ORACLE EXHIBIT 1009 PART 2



US006425035C1

(12) EX PARTE REEXAMINATION CERTIFICATE (5472nd)

United States Patent

US 6,425,035 C1 (10) **Number:** (45) Certificate Issued: *Aug. 8, 2006

STORAGE ROUTER AND METHOD FOR (54) PROVIDING VIRTUAL LOCAL STORAGE

- (75) Inventors: Geoffrey H. Hoese, Austin, TX (US); Jeffry T. Russell, Cibolo, TX (US)
- Assignee: Crossworlds Software, Burlingame, (73) CA (US)

Reexamination Request:

Hoese et al.

No.	90/007,125,	Jul.	19,	2004
No.	90/007,317,	Nov	. 23	, 2004

Reexamination Certificate for:

6,425,035
Jul. 23, 2002
09/965,335
Sep. 27, 2001

(*) Notice: This patent is subject to a terminal disclaimer.

Related U.S. Application Data

- Continuation of application No. 09/354,682, filed on Jul. 15, 1999, now Pat. No. 6,421,753, which is a continuation of application No. 09/001,799, filed on Dec. 31, 1997, now Pat. (63) No. 5.941.972.
- (51) Int. Cl. (2006.01)G06F 13/00
- 710/36; 710/105; 710/305; 710/308; 711/112
- (58)Field of Classification Search 710/1-5, 710/8–13, 36–38, 105, 100, 101, 305–316; 711/100, 112, 113; 714/42

See application file for complete search history.

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Primary Examiner-Dov Popovici

ABSTRACT (57)

A storage router (56) and storage network (50) provide virtual local storage on remote SCSI storage devices (60, 62, 64) to Fiber Channel devices. A plurality of Fiber Channel devices, such as workstations (58), are connected to a Fiber Channel transport medium (52), and a plurality of SCSI storage devices (60, 62, 64) are connected to a SCSI bus transport medium (54). The storage router (56) interfaces between the Fibre Channel transport medium (52) and the SCSI bus transport medium (54). The storage router (56) maps between the workstations (58) and the SCSI storage devices (60, 62, 64) and implements access, controls for storage space on the SCSI storage devices (60, 62, 64). The storage router (56) then allows access from the workstations (58) to the SCSI storage devices (60, 62, 64) using native low level, block protocol in accordance with the mapping and the access controls.



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Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 5 of 324

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1 EX PARTE REEXAMINATION CERTIFICATE ISSUED UNDER 35 U.S.C. 307

NO AMENDMENTS HAVE BEEN MADE TO THE PATENT **2** AS A RESULT OF REEXAMINATION, IT HAS BEEN DETERMINED THAT:

The patentability of claims 1–14 is confirmed.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE				
CERTIFICATE OF SERVICE UNDER		Atty. Docket No. CROSS1123-17		
37 C.F.R. 1.24	+0	CROSS1123-19		
	Applicant Geoffrey B. Hoese, et al			
	Reexamination Control No.	Date Filed		
	90/007,125 90/007,317	07/19/2004 11/23/2004		
	Title Storage Router and Method for Providing Virtual Local Storage			
	Group Art Unit 2182	Examiner Chen, Alan		

Applicant hereby serves the Comments on Statement of Reasons for Patentability and/or Confirmation in the above referenced case to:

Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA 22202

As per 35 U.S.C. §1.248 service is made via first class mail, certified, R.R.R. on October 7, 2005.

Respectfully submitted,

Sprinkle IP Law Group

John L. Adair Reg. No. 48,828

Dated: October 7, 2005

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Enclosures



IN THE UNITED ST	TATES PATENT AND TRADEMAR	K OFFICE		
Comments On Statement o and/or Co	Atty. Docket No. CROSS1123-17 CROSS1123-19			
	Applicants Goeffrey B. Hoese, et al.			
	Reexamination Control No. 90/007,125 90/007.317			
	Title Storage Router and Metho Local Storage	od for Providing Virtual		
	Group Art Unit E 2182 C	Examiner C hen, Alan		
	Certificate of Mailing	Under 37 C.F.R. §1.8		
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	I hereby certify that this correspon the United States Postal Service a envelope addressed to Commissi 1450, Alexandria, VA 22312-1450	I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450 on October 7, 2005.		
Door Sir	/ Signa	llure		

Dear Sir:

...~`

Applicants appreciate the Examiner's confirmation of Claims 1-14 of United States Patent No. 6,425,035. Applicants submit the record as a whole makes evident the reasons for allowance and that there are additional reasons for patentability not enumerated by the Examiner. While Applicants agree with the Examiner's reasons for patentability to the extent such reasons are consistent with the record as a whole (as Applicants understand them to be), Applicants do not acquiesce or agree to any characterization of the claims that place unwarranted limitations or interpretations upon the claims, especially to the extent such limitations or interpretations are inconsistent with the claim language, specification or prior prosecution history in this case.

Julie H. Blackard Printed Name Attorney Docket No. CROSS1123-17 CROSS1123-19 Customer ID: 44654 90/007,125 90/007,317

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These "Comments on Statement of Reasons for Patentability and/or Confirmation" was served via First Class Mail, Certified, R.R.R. on October 7, 2005 to Larry E. Severin of Wang, Hartmann & Gibbs, PC, 1301 Dove Street, #1050, Newport Beach, CA 92660 and to William A. Blake of Jones, Tullar & Cooper, PC, P.O. Box 2226 Eads Station, Alexandria, VA 22202

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

John L. Adair Reg. No. 48,828

Date: October 7, 2005

1301 W. 25th Street, Suite 408 Austin, TX 78705 Tel. (512) 637-9223 Fax. (512) 371-9088



UNITED STATES PATENT AND TRADEMARK OFFICE

			UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1430 Alexandra. Vrignina 22313-1450 www.uspto.gov		
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
90/007,125 80/007317	07/19/2004	6425035	I006-8910	2298	
44654 759	90 09/23/2005		EXAM	INER	
SPRINKLE IP 1301 W. 25TH S	LAW GROUP		CHEN, ALAN	1	
SUITE 408			ART UNIT	PAPER NUMBER	
AUSTIN, TX	78705		2182		
			DATE MAILED: 09/23/2005	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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Patent and Trademark Office Page 11 of 324

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO.J CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION		ATTORNEY DOCKET NO.
90/007,317 90/007,317	11/23/2004	6425035		HOESE1/WAB
Larry E. Severin Wang, Hartman & Gib 1301 Dove Street	bs, PC		CHEN	EXAMINER
Suite 1050 Newport Beach, CA 92	2660		ART UNIT	PAPER
		·	2182	

DATE MAILED: 9-23.005

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Commissioner of Patents and Trademarks

CC: SPRINKLE IP LAW GROUP 1301 W. 25th Street Suite 408 Austin, TX 78705

PTO-90C (Rev.3-98)

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			ratent Under Reexaminatio
	Notice of Intent to Issue	90/007,125 merged w/ 90/007317	6425035
		Examiner	Art Unit
		Alan S. Chen	2182
	The MAILING DATE of this communication appears	on the cover sheet with the c	orrespondence address
	 b) b) b	In sex parte reexamination properties of the sex parte reexamination properties of the sex and the sex	mailed:
	Status of Ex Parte Reexamination: (f) Change in the Specification: □ Yes ⊠ No (g) Change in the Drawing(s): □ Yes ⊠ No (h) Status of the Claim(s):		
	 (1) Patent claim(s) confirmed: <u>1-14</u>. (2) Patent claim(s) amended (including depending) and the second second	ndent on amended claim(s)): 	
2. 🛛	Note the attached statement of reasons for patental necessary by patent owner regarding reasons for pa to avoid processing delays. Such submission(s) sho Patentability and/or Confirmation."	pility and/or confirmation. Any atentability and/or confirmatio uld be labeled: "Comments C	comments considered n must be submitted prompt On Statement of Reasons for
3. 🗌	Note attached NOTICE OF REFERENCES CITED ((PTO-892).	
4. 🗌	Note attached LIST OF REFERENCES CITED (PTC	D-1449 or PTO/SB/08).	
5. 🗌	The drawing correction request filed on is:] approved 🛛 🗍 disapprove	ed.
6. 🔲	Acknowledgment is made of the priority claim under a) All b) Some* c) None of the cer been received. been filed in Application No. been filed in reexamination Control No. been received by the International Burg	35 U.S.C. § 119(a)-(d) or (f). tified copies have	· · · · · · · · · · · · · · · · · · ·
_	* Certified copies not received:		
7. 🗌	Note attached Examiner's Amendment.		
8. 🗌	Note attached Interview Summary (PTO-474).		
9. 🗌	Other:		۰. ۱
cc · Der	quester (if third party requester)		

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REEXAMINATION

REASONS FOR PATENTABILITY / CONFIRMATION

Reexamination Control No. <u>90/007,125</u> mergel / Attachment to Paper No. <u>09022005</u>

Art Unit 2182.

PTOL-476 (Rev. 03-98)

Claims 1-14 are allowed.

