Instruments, Inc.*, 52 F.3d 967 (Fed. Cir. 1995), *aff'd*, 116 S. Ct. 1384 (1996), held a hearing at which the parties appeared by representation of counsel and made oral arguments on their proposed claims construction. At the hearing, the parties presented a Joint Stipulation of Claim Construction, indicating that the parties have agreed upon the definitions for seventeen terms and/or phrases in U.S. Patent No. 5,941,972 ("the '972 patent"), and that only ten terms and/or phrases in the '972 patent remain in dispute. After considering the briefs, the case file as a whole, and the applicable law, the Court enters the following opinion and order.

I. Standard for Claims Construction

The construction of claims, or the definition of the terms used in the claims, is a matter of law for the Court. When adopting a claim construction, the Court should first consider the intrinsic evidence, which includes the claims, the specification, and the prosecution history. *See Vitronics*

Corp. v. Conceptronic, Inc., 90 F.3d 1576, 1582 (Fed. Cir. 1996) (explaining that intrinsic evidence is “the most significant source of the legally operative meaning of disputed claim language”). Not surprisingly, the starting point is always “the words of the claims themselves.” *Id.*; see also *Comark Communications, Inc. v. Harris Corp.*, 156 F.3d 1182, 1186 (Fed. Cir. 1998). The words of the claims are generally given their ordinary and customary meaning, unless the patentee intended to use a “special definition of the term clearly stated in the patent specification or file history.” *Vitronics*, 90 F.3d at 1582. Thus, the Court must review the specification and file history to determine whether the patentee intended to use any such “special” definitions. See *id.* The specification and file history may also be consulted as general guides for claim interpretation. See *Comark*, 156 F.3d at 1186.

The specification and file history, however, are not substitutes for the plain language of the claims. The specification is not meant to describe the full scope of the patent – it includes only a written description of the invention, sufficient to enable a person skilled in the art to make and use it, as well as the invention’s “best mode.” See 35 U.S.C. § 112. Thus, the claims may be broader than the specification, and generally should not be confined to the examples of the invention set forth in the specification. See *Comark*, 156 F.3d at 1187 (“Although the specification may aid the court in interpreting the meaning of disputed claim language, particular embodiments and examples appearing in the specification will not generally be read into the claims.”). Indeed, the Federal Circuit has repeatedly emphasized that “limitations from the specification are not to be read into the claims.” *Id.* at 1186.

In addition to examining the intrinsic evidence the Court may, in its discretion, receive extrinsic evidence regarding the proper construction of the patent’s terms. See *Key Pharmaceuticals*

v. Hercon Labs. Corp., 161 F.3d 709, 716 (Fed. Cir. 1998) (“[T]rial courts generally can hear expert testimony for background and education on the technology implicated by the presented claim construction issues, and trial courts have broad discretion in this regard.”). The plaintiff has provided an expert affidavit and the defendant has provided excerpts from several dictionaries as extrinsic evidence concerning the construction of the terms of the ‘972 patent.

II. “implements access controls for storage space on the SCSI storage devices”

This phrase is used in claims 1, 10 and 11 of the ‘972 patent. The parties dispute whether the phrase refers to “access controls” only for certain subsections of a divided SCSI storage device, or whether it also includes limiting access to entire undivided SCSI storage devices. The plaintiff argues the phrase includes both kinds of access controls; the defendants say the phrase refers only to access controls for various subsections within a single divided SCSI storage device. The defendants also argue the plaintiff’s construction is improper because, if adopted, it will result in the ‘972 patent being invalidated by prior art.

The plaintiff proposes the following definition: “provides controls which limit a computer’s access to a specific subset of storage devices or sections of a single storage device.” *See* Plaintiff’s Brief, at 20. The defendants propose the phrase should be defined as “partitions the storage space on each one of the SCSI storage devices and defines the accessibility of each resulting partition.” *See* Defendants’ Brief, Ex. 2. The Court agrees with the plaintiff.