The prior art disclosed by the patent owner and cited by the Examiner fail to teach or suggest, alone or in combination, all the limitations of the independent claims (claims 1, 7 and 11), particularly the map/mapping feature which is a one-to-one correspondence, as given in a simple table, the map physically resident on a router, whereby the router forms the connection between two separate entities over different transport mediums, such that neither entity determines where data is to be sent, but rather, the router solely dictates where the data will be sent; also the "NLLBP" feature refering to a fundamental low level protocol defined by a specification/standard that is well known to one of ordinary skill in the art, where the NLLBP is used at the router for communications with both the first and second transport medium. The SCSI protocol/standard is considered a NLLBP. TCP/IP, e.g., used in Ethemet communications, however, is not considered to be a NLLBP.

(Examiner's Signature)

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DONALD SPARKS SUPERVISORY PATENT EXAMINER

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SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100

PRIMARY EXAMINER

Re	examination	Document 31-16 Filed (Application/Control No. 90/007125 neuged of 90/007317 Certificate Date	04/09/14 Page 14 of 324 Applicant(s)/Patent Under Reexamination 6425035 Certificate Number	
Requester	Correspondence Addre	ess: 🗍 Patent Owner	Third Party	· · · · ·

	5C.	9./19./05 (date)
Case Name		Director Initials
Crossroads Systems, (Texas), I Western District of Texa	nc v. Dot Hill Systems s (03-CV-754)	

COPENDING OFFICE PROCEEDINGS								
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1. Reexamination merged	P	90/007317						
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	Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp	] .
	S1	3	@ad<"20010927" and (fibre adj channel near router) same SCSI	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 08:44	
	S2 -	0	@ad<"19971231" and (fibre adj channel near router) same SCSI	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 08:44	
•	S3	111	@ad<"19971231" and fibre adj channel same SCSI	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 08:45	
	<b>S</b> 4	35	@ad<"19971231" and fibre adj channel near SCSI	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 08:46	
	S5	1	S4 and router	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 08:45	
•••	S6	7	@ad<"19971231" and fibre adj channel adj SCSI	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 09:02	·
	S7	0	@ad<"19971231" and "fibre channel protocol for SCSI"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 09:02	
	S8	14	@ad<"19971231" and FCP and SCSI and fibre adj channel	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 09:07	
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				USPAT; EPO; JPO; DERWENT; IBM TDB			2005/00/22 09.18
	S13	39	@ad<"20010927" and network adj attached adj storage and Fibre adj channel near scsi	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 09:19
	S14	19	S13 and router	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 09:19
	S15	0	@ad<"19971231" and network adj attached adj storage and Fibre adj channel near scsi	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/09/03 14:23
	S16	1	@ad<"19971231" and Fibre adj channel same scsi same router	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 09:58
·	S18	8	@ad<"19971231" and ancor.asn.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 09:59
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	S20	0	@ad<"19971231" and ancor.asn. and Fibre	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/22 09:59
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S23	139	@ad<"19971231" and fibre adj channel and SCSI	US-PGPUB; USPAT;	OR	OFF	2005/08/30 14:48
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S24	58	S23 and map\$5	US-PGPUB; USPAT; EPO; JPO; DERWENT;	OR	OFF	2005/08/30 14:21
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S25	14	S23 and LUN	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/30 14:21
S26	11	S24 and LUN	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/30 14:23
 S27	0	S24 and virtual near local near storage	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/30 14:22
S28	0	S23 and virtual near local near storage	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/30 14:22
529 .`	8	S23 and router	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/30 14:23
S30	0	@ad<"19971231" and virtual adj local adj storage and SCSI and remote	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/30 14:49
S31	0	@ad<"19971231" and virtual adj local adj storage and SCSI	US-PGPUB; USPAT; EPO; JPO; DERWENT:	OR	OFF	2005/08/30 14:49
S32	70	@ad<"19971231" and virtual near	IBM_TDB US-PGPUB;	OR	OFF	2005/08/30 14:49
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S33		8	S32 and remote	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/08/30 14:49
 S34		5	@ad<"19971231" and router same fiber adj channel	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/09/05 12:11
 S35 .		1	"6425035".pn. and remote and map	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/09/05 18:18
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# Access DB# 166173

# **SEARCH REQUEST FORM**

Scientific and Technical Information Center

Requester's Full Name <u>Pinchus Laufer</u> Examiner #: <u>73139</u> Date: <u>09/19/05</u>

Art Unit: <u>NONE</u> Phone Number <u>2-3599</u> Serial Number <u>None</u>

Mail Box Location: Results Format Preferred (circle): PAPER DISK E-MAIL

#### If more than one search is submitted, please prioritize searches in order of need.

Please provide a detailed statement of the search topic, and describe as specifically as possible the subject matter to be searched. Include the elected species or structures, keywords, synonyms, acronyms, and registry numbers, and combine with the concept or utility of the invention. Define any terms that may have a special meaning. Give examples or relevant citations, authors, etc, if known. Please attach a copy of the cover sheet, pertinent claims, and abstract.

Title of Invention:

Inventors (please provide full names): _

#### Earliest Priority Filing Date:

*For Sequence Searches Only* Please include all pertinent information (parent, child, divisional, or issued patent numbers) along with the appropriate serial number.

6425035

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STAFF USE ONLY	Type of Search	Vendors and cost where applicable
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#### 1 of 1 DOCUMENT

#### UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

#### 6425035

#### Link to Claims Section

#### July 23, 2002

#### Storage router and method for providing virtual local storage

**REEXAM-LITIGATE:** July 19, 2004 - Reexamination requested by Natu J. Patel, Wang & Patel, Reexamination No. 90/007,125 (O.G. August 31, 2004) Ex. Gp: 2111

November 23, 2004 - Reexamination requested by William Blake, Jones Tullar & Cooper, Reexamination No. 90/007,317 (O.G. January 11, 2005) Ex. Gp: 2182

#### NOTICE OF LITIGATION

. . .

Crossroads Systems (Texas), Inc., a Texas Corporation v. Dot Hill Systems Corporation, a Delaware corporation, Filed October 17, 2003, D.C. W.D. Texas, Doc. No. A-03-CA-754-55

INVENTOR: Hoese, Geoffrey B. - Austin, Texas; Russell, Jeffry T. - Cibolo, Texas

APPL-NO: 965335 (09)

FILED-DATE: September 27, 2001

GRANTED-DATE: July 23, 2002

ASSIGNEE-AT-ISSUE: Crossroads Systems, Inc., Austin, Texas, 02

#### **ENGLISH-ABST:**

A storage router (56) and storage network (50) provide virtual local storage on remote SCSI storage devices (60, 62, 64) to Fiber Channel devices. A plurality of Fiber Channel devices, such as workstations (58), are connected to a Fiber Channel transport medium (52), and a plurality of SCSI storage devices (60, 62, 64) are connected to a SCSI bus transport medium (54). The storage router (56) interfaces between the Fibre Channel transport medium (52) and the SCSI bus transport medium (54). The storage router (56) maps between the workstations (58) and the SCSI storage devices (60, 62, 64) and implements access controls for storage space on the SCSI storage devices (60, 62, 64). The storage router (56) then allows access from the workstations (58) to the SCSI storage devices (60, 62, 64) using native low level, block protocol in accordance with the mapping and the access controls.

#### **PARENT-PAT-INFO:**

#### RELATED APPLICATIONS

This application claims the benefit of the filing date of U.S. patent application Ser. No. 09/354,682 by inventors Geoffrey B. Hoese and Jeffry T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Jul. 15, 1999, which is a continuation of U.S. patent application Ser. No. 091001,799, filed on Dec. 31, 1997, now U.S. Pat. No. 5.941,972, and hereby incorporates these applications by reference in their entireties as if they had been fully set forth herein.

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#### 1 of 2 DOCUMENTS

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October 22, 2003 Wednesday

#### LENGTH: 74 words

HEADLINE: CRDS Files Patent Infringement Suit Against HILL

DATELINE: Ridgeland, MS

**BODY:** 

...not been served with the Complaint. The suit alleges patent infringement by Dot Hill of United States Patent Nos. 5,941,972 and 6,425,035, relating to storage routers and methods for providing virtual local storage.

# LEXIS-NEXIS Library: PATENTS File: CURNEWS

#### 2 of 2 DOCUMENTS

#### Copyright 2003 PR Newswire Association, Inc. PR Newswire

October 22, 2003 Wednesday

#### **SECTION:** FINANCIAL NEWS

LENGTH: 446 words

HEADLINE: Dot Hill Systems Announces Complaint Filed By Crossroads Systems

#### DATELINE: CARLSBAD, Calif. Oct. 22

#### **BODY:**

...not been served with the Complaint. The suit alleges patent infringement by Dot Hill of United States Patent Nos. 5,941,972 and 6,425,035, relating to storage routers and methods for providing virtual local storage.

?us6425035/pn

** SS 1: Results 1

Search statement 2

?prt full nonstop legalall

1/1 PLUSPAT - (C) QUESTEL-ORBIT- image PN - US2002010812 A1 20020124 [US20020010812] PN2 - US6425035 B2 20020723 [US6425035] TI - (A1) Storage router and method for providing virtual local storage PA - (B2) CROSSROADS SYS INC (US) PAO - Crossroads Systems, Inc., Austin TX [US] PA2 - (B2) CROSSROADS SYS INC (US) IN - (A1) HOESE GEOFFREY B (US); RUSSELL JEFFRY T (US) AP - US96533501 20010927 [2001US-0965335] FD - Continuation of: US5941972 - US96533501 20010927 [2001US-0965335] - US35468299 19990715 [1999US-0354682] PR - US179997 19971231 [1997US-0001799] TC - (A1) G06F-003/00 EC - G06F-013/40D2 PCL - ORIGINAL (0) : 710105000; CROSS-REFERENCE (X) : 710008000 710036000 710310000 - Corresponding document DT CT - US5748924; US5768623; US5809328; US5812754; US5835496; US5848251; US5935260; US5941972; US5959994; US6041381; US6055603; US6065087; US6075863; US6098149; US6118766; US6148004; US6185203; US6209023; US6230218; US6341315; US6343324 STG - (A1) Utility Patent Application published on or after January 2, 2001 STG2- (B2) U.S. Patent (with pre-grant pub.) after Jan. 2, 2001 AB - A storage router (56) and storage network (50) provide virtual local storage on remote SCSI storage devices (60, 62, 64) to Fiber Channel devices. A plurality of Fiber Channel devices, such as workstations (58), are connected to a Fiber Channel transport medium (52), and a plurality of SCSI storage devices (60, 62, 64) are connected to a SCSI bus transport medium (54). The storage router (56) interfaces between the Fibre Channel transport medium (52) and the SCSI bus transport medium (54). The storage router (56) maps between the workstations (58) and the SCSI storage devices (60, 62, 64) and implements access controls for storage space on the SCSI storage devices (60, 62, 64). The storage router (56) then allows access from the workstations (58) to the SCSI storage devices (60, 62, 64) using native low level, block protocol in accordance with the mapping and the access controls. UP - 2002-05

1/1 LGST - (C) EPO

- PN US2002010812 A1 20020124 [US20020010812]
- US6425035 B2 20020723 [US6425035]
- AP US96533501 20010927 [2001US-0965335]
- ACT 20030826 US/CC-A
  - CERTIFICATE OF CORRECTION - 20040831 US/RR-A [+]
    - REQUEST FOR REEXAMINATION FILED EFFECTIVE DATE: 20040719
    - 20050111 US/RR-A [+] REQUEST FOR REEXAMINATION FILED EFFECTIVE DATE: 20041123
- UP 2005-05

.1/1 CRXX - (C) CLAIMS/RRX

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- PN 6,425,035 A 20020723 [US6425035]
- PA Crossroads Systems Inc
- ACT 20040719 REEXAMINATION REQUESTED ISSUE DATE OF O.G.: 20040831 REEXAMINATION REQUEST NUMBER: 90/007125 Natu J. Patel, Wang & Patel, Newport Beach, CA
  - 20041123 REEXAMINATION REQUESTED ISSUE DATE OF O.G.: 20050111 REEXAMINATION REQUEST NUMBER: 90/007317 William Blake, Jones Tullar & Cooper, Alexandria, VA

# **US District Court Civil Docket**

U.S. District - Texas Western (Austin)

#### 1:03cv754

#### Crossroads Systems (v. Dot Hill Systems Cor

This case was retrieved from the court on Monday, September 19, 2005

Date Filed: 10/17/2003 Assigned To: Honorable Sam Sparks Referred To: Nature of suit: Patent (830) Cause: Patent Infringement Lead Docket: None Other Docket: None Jurisdiction: Federal Question

Class Code: PATTRD Closed: no Statute: 28:1338 Jury Demand: Both Demand Amount: \$0 NOS Description: Patent

Attorneys

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Dot Hill Systems Corporation, A Delaware Corporation

Third-Party Plaintiff

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Falconstor Software, Inc Third-Party Defendant [Term: 09/17/2004]

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Matthew C Bernstein [COR LD NTC] [Term: 03/08/2005] Gray Cary Ware & Freidenrich, LLP 401 B Street Suite 2000 San Diego , CA 92101-4240 USA (619) 699-2828 619/ 699-2701

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Falconstor Software, Inc Counter-Defendant [Term: 08/27/2004]

Falconstor Software, Inc Counter-Plaintiff [Term: 08/27/2004] LLP 1221 South Mopac Expressway Suite 400 Austin , TX 78746 USA (512) 457-7125

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Mark J Schildkraut [COR LD NTC] [Term: 08/27/2004] Kaye Scholer LLP 425 Park Ave New York , NY 10022 USA (212) 836-8000

Aaron Stiefel [COR LD NTC] [Term: 08/27/2004] Kaye Scholer LLP 425 Park Ave New York , NY 10022 USA (212) 836-8000 212/ 836-8689

Stephen J Elliott [COR LD NTC] [Term: 08/27/2004] Kaye Scholer LLP 425 Park Ave New York , NY 10022 USA (212) 836-8000

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Crossroads Systems (Texas), Inc, A Texas Corporation Counter-Defendant

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Matthew C Bernstein [COR LD NTC] [Term: 03/08/2005] Gray Cary Ware & Freidenrich, LLP 401 B Street Suite 2000 San Diego , CA 92101-4240 USA (619) 699-2828 619/ 699-2701

John Michael Guaragna 512/457-7001 Dla Piper Rudnick Gray Cary US LLP 1221 South Mopac Expressway Suite 400 Austin , TX 78746 USA (512) 457-7125

Date	#	Proceeding Text
10/17/2003		Case assigned to Honorable Sam Sparks (sh) [Entry date 10/20/03]
10/17/2003	1	Complaint filed. Filing Fee: \$ 150.00 Receipt # 357883 (Pages: 5) (sh) [Entry date 10/20/03]
10/17/2003		Court file forwarded to Judge Sparks (gr) [Entry date 10/21/03]
10/17/2003		Notified Commissioner of Patents and Trademarks of filing complaint for patent infringement (gr) [Entry date 10/21/03]
10/17/2003		AO 120 forwarded to the Commissioner of Patents and Trademarks. (mc2) [Entry date 03/23/04]
10/23/2003		Summons issued for Dot Hill Systems Cor (gr) [Entry date 10/23/03]
10/23/2003		Summons issued for Dot Hill Systems Cor (gr) [Entry date 10/24/03]
11/03/2003	2	Return of service executed as to Dot Hill Systems Cor on 10/27/03 (td) [Entry date 11/04/03]
12/01/2003	3	Motion by Dot Hill Systems Cor for atty. Daniel S. Mount to appear pro hac vice (gr) [Entry date 12/02/03]
12/01/2003	4	Motion by Dot Hill Systems Cor for atty, Lara J. Hodgson to appear pro hac vice (gr) [Entry date 12/02/03]
12/01/2003	5	Motion by Dot Hill Systems Cor for atty, Alfredo A. Bismonte to appear pro hac vice (gr) [Entry date 12/02/03]
12/01/2003	6	Motion by Crossroads Systems (, Dot Hill Systems Cor to extend time to answer or otherwise respond, including motions under Rule 12 of the Fed. R (gr) [Entry date 12/02/03]
12/03/2003	7	Order granting motion for atty. Daniel S. Mount to appear pro hac vice [3-1] signed by Honorable Sam Sparks (gr) [Entry date 12/03/03]
12/03/2003	8	Order granting motion for atty, Lara J. Hodgson to appear pro hac vice [4-1] signed by Honorable Sam Sparks (gr) [Entry date 12/03/03]
12/03/2003	9	Order granting motion for atty, Alfredo A. Bismonte to appear pro hac vice [5-1] signed by Honorable Sam Sparks (gr) [Entry date 12/03/03]
12/04/2003	10	Order granting motion to extend time to answer or otherwise respond, including motions under Rule 12 of the Fed. R; until 12/17/03 [6-1] signed by Honorable Sam Sparks (gr) [Entry date 12/04/03]
12/15/2003	11	Motion by Crossroads Systems ( for atty. John E. Giust to appear pro hac vice (gr) [Entry date 12/16/03]
12/15/2003	12	Motion by Crossroads Systems ( for atty. Matthew C. Bernstein to appear pro hac vice (gr) [Entry date 12/16/03]
12/15/2003	13	Motion by Crossroads Systems ( for atty John Allcock to appear pro hac vice (gr) [Entry date