The intrinsic evidence of the ‘972 patent shows the plaintiff’s invention is intended to restrict access both to subsections of a SCSI storage device, as well as to entire, undivided SCSI devices. First, the plain language of this phrase refers only to “storage space” and does not limit the space

only to subsections of a divided SCSI storage device. Second, Figure 3 of the '972 patent supports a broad reading of this phrase. Figure 3 shows three SCSI storage devices, two of which are undivided (60 and 64). The third device (62) is divided into four subsections of storage space. From the simple labeling on Figure 3, it is clear that the entire, undivided storage device (64) is meant to be accessed only by a single workstation (computer E). Thus, Figure 3 expressly shows that the plaintiff's invention contemplates using "access controls" for an entire, undivided storage device as well as for the divided subsections within a single storage device.¹ Third, the language of the specification expressly describes limiting access to an entire, undivided SCSI storage device. Specifically, in referring to Figure 3, the specification states "storage device 64 can be allocated as storage for the remaining workstation 58 (workstation E)." *See* '972 Patent, at 4:20 - 4:21. At the hearing, the defendants' counsel argued that, simply because Figure 3 describes this feature does not mean the feature was intended to be part of the claimed invention. The Court soundly rejects this argument. Figure 3 is meant to be an example of how the plaintiff's claimed invention can be implemented, and the specification clearly describes this figure as illustrating one implementation of the claimed invention. Adopting the defendants' argument would ignore a fundamental principle of claims construction, oft repeated in the defendants' brief and oral arguments, that the specification is "the single best guide to the meaning of a disputed term." *See Vitronics*, 90 F.3d at 1582. Finally, the defendants correctly point out that the specification also refers to the single, undivided storage device (64) as a "partition (i.e., logical storage definition)." *See* '972 Patent, at 4:44 - 4:47. Rather than compel the defendants' proposed construction, however, this language supports the plaintiff's

¹ Figure 3 also discloses – and the defendants do not dispute – that the plaintiff's invention contemplates limiting access to various subsections of the divided SCSI storage device (62).

argument at the hearing that a discrete unit of storage – whether an entire SCSI storage device or a subsection within that device – can be referred to as a “partition.”²

The defendants also argue that, even if the intrinsic evidence supports the plaintiff’s proposed definition, this definition is nonetheless improper because it would cause the ‘972 patent to read directly upon prior art (and therefore be invalid). It is true that “claims should be read in a way that avoids ensnaring prior art if it is possible to do so.” *Harris Corp. v. IXYS Corp.*, 114 F.3d 1149, 1153 (Fed. Cir. 1997). However, the defendants have not shown that the prior art at issue – the Lui patent – would be “ensnared” by adopting the plaintiff’s definition. Importantly, the Lui patent was part of the prior art expressly considered by the patent examiner before granting the ‘972 patent. The patent examiner apparently did not use the Lui patent to reject a single claim in the ‘972 patent. The patent examiner also did not issue an Office Action requiring the plaintiff to distinguish its invention from the Lui patent on access control (or any other) grounds. Although the Patent Office is not the model of efficiency or thoroughness, its failure to cite the Lui patent as potentially invalidating prior art creates a strong presumption that the Lui patent does not read upon the plaintiff’s claimed invention. In addition, it does not appear to the Court that the Lui patent reads upon the ‘972 claimed invention. While the Lui patent does disclose a system of Fibre Channel computers and SCSI storage devices, *see* Defendants’ Brief, Ex. 6, at 2:53 - 2:65, the similarities end there. The Lui patent concerns an invention of “bypass circuits” used to “prevent the failure of any device” in the system. *See id.*, at Abstract. The invention of the Lui patent is not concerned with the swift transfer of information across a router, and thus does not disclose techniques for mapping,

² The Court expressly notes, however, that it is not defining the term “partition” in this order, as that term is not used in the ‘972 claim language.

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