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		12/16/03]
12/16/2003	17	Answer to complaint and counterclaim by Dot Hill Systems Cor against Crossroads Systems (gr) [Entry date 12/17/03]
12/17/2003	14	Order granting motion for atty John Allcock to appear pro hac vice [13-1] signed by Honorable Sam Sparks (gr) [Entry date 12/17/03]
12/17/2003	15	Order granting motion for atty. John E. Giust to appear pro hac vice [11-1] signed by Honorable Sam Sparks (gr) [Entry date 12/17/03]
12/17/2003	16	Order granting motion for atty. Matthew C. Bernstein to appear pro hac vice [12-1] signed by Honorable Sam Sparks (gr) [Entry date 12/17/03]
01/05/2004	18	Reply by Crossroads Systems to Dot Hill Systems Corp counterclaim [17-2] (gr) [Entry date 01/06/04]
01/09/2004	19	Motion by Dot Hill Systems Cor for atty, John F. Sweeney to appear pro hac vice (gr) [Entry date 01/12/04]
01/09/2004	20	Motion by Dot Hill Systems Cor for atty, Kurt E. Richter to appear pro hac vice (gr) [Entry date 01/12/04]
01/09/2004	21	Motion by Dot Hill Systems Cor for atty. William S. Feiler to appear pro hac vice (gr) [Entry date 01/12/04]
01/13/2004	22	Order granting motion for atty. William S. Feiler to appear pro hac vice [21-1] signed by Honorable Sam Sparks (gr) [Entry date 01/13/04]
01/13/2004	23	Order granting motion for atty, Kurt E. Richter to appear pro hac vice [20-1] signed by Honorable Sam Sparks (gr) [Entry date 01/13/04]
01/13/2004	24	Order granting motion for atty, John F. Sweeney to appear pro hac vice [19-1] signed by Honorable Sam Sparks (gr) [Entry date 01/13/04]
01/29/2004	25	Motion by Dot Hill Systems Cor for atty Natu J. Patel to appear pro hac vice (gr) [Entry date 01/29/04]
01/29/2004	26	Motion by Dot Hill Systems Cor for atty. Jason B. Witten to appear pro hac vice (gr) [Entry date 01/29/04]
01/29/2004	27	Order granting motion for atty Natu J. Patel to appear pro hac vice [25-1] signed by Honorable Sam Sparks (gr) [Entry date 01/30/04]
01/29/2004	28	Order granting motion for atty. Jason B. Witten to appear pro hac vice [26-1] signed by Honorable Sam Sparks (gr) [Entry date 01/30/04]
01/30/2004	29	Amended Certificate of service to James B. Witten's Application to Appear Pro Hac Vice for Dot Hill Systems Cor (gr) [Entry date 02/02/04]
01/30/2004	30	Amended Certificate of service to Patel's Application to Appear Pro Hac Vice for Dot Hill Systems Cor (gr) [Entry date 02/02/04]
02/02/2004		Pro hac vice fee paid by John F. Sweeney with Amount: \$ 25.00 Receipt # 359220 (gr) [Entry date 02/09/04]
02/02/2004		Pro hac vice fee paid by William S. Feiler with Amount: \$ 25.00 Receipt # 359221 (gr) [Entry date 02/09/04]
02/02/2004		Pro hac vice fee paid by Kurt E. Richter with Amount: \$ 25.00 Receipt # 359222 (gr) [Entry date 02/09/04]
02/03/2004		Pro hac vice fee paid by Natu J. Patel with Amount: \$ 25.00 Receipt # 359298 (gr) [Entry date 02/09/04]
02/03/2004		Pro hac vice fee paid by Jason Brian Witten with Amount: \$ 25.00 Receipt # 359299 (gr) [Entry date 02/09/04]
02/09/2004	31	Order set scheduling conf. hearing for 2:00 2/18/04 in Courtroom 2, 1st floor signed by Honorable Sam Sparks (gr) [Entry date 02/09/04]
02/17/2004	32	Notice of attorney appearance for Dot Hill Systems Cor - notice of substitution of attorneys (Natu J. Patel, Jason B. Witten and local counsel, Travis Barton, in place of Daniel S. Mount (mc2) [Entry date 02/17/04]
02/17/2004	33	Joint Pretrial disclosures filed by Crossroads Systems (, Dot Hill Systems Cor (mc2) [Entry date 02/19/04]
02/18/2004	34	Minutes of proceedings for hearing on all pending matters conducted on 2/18/04 by Judge Sparks. Court Reporter: Lily Reznik. (mc2) [Entry date 02/19/04]
02/18/2004		Miscellaneous hearing on all pending matters held; parties agree to Karl Bayer as special master. (mc2) [Entry date 02/19/04] [Edit date 02/19/04]
02/18/2004		Oral order by Honorable Sam Sparks , setting miscellaneous hearing - Markman hearing before special master, Karl Bayer, - for 7/2/04 (mc2) [Entry date 02/19/04]
02/20/2004	35	Advisory to the court filed by Crossroads Systems (, Dot Hill Systems Cor - notice of nonopposition to

		appointment of Karl Bayer as special master. (mc2) [Entry date 02/23/04]
02/23/2004		Case referred to Karl Bayer as special master (mc2) [Entry date 02/24/04]
02/23/2004	36	Order referring case to Karl Bayer, Special Master, signed by Honorable Sam Sparks (mc2) [Entry date 02/24/04]
02/23/2004	37	Order setting miscellaneous hearing - Markman Hearing - for 9:00 7/2/04, signed by Honorable Sam Sparks (mc2) [Entry date 02/24/04]
02/24/2004	38	Motion by Dot Hill Systems Cor for Franklin E. Gibbs to appear pro hac vice (mc2) [Entry date 02/26/04]
02/24/2004	39	Amended Certificate of service by Dot Hill Systems Cor re application to appear pro hac vice of Franklin Gibbs. (mc2) [Entry date 02/26/04]
02/25/2004	40	Order granting motion for Franklin E. Gibbs to appear pro hac vice [38-1] signed by Honorable Sam Sparks (mc2) [Entry date 02/26/04]
03/02/2004	41	Joint motion by Crossroads Systems (, Dot Hill Systems Cor for protective order (mc2) [Entry date 03/05/04]
03/08/2004	42	Order granting joint motion for protective order [41-1]. Agreed Protective Order filed & signed by Honorable Sam Sparks (td) [Entry date 03/09/04]
03/08/2004	43	Order regarding sealed documents signed by Honorable Sam Sparks (td) [Entry date 03/09/04]
03/08/2004	44	Motion by Crossroads Systems for leave to file first amended cmp (cmp attached to motion) (td) [Entry date 03/09/04]
03/22/2004	45	Motion by Dot Hill Systems Cor to substitute attorney - Natu Patel and Jason Witten in place of the law firm of Mount & Stoelker (mc2) [Entry date 03/23/04]
03/22/2004	46	Response by Dot Hill Systems Cor in opposition to motion for leave to file first amended cmp [44-1] (mc2) [Entry date 03/23/04]
03/24/2004	47	Notice of filing by Crossroads Systems - concise statement of alleged infringement. (mc2) [Entry date 03/25/04]
03/24/2004	48	Order granting motion for leave to file first amended cmp [44-1] signed by Honorable Sam Sparks (mc2) [Entry date 03/25/04]
03/24/2004	49	Amended complaint by Crossroads Systems, amending complaint [1-1] (Pages: 7) (mc2) [Entry date 03/25/04]
04/05/2004	50	Order granting motion to substitute attorney - Natu Patel and Jason Witten in place of the law firm of Mount & Stoelker [45-1] Natu J. Patel, Jason Brian Witten added signed by Honorable Sam Sparks (mm1) [Entry date 04/05/04]
04/07/2004	51	Supplemental Concise Statments of Alleged Infringement filed by Crossroads Systems ( Re: file notice [47-1] (rg1) [Entry date 04/08/04]
04/07/2004	52	Stipulation filed by Crossroads Systems (, Dot Hill Systems Cor for leave for Dot Hill Systems Corp. to file a third party complaint against Falconstor. (mc2) [Entry date 04/08/04]
04/08/2004	53	Notice of filing Concise Statement of why the Accused Products Do Not Infringe by Dot Hill Systems Cor (rg) [Entry date 04/12/04]
04/12/2004	54	Order re opposition response [46-1], that defendants may object in motion for partial summary judgment, signed by Honorable Sam Sparks (mc2) [Entry date 04/13/04]
04/12/2004		Pro hac vice fee paid byFranklin E. Gibbs with Amount: \$ 25.00, Receipt # 359723. (mc2) [Entry date 04/13/04]
04/13/2004	55	Answer by Dot Hill System's Cor to amended complaint; jury demand (rg) [Entry date 04/14/04]
04/13/2004	55	Amended counterclaim by Dot Hill Systems Cor: counterclaim [17-2] (rg) [Entry date 04/14/04]
04/20/2004	56	Supplement filed by Dot Hill Systems Cor Re: file notice [53-1] (mc2) [Entry date 04/21/04]
04/23/2004	<b>57</b>	First Amended Answer by Dot Hill Systems Cor to amended complaint; jury demand and counterclaim against plaintiff. (mc2) [Entry date 04/23/04] [Edit date 04/23/04]
04/29/2004	58	Motion by Dot Hill Systems Cor for Larry E. Severin to appear pro hac vice (sm) [Entry date 04/29/04]
04/30/2004	59	Amended answer by Crossroads Systems (to counterclaim [17-2] (td) [Entry date 04/30/04]
04/30/2004		Letter/Correspondence by attorney for FalconStor, George B. Butts, regarding: stipulation for leave for Dot Hill Systems Corp. to file a third party complaint against FalconStor. Copy to Court 4/30/04. (mc2) [Entry date 05/03/04]
05/03/2004	60	Order granting motion for Larry E. Severin to appear pro hac vice [58-1] signed by Honorable Sam Sparks (mc2) [Entry date 05/03/04]
05/03/2004	61	Order granting stipulation [52-1], that Dot Hill Systems Corp. is granted leave to file a third party complaint against FalconStor, signed by Honorable Sam Sparks (mc2) [Entry date 05/03/04]

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05/03/2004	62	Transcript filed for date of 2/18/04 (Proceedings Transcribed: scheduling conference) (Court Reporter: Lily Reznik.) (mc2) [Entry date 05/03/04]
05/05/2004	63	Minutes of proceedings for telephone conference conducted on 5/5/04 by Judge Sparks. Court Reporter: Lily Reznik. (mc2) [Entry date 05/06/04]
05/05/2004		Tele-conference held in chambers; Court resets Markman hearing to 8/30, 31, 2004, referred to Special Master for conference call and appropriate rescheduling of tutorial and briefing. (mc2) [Entry date 05/06/04]
05/05/2004		Miscellaneous hearing - Markman hearing - resetting on 8/30/04 (order on scheduling to follow by Special Master). (mc2) [Entry date 05/06/04]
05/06/2004	64	Order resetting Markmak hearing for 9:00 8/30/04,, signed by Honorable Sam Sparks (mc2) [Entry date 05/06/04]
05/06/2004	65	Third-party complaint by Dot Hill Systems Cor against FalconStor Software (mc2) [Entry date 05/07/04]
05/06/2004	66	Notice of filing by Dot Hill Systems Cor - corporate disclosure. (mc2) [Entry date 05/07/04]
05/06/2004		Summons issued for FalconStor Software (mc2) [Entry date 05/07/04]
05/07/2004	67	Return of service executed as to FalconStor Software on 5/6/04 (mc2) [Entry date 05/10/04]
05/25/2004	68	Answer by FalconStor Software to third-party complaint [65-1] (mc2) [Entry date 05/26/04]
05/25/2004	68	Crossclaim by FalconStor Software against Crossroads Systems (mc2) [Entry date 05/26/04]
05/26/2004		Sent letter to attorneys for Falconstor, Elliott and Stiefel, re bar status. (mc2) [Entry date 05/26/04]
05/26/2004	69	Motion by Crossroads Systems to halt Dod Hill's spoliation of evidence, and to compel production of Dot Hill's emails (with attached declaration of Tracy L. McCreight submitted and maintained under seal). (mc2) [Entry date 05/26/04] [Edit date 05/26/04]
05/26/2004	70	Motion by Crossroads Systems ( to seal declaration of Tracy L. McCreight in support of plaintiff's motion to halt Dot Hill's spoliation of evidence and to compel production of Dot Hill's emails (mc2) [Entry date 05/26/04]
05/27/2004	71	Motion by FalconStor Software for Aaron Stiefel to appear pro hac vice (mc2) [Entry date 05/27/04]
05/27/2004	72	Motion by FalconStor Software for Mark J. Schildkraut to appear pro hac vice (mc2) [Entry date 05/27/04]
05/27/2004	73	Motion by FalconStor Software for Stephen J. Elliott to appear pro hac vice (mc2) [Entry date 05/27/04]
05/28/2004	74	Order granting motion for Aaron Stiefel to appear pro hac vice [71-1] signed by Honorable Sam Sparks (mc2) [Entry date 06/01/04]
05/28/2004	75	Order granting motion for Mark J. Schildkraut to appear pro hac vice [72-1] signed by Honorable Sam Sparks (mc2) [Entry date 06/01/04]
05/28/2004	76	Order granting motion for Stephen J. Elliott to appear pro hac vice [73-1] signed by Honorable Sam Sparks (mc2) [Entry date 06/01/04]
06/04/2004	77	Advisory to the court filed by Crossroads Systems ( - notice of withdrawal of its motion to hald Dot Hill's sp[oliation of evidence and to compel production of Dod Hill's emails (mc2) [Entry date 06/07/04]
06/04/2004	` <i>i</i>	Withdrawal motion to halt Dod Hill's spoliation of evidence [69-1], motion to compel production of Dot Hill's emails [69-2] (mc2) [Entry date 06/07/04]
06/07/2004		Pro hac vice fee paid byAaron Stiefel, Stephen J. Elliott, Mark J. Schildkraut with Amount: \$ 75.00, Receipt # 360516. (mc2) [Entry date 06/09/04]
06/08/2004		Pro hac vice fee paid byLarry E Severin with Amount: \$ 25.00, Receipt # 360528. (mc2) [Entry date 06/09/04]
06/10/2004	78	Motion by Crossroads Systems ( to extend time to answer or otherwise respond (to FalconStor's Rule 14 claims) (mc2) [Entry date 06/10/04]
06/10/2004	79	Order granting motion to extend time to answer or otherwise respond (to FalconStor's Rule 14 claims) [78-1] until 6/28/04, signed by Honorable Sam Sparks (mc2) [Entry date 06/14/04]
06/16/2004	80	Order granting motion to seal declaration of Tracy L. McCreight in support of plaintiff's motion to halt Dot Hill's spoliation of evidence and to compel production of Dot Hill's emails [70-1] signed by Honorable Sam Sparks (mc2) [Entry date 06/16/04]
06/16/2004	81	Order mooting motion to compel production of Dot Hill's emails [69-2] signed by Honorable Sam Sparks (mc2) [Entry date 06/16/04]
06/18/2004	82	Order granting motion to extend time to answer or otherwise respond (to FalconStor's Rule 14 claims) [78-1] until 6/28/04, signed by Honorable Sam Sparks (mc2) [Entry date 06/21/04]
06/28/2004	87	Answer by Crossroads Systems (to crossclaim [68-1] (mc2) [Entry date 06/29/04]

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06/28/2004	87	Counterclaim by Crossroads Systems against FalconStor Software (mc2) [Entry date 06/29/04]
06/29/2004	83	Motion by Dot Hill Systems Cor for leave to file - to exceed page limit in motion for summary judgment (mc2) [Entry date 06/29/04]
06/29/2004	84	Unopposed Motion by Dot Hill Systems Cor to seal exhibits 14 and 17 accompanying Dot Hill's motion for summary judgment (mc2) [Entry date 06/29/04]
06/29/2004	85	Motion by Dot Hill Systems Cor for summary judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are invalid pursuant to 35 USC Sec. 102 and/or 103 in view of prior development of Digital Equipment Corp HSZ70 controller (with attached exhibits 14 and 17 submitted and maintained under seal) (mc2) [Entry date 06/29/04]
06/29/2004	86	Motion by Dot Hill Systems Cor request for judicial notice in support of its motion for summary judgment (mc2) [Entry date 06/29/04]
06/30/2004	88	Order granting motion for leave to file - to exceed page limit in motion for summary judgment [83- 1] signed by Honorable Sam Sparks (mc2) [Entry date 06/30/04]
06/30/2004	-89	Motion by Crossroads Systems for Joseph P. Reid to appear pro hac vice (mc2) [Entry date 07/01/04]
06/30/2004	90	Motion by Dot Hill Systems Cor for leave to file - to supplement documents filed in support of its motion for summary judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are invalid (with attached Exhibit A to Exhibit 4 of Dot Hill's summary judgment motion submitted and maintained under seal) (mc2) [Entry date 07/01/04] [Edit date 07/01/04]
06/30/2004	91	Unopposed Motion by Dot Hill Systems Cor to seal Exhibit A to Exhibit 4 accompanying Dot Hill's motion for summary judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are invalid (mc2) [Entry date 07/01/04]
07/01/2004	92	Order granting motion to seal exhibits 14 and 17 accompanying Dot Hill's motion for summary judgment [84-1] signed by Honorable Sam Sparks (mc2) [Entry date 07/01/04]
07/02/2004	93	Motion by Crossroads Systems to extend time to respond to DOT Hill Systems Corp's msj (td) [Entry date 07/06/04]
07/06/2004	94	Order granting motion for Joseph P. Reid to appear pro hac vice [89-1] signed by Honorable Sam Sparks (mc2) [Entry date 07/07/04]
07/07/2004	95	Order granting motion to seal Exhibit A to Exhibit 4 accompanying Dot Hill's motion for summary judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are invalid [91-1] signed by Honorable Sam Sparks (mc2) [Entry date 07/07/04]
07/09/2004	96	Order granting motion to extend time to respond to DOT Hill Systems Corp's msj [93-1] until 11 days after last of depositions of Ellen Lary, Richard Lary , and Diana Hsuesh-Ying Shen is completed, signed by Honorable Sam Sparks (mc2) [Entry date 07/09/04]
07/09/2004		Pro hac vice fee paid byJoseph P. Reid with Amount: \$ 25.00, Receipt # 360959. (mc2) [Entry date 07/12/04]
07/16/2004	97	Notice of filing of Joint Submission of Preliminary Claim Chart by Crossroads Systems (, Dot Hill Systems Cor, FalconStor Software (dm) [Entry date 07/20/04]
07/19/2004	98	Answer by FalconStor Software to counterclaim [87-1] (mc2) [Entry date 07/21/04]
07/19/2004	98	Counterclaim by FalconStor Software against Crossroads Systems (mc2) [Entry date 07/21/04]
07/21/2004	99	Order that Dot Hill Systems retrieve from chambers posthaste boxes of reexamination petition delivered on 7/21/04, signed by Honorable Sam Sparks (mc2) [Entry date 07/21/04]
07/28/2004	100	Answer by Crossroads Systems to counterclaim [98-1] (mc2) [Entry date 07/29/04]
07/28/2004	101	Opening claim construction Brief by Dot Hill Systems Cor, FalconStor Software (mc2) [Entry date 07/29/04]
07/28/2004	102	Joint motion by Crossroads Systems, Dot Hill Systems Cor, FalconStor Software for leave to file Markman briefs in excess of page limit (mc2) [Entry date 07/29/04]
07/28/2004	103	Markman Brief by Crossroads Systems (mc2) [Entry date 07/29/04]
07/30/2004	104	Order granting joint motion for leave to file Markman briefs in excess of page limit [102-1] signed by Honorable Sam Sparks (mc2) [Entry date 08/02/04]
08/03/2004	105	Motion by Crossroads Systems to compel production of documents from Dot Hill (with attached declaration of Matthew Bernstein in support of motion filed under seal) (mc2) [Entry date 08/04/04]
08/03/2004	106	Unopposed Motion by Crossroads Systems to seal declaration of Matthew C. Bernstein in support of its motion to compel production of documents (mc2) [Entry date 08/04/04]
08/03/2004	107	Unopposed Motion by Crossroads Systems for leave to file motion to compel in excess of page limit (mc2) [Entry date 08/04/04]
08/04/2004	108	Advisory to the court filed by Dot Hill Systems Cor - notice of change of firm name; new name: Wang, Hartmann & Gibbs, P.C. (mc2) [Entry date 08/05/04]

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08/04/2004	109	Order granting motion for leave to file motion to compel in excess of page limit [107-1] signed by Honorable Sam (mc2) [Entry date 08/05/04]
08/10/2004	110	Motion by Crossroads Systems ( for (Barry K. Shelton) to appear pro hac vice (dm) [Entry date 08/12/04]
08/11/2004	111	Order granting motion for (Barry K. Shelton) to appear pro hac vice [110-1] signed by Honorable Sam Sparks (dm) [Entry date 08/12/04]
08/11/2004	112	Responsive Claim Construction Brief of Dot Hill Systems Cor, FalconStor Software (dm) [Entry date 08/12/04]
08/11/2004	113	Exhibits in support of the responsive claim construction brief of Dot Hill Systems Cor, FalconStor Software (dm) [Entry date 08/12/04]
08/11/2004	114	Joint motion by Crossroads Systems (, Dot Hill Systems Cor for leave to file responsive Markman brief in excess of page limit (dm) [Entry date 08/13/04]
08/11/2004	115	Response by Crossroads Systems ( to Dot Hill Systems Corporation's Claim Construction brief [112-1] (dm) [Entry date 08/13/04]
08/16/2004	116	Opposition of Dot Hill Systems Corporation to Crossroads' motion to compel production of documents (with attached declaration of Matthew Bernstein in support of motion filed under seal) [105-1] (dm) [Entry date 08/17/04]
08/16/2004	117	Order granting motion to seal declaration of Matthew C. Bernstein in support of its motion to compel production of documents [106-1] signed by Honorable Sam Sparks (dm) [Entry date 08/17/04]
08/17/2004		Pro hac vice fee paid byBarry K. Shelton with Amount: \$ 25.00 Receipt # 361508 (dm) [Entry date 08/25/04]
08/18/2004	118	Order granting joint motion for leave to file responsive Markman brief in excess of page limit [114-1] signed by Honorable Sam Sparks (dm) [Entry date 08/18/04]
08/23/2004	119	Order granting motion for leave to file - to supplement documents filed in support of its motion for summary judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are invalid [90-1] signed by Honorable Sam Sparks (dm) [Entry date 08/24/04]
08/24/2004	120	Motion by Crossroads Systems ( for leave to file second amended complaint (dm) [Entry date 08/25/04]
08/24/2004		Received Stipulation and Order of Dismissal of Claims between Crossroads Systems (Texas), Inc. and Falconstor Software, inc. (dm) [Entry date 08/25/04]
08/27/2004	121	Order Motion hearing on motion to compel production of documents from Dot Hill (with attached declaration of Matthew Bernstein in support of motion filed under seal) [105-1] for 9:00 9/9/04 signed by Honorable Sam Sparks (dm) [Entry date 08/30/04]
08/27/2004	123	Order granting motion for leave to file second amended complaint [120-1], therefore ordered that plaintiff Crossroads Systems second amended complaint for patent infringement shall be deemed filed, served and effective as of the date below signed by Honorable Sam Sparks (dm) [Entry date 08/30/04]
08/27/2004	124	Unopposed Motion by Crossroads Systems ( for leave to file reply brief in support of motion to compel in excess of page limit (dm) [Entry date 08/30/04]
08/27/2004	125	Crossroads Systems Inc's Reply brief in support of its Motion to Compel the Production of Documents . (dm) [Entry date 08/30/04]
08/27/2004	126	Motion by Crossroads Systems ( to seal declaration of Tracy L. Mccreight in support of Crossroads Systems Inc.'s reply brief in support of its motion to compel the production of documents (dm) [Entry date 08/30/04]
08/27/2004	127	Sealed document, declaration of Tracy L. McCreight in support of Crossroads systems Inc.'s reply brief in support of its motion to compel the production of documents, placed in vault (dm) [Entry date 08/30/04]
08/27/2004	122	Stipulation an Order of Dismissal of Claims between Crossroads Systems Inc. and Falconstor Software, Inc. signed by Honorable Sam Sparks (dm) [Entry date 08/30/04]
08/30/2004	128	Minutes of proceedings for Markman Hearing conducted on August 30, 2004 by Judge Sparks. Court Reporter: Lily Reznik (dm) [Entry date 09/01/04] [Edit date 09/02/04]
08/30/2004		Miscellaneous hearing (Markman Hearing) held, parties announce ready, statements and arguments of counsel heard, testimony heard on behalf on plaintiff/defendant, witnesses sworn, evidence submitted on behalf of plaintiff/defendant, court exhibit filed, parties rest, closing argument heard, recommendations, special master will review evidence and submit draft to parties, invite briefs and submit final recommendation prior to December, parties to provide Ms. Sims with prosecution history when it becomes available. (dm) [Entry date 09/01/04]
08/30/2004	129	Minutes of proceedings for miscellaneous hearing conducted on August 30, 2004 by Judge Bayer. Court Reporter: no transcript made (dm) [Entry date 09/01/04] [Edit date 09/02/04]

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08/30/2004		Miscellaneous hearing held, tutorial held in courtroom in absence of record (dm) [Entry date 09/01/04]
08/30/2004	130	Combined Witness and Exhibit List by Crossroads Systems (, Dot Hill Systems Cor (dm) [Entry date 09/01/04] [Edit date 09/02/04]
08/30/2004		Exhibits by Dot Hill Systems Cor (dm) [Entry date 09/20/04]
08/30/2004		Exhibits by Crossroads Systems (, Dot Hill Systems Cor (dm) [Entry date 09/20/04]
08/31/2004	131	Stipulated definitions of claim terms filed by Crossroads Systems (, Dot Hill Systems Cor (dm) [Entry date 09/01/04] [Edit date 09/02/04]
09/03/2004	132	Motion by Dot Hill Systems Cor for (Richard Frankklin Cauley) to appear pro hac vice (dm) [Entry date 09/07/04]
09/03/2004	133	Notice of Stipulation regarding Dot Hill Systems Corp.'s Axis Storage Manager and RAIDarPS Products filed by Crossroads Systems (, Dot Hill Systems Cor (dm) [Entry date 09/07/04]
09/03/2004		Pro hac vice fee paid byRichard Franklin Cauley with Amount: \$ 25.00 receipt #361713 (mc1) [Entry date 09/13/04]
09/07/2004	134	Order granting motion to seal declaration of Tracy L. Mccreight in support of Crossroads Systems Inc.'s reply brief in support of its motion to compel the production of documents [126-1] signed by Honorable Sam Sparks (mc2) [Entry date 09/07/04]
09/07/2004	135	Order granting motion for leave to file reply brief in support of motion to compel in excess of page limit [124-1] signed by Honorable Sam Sparks (mc2) [Entry date 09/07/04]
09/09/2004	136	Minutes of proceedings for Motion hearing conducted on September 9, 2004 by Judge Sparks. Court Reporter: Lily Reznik (dm) [Entry date 09/09/04]
09/09/2004		Motion hearing held on following motion: Crossroads Systems Motion to Compel #105, parties announce ready, pro hac motion granted for Richard F, Cauley, statements and arguments of counsel heard, motions granted in part, supplemental briefs due by 5:00pm on October 1, responses due by 5:00pm on Oct. 15, written order forthcoming, court permits deposition of Ms. Greenburg (dm) [Entry date 09/10/04]
09/10/2004	137	Order granting motion for (Richard Frankklin Cauley) to appear pro hac vice [132-1] signed by Honorable Sam Sparks (dm) [Entry date 09/10/04]
09/10/2004	138	Transcript filed for dates of 8/30/04 (Proceedings Transcribed: Markman Hearing before Special Master Karl Bayer) (Court Reporter: L. Reznik) (mc1) [Entry date 09/13/04]
09/13/2004	139	Answer by Dot Hill Systems Cor to amended complaint; jury demand (mc1) [Entry date 09/14/04]
09/13/2004	140	Amended counterclaim by Dot Hill Systems Cor : counterclaim [17-2] (mc1) [Entry date 09/14/04]
09/14/2004	141	Transcript filed for date of 9/9/04 (Proceedings Transcribed: motion to compel hearing) (Court Reporter: Lily Reznik.) (mc2) [Entry date 09/14/04]
09/14/2004	142	Order granting in part, denying in part motion to compel production of documents from Dot Hill [105- 1], and that the parties have until 5:00 p.m. on 10/1/04 to file any post-Markman hearing briefs, and they have until 5:00 p.m. on 10/15/04 to file any responses thereto, signed by Honorable Sam Sparks (mc2) [Entry date 09/14/04]
09/14/2004	143	Stipulation and Order regarding Dot Hill Systems Corporation's Axis Storage Manager and RAIDarPS Products, signed by Honorable Sam Sparks (mc2) [Entry date 09/14/04]
09/15/2004		Received Stipulation of Dismissal of Dot Hill System Corporation's Claims against Falconstor Software, inc. (dm) [Entry date 09/16/04]
09/17/2004	144	Stipulation of dismissal of Dot Hill System Corporation's claims against Falconstor Software, Inc. (dm) [Entry date 09/20/04]
09/17/2004	145	Motion and order by Crossroads Systems and Dot Hill Systems ( regarding Crossroad's response deadline and Dot Hill Systems Cor reply deadline with respect to Dot Hill's pending motion for summary judgment (dm) [Entry date 09/20/04]
09/20/2004	146	Motion by Crossroads Systems ( to compel the testimony of Diana Shen, Ellen Lary, and Richard Lary (dm) [Entry date 09/21/04]
09/20/2004	147	Motion by Crossroads Systems ( to seal declaration of Barry K. Shelton in support of Crossroads Systems (Texas) Inc.'s motion to compel the testimony of Diana Shen, Ellen Lary, and Richard Lary (dm) [Entry date 09/21/04]
09/20/2004	148	Sealed document (Declaration of Barry K. Shelton in Support of Crossroads Systems (Texas), Inc.'s motion to compel the testimony of Diana Shen, Ellen Lary, and Richard Lary), placed in vault (dm) [Entry date 09/21/04]
09/23/2004	149	Order granting motion re: Crossroads' response deadline and Dot Hill's reply deadline with respect to Dot Hill's pending motion for summary judgment [145-1] signed by Honorable Sam Sparks (dm) [Entry date 09/23/04]

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09/23/2004	150	Order granting motion to seal declaration of Barry K. Shelton in support of Crossroads Systems (Texas) Inc.'s motion to compel the testimony of Diana Shen, Ellen Lary, and Richard Lary [147-1] signed by Honorable Sam Sparks (dm) [Entry date 09/23/04]
09/27/2004	151	Motion by Dot Hill Systems Cor to exceed page limits for its motion for bifurcation of liability and damages/willfulness issues and brief in support thereof (dm) [Entry date 09/28/04]
09/27/2004	152	Motion by Dot Hill Systems Cor for bifurcation of liability and damages/willfulness issues, and brief in support thereof (dm) [Entry date 09/28/04]
09/27/2004	153	Response by Crossroads Systems ( in opposition to motion for summary judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are invalid pursuant to 35 USC Sec. 102 and/or 103 in view of prior development of Digital Equipment Corp HSZ70 controller (with attached exhibits 14 and 17 submitted and maintained under seal) [85-1] (dm) [Entry date 09/28/04]
09/27/2004	154	Motion by Crossroads Systems ( for leave to file opposition to Dot Hill's motion for summary judgment that U.S. patent no. 6,425,035 and U.S. patent no. 5,941,972 are invalid pursuant to U.S. C. 102 and/or 103 in view of the prior development of the digital equipment corporation HSZ70 controller in excess of page limit (dm) [Entry date 09/28/04]
09/27/2004	155	Unopposed Motion by Crossroads Systems ( to seal: Declaration of Barry K. Shelton in support of Crossroads Systems' opposition to Dot Hill's motion for summary judgment that U.S. patent no. 6,425,035 and U.S. patent no. 5,941,972 are invalid pursuant to U.S. C. 102 and/or 103 in view of the prior development of the digital equipment corporation HSZ70 controller (dm) [Entry date 09/28/04]
09/27/2004	156	Sealed document, Declaration of Barry K. Shelton in support of Crossroads Systems' opposition to Dot Hill's motion for summary judgment that U.S. patent no. 6,425,035 and U.S. patent no. 5,941,972 are invalid pursuant to U.S.C. 102 and/or 103 in view of the prior development of the digital equipment corporation HSZ70 controller, placed in vault (dm) [Entry date 09/28/04]
09/28/2004	157	Advisory to the court of certification of the Greenberg law firm, filed by Dot Hill Systems Cor (dm) [Entry date 09/29/04]
09/28/2004	158	Advisory to the court of certification of Morgan & Finnegan LLP, filed by Dot Hill Systems Cor (dm) [Entry date 09/29/04]
09/29/2004	159	Order granting motion to exceed page limits for its motion for bifurcation of liability and damages/willfulness issues and brief in support thereof [151-1] signed by Honorable Sam Sparks (dm) [Entry date 09/29/04]
09/29/2004	160	Motion by Dot Hill Systems Cor for (Natu J. Patel) to withdraw as attorney for defendant Dot Hill Systems Corporation (dm) [Entry date 10/01/04]
09/30/2004	161	Response by Dot Hill Systems Cor in opposition to motion to compel the testimony of Diana Shen, Ellen Lary, and Richard Lary [146-1] (dm) [Entry date 10/01/04]
09/30/2004	162	Motion by Dot Hill Systems Cor to file under seal: declaration of Jason B. Witten in support of Dot Hills' opposition to crossroads' motion to compel the testimony of Diana Shen, Ellen Lary and Richard Lary (dm) [Entry date 10/01/04]
09/30/2004	163	Motion by Dot Hill Systems Cor for leave to file opposition to motion to compel the testimony of Diana Shen, Ellen Lary, and Richard Lary in excess of page limit (dm) [Entry date 10/01/04]
09/30/2004	176	Sealed document, declaration of Jason B. Witten in support of Dot Hills' Opposition to Crossroads' motion to compel the testimony of Diana Shen, Ellen Lary and Richard Lary, placed in vault (dm) [Entry date 10/05/04]
10/01/2004	164	Response by Crossroads Systems ( to amended counterclaim for declaratory judgment of noinfringement, invalidity and inequitable conduct [140-1] (dm) [Entry date 10/05/04]
10/01/2004	165	Motion by Dot Hill Systems Cor for leave to file Post Markman hearing claim construction brief of Dot Hill Systems Corporation in excess of page limit (dm) [Entry date 10/05/04]
10/01/2004	166	Motion by Dot Hill Systems Cor for leave to file under seal: declaration of Jason B. Witten in support of post markman hearing claim construction brief of Dot Hill Systems (dm) [Entry date 10/05/04]
10/01/2004	167	Sealed document, declaration of Jason B. Witten in support of post markman hearing claim construction brief of Dot Hill Systems corporation, placed in vault (dm) [Entry date 10/05/04]
10/01/2004	168	Post-Hearing Markman Brief by Crossroads Systems (dm) [Entry date 10/05/04]
10/01/2004	169 ⁻	Declaration of Barry K. Shelton in support of Crossroads Systems' post-hearing Markman Brief (doc. #176) (dm) [Entry date 10/05/04]
10/01/2004	170	Unopposed Motion by Crossroads Systems ( for leave to file Crossroads Systems Inc.'s corrected opposition to Dot Hill Systems Corp's motion for summary judgment for invalidity of U.S. patent nos. 6,423,035 and 5,941,972 (dm) [Entry date 10/05/04]
10/01/2004	171	Motion by Crossroads Systems ( for leave to file corrected opposition to Dot Hill's motion for summary judgment (dm) [Entry date 10/05/04]
10/01/2004	172	Motion by Crossroads Systems ( to file under seal: declaration of Barry K. Shelton in support of Crossroads systems' corrected opposition to Dot Hill's motion for summary judgment (dm) [Entry

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		date 10/05/04]
10/01/2004	173	Motion by Crossroads Systems ( for leave to file declaration of Barry K. Shelton in support of Crossroads Systems Inc.'s corrected opposition to Dot Hill Systems Corporation's motion for summary judgment for invalidity of U.S. patent nos. 6,423,035 and 5,941,972 (dm) [Entry date 10/05/04]
10/01/2004	174	Declaration of Barry K. Shelton ( in support of motion to file under seal: declaration of Barry K. Shelton in support of Crossroads systems' corrected opposition to Dot Hill's motion for summary judgment [172-1] (dm) [Entry date 10/05/04]
10/01/2004	175	Post Markman Hearing Claim Construction Brief by Dot Hill Systems Cor (dm) [Entry date 10/05/04]
10/04/2004	177	Order granting motion for leave to file opposition to motion to compel the testimony of Diana Shen, Ellen Lary, and Richard Lary in excess of page limit [163-1] signed by Honorable Sam Sparks (dm) [Entry date 10/05/04]
10/05/2004	178	Order granting motion for leave to file Post Markman hearing claim construction brief of Dot Hill Systems Corporation in excess of page limit [165-1] signed by Honorable Sam Sparks (dm) [Entry date 10/06/04]
10/05/2004	179	Order granting motion for leave to file corrected opposition to Dot Hill's motion for summary judgment [171-1] signed by Honorable Sam Sparks (dm) [Entry date 10/06/04]
10/05/2004	180	Order granting motion for (Natu J. Patel) to withdraw as attorney [160-1] (Terminated attorney Natu J. Patel for Dot Hill Systems Cor, attorney Natu J. Patel for Dot Hill Systems Cor, attorney Natu J. Patel for Dot Hill Systems Cor signed by Honorable Sam Sparks (dm) [Entry date 10/06/04]
10/05/2004	181	Order granting motion to file under seal: declaration of Jason B. Witten in support of Dot Hills' opposition to crossroads' motion to compel the testimony of Diana Shen, Ellen Lary and Richard Lary [162-1] signed by Honorable Sam Sparks (dm) [Entry date 10/06/04]
10/05/2004	182	Order granting filing of declaration of Barry K. Shelton in support of Crossroads Systems corrected opposition [174-1] signed by Honorable Sam Sparks (dm) [Entry date 10/06/04]
10/05/2004	183	Order granting motion for leave to file Crossroads Systems Inc.'s corrected opposition to Dot Hill Systems Corp's motion for summary judgment for invalidity of U.S. patent nos. 6,423,035 and 5,941,972 [170-1] signed by Honorable Sam Sparks (dm) [Entry date 10/06/04]
10/05/2004	184	Order granting motion for leave to file declaration of Barry K. Shelton in support of Crossroads Systems Inc.'s corrected opposition to Dot Hill Systems Corporation's motion for summary judgment for invalidity of U.S. patent nos. 6,423,035 and 5,941,972 [173-1] signed by Honorable Sam Sparks (dm) [Entry date 10/06/04]
10/05/2004	185	Order granting motion for leave to file under seal: declaration of Jason B. Witten in support of post markman hearing claim construction brief of Dot Hill Systems [166-1] signed by Honorable Sam Sparks (dm) [Entry date 10/06/04]
10/05/2004	186	Response by Crossroads Systems ( in opposition to motion for summary judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are invalid pursuant to 35 USC Sec. 102 and/or 103 in view of prior development of Digital Equipment Corp HSZ70 controller (with attached exhibits 14 and 17 submitted and maintained under seal) [85-1] (dm) [Entry date 10/06/04]
10/05/2004		Mooted motions motion to file under seal: declaration of Barry K. Shelton in support of Crossroads systems' corrected opposition to Dot Hill's motion for summary judgment [172-1], motion granted in order (doc. #184) (dm) [Entry date 01/28/05]
<b>Í0/08/2004</b>	187	Motion by Crossroads Systems ( for leave to file its opposition to Dot Hill's motion for bifurcation of liability and damages/willfulness issues in excess of page limit (dm) [Entry date 10/12/04]
10/08/2004	188	Response by Crossroads Systems ( in opposition to motion for bifurcation of liability and damages/willfulness issues, and brief in support thereof [152-1] (dm) [Entry date 10/12/04]
10/12/2004	189	Motion by Dot Hill Systems Cor for leave to file motion to stay in excess of page limit (dm) [Entry date 10/12/04]
10/12/2004	190	Motion by Dot Hill Systems Cor to stay (dm) [Entry date 10/12/04]
10/12/2004	191	Declaration of Jason B. Witten by Dot Hill Systems Cor in support of motion to stay or administratively terminate [190-1] (dm) [Entry date 10/12/04]
10/12/2004	192	Order granting motion for leave to file opposition to Dot Hill's motion for summary judgment that U.S. patent no. 6,425,035 and U.S. patent no. 5,941,972 are invalid pursuant to U.S. C. 102 and/or 103 in view of the prior development of the digital equipment corporation HSZ70 controller in excess of page limit [154-1] signed by Honorable Sam Sparks (dm) [Entry date 10/12/04]
10/12/2004	193	Order granting motion to seal: Declaration of Barry K. Shelton in support of Crossroads Systems' opposition to Dot Hill's motion for summary judgment that U.S. patent no. 6,425,035 and U.S. patent no. 5,941,972 are invalid pursuant to U.S. C. 102 and/or 103 in view of the prior development of the digital equipment corporation HSZ70 controller [155-1] signed by Honorable Sam Sparks (dm) [Entry date 10/13/04]
10/12/2004	194	Response by Crossroads Systems ( in support of motion to compel the testimony of Diana Shen, Ellen

		Lary, and Richard Lary [146-1] (dm) [Entry date 10/13/04]
10/12/2004	195	Declaration of Barry K. Shelton by Crossroads Systems (in support of reply in support of its motion to compel [194-1] (dm) [Entry date 10/13/04]
10/12/2004	196	Motion by Crossroads Systems ( for leave to file its reply in support of its motion to compel the testimony of Diana Shen, Ellen Lary, and Richard Lary in excess of page limit (dm) [Entry date 10/13/04]
10/13/2004	197	Emergency Motion by Dot Hill Systems Cor to compel testimony of Crossroads' expert Paul Hodges (dm) [Entry date 10/13/04]
10/13/2004	198	Motion by Dot Hill Systems Cor for leave to appear by telephone at hearing on Dot Hill's emergency motion to compel testimony of Crossroads' expert Paul Hodges (dm) [Entry date 10/13/04]
10/13/2004	199	Amended emergency motion by Dot Hill Systems Cor : to compel amending motion to compel testimony of Crossroads' expert Paul Hodges [197-1] (dm) [Entry date 10/14/04]
10/13/2004	200	Order granting motion for leave to file motion to stay in excess of page limit [189-1] signed by Honorable Sam Sparks (dm) [Entry date 10/14/04]
10/13/2004	201	Order granting motion for leave to file its opposition to Dot Hill's motion for bifurcation of liability and damages/willfulness issues in excess of page limit [187-1] signed by Honorable Sam Sparks (dm) [Entry date 10/14/04]
10/13/2004	202	Order set miscellaneous hearing on all pending matters at 1:30 10/15/04 signed by Honorable Sam Sparks (dm) [Entry date 10/14/04]
10/14/2004	203	Order granting motion for leave to file its reply in support of its motion to compel the testimony of Diana Shen, Ellen Lary, and Richard Lary in excess of page limit [196-1] signed by Honorable Sam Sparks (dm) [Entry date 10/14/04]
10/14/2004	204	Response by Crossroads Systems ( in opposition to motion to compel testimony of Crossroads' expert Paul Hodges [197-1], amended motion to compel [199-1] (dm) [Entry date 10/15/04]
10/14/2004	205 -	Declaration of Barry K. Shelton by Crossroads Systems ( in support of opposition to Dot Hill's emergency motion to compel testimony of Crossroads' expert Paul Hodges [204-1] (dm) [Entry date 10/15/04]
10/14/2004	206	Response by Dot Hill Systems Cor in support of motion for bifurcation of liability and damages/willfulness issues, and brief in support thereof [152-1] (dm) [Entry date 10/15/04]
10/14/2004	207	Order granting motion for leave to appear by telephone at hearing on Dot Hill's emergency motion to compel testimony of Crossroads' expert Paul Hodges [198-1] signed by Honorable Sam Sparks (dm) [Entry date 10/15/04]
10/15/2004	208	Reply by Dot Hill Systems Cor to response to motion to compel testimony of Crossroads' expert Paul Hodges [197-1], amended motion to compel [199-1] (dm) [Entry date 10/15/04]
10/15/2004	209	Motion by Dot Hill Systems Cor for leave to file responsive brief to Crossroads' post-hearing markman brief in excess of page limit (dm) [Entry date 10/15/04]
10/15/2004	210	Responsive Brief by Dot Hill Systems Cor regarding: Crossroads' post-hearing markman brief [168-1] (dm) [Entry date 10/15/04]
10/15/2004	211	Minutes of proceedings for misc. hearing conducted on 10/15/04 by Judge Sparks. Court Reporter: Lily Reznik (dm) [Entry date 10/18/04]
10/15/2004		Miscellaneous hearing (on all pending matters) held, parties announce ready, statements and arguments of counsel heard, motion granted #146, motion denied #190, 152, and 199, written order forthcoming (dm) [Entry date 10/18/04]
10/15/2004	212	Motion by Crossroads Systems ( for leave to file its reply to post markman hearing claim construction brief of Dot Hill Systems Corporation in excess of page limit (dm) [Entry date 10/18/04]
10/15/2004	213	Motion by Crossroads Systems ( to file under seal: reply to post markman hearing claim construction brief of Dot Hill Systems Corporation (dm) [Entry date 10/18/04]
10/15/2004	214	Sealed document, Crossroads Systems Inc.'s reply to post markman hearing claim construction brief of Dot Hill Systems, placed in vault (dm) [Entry date 10/18/04]
10/15/2004	215	Motion by Crossroads Systems ( to seal declaration of Barry K. Shelton in support of Crossroads Systems Inc.'s reply to post markman hearing claim construction brief of Dot Hill Systems Corporation (dm) [Entry date 10/18/04]
10/15/2004	216	Sealed document, declaration of Barry K. Shelton in support of Crossroads Systems Inc.'s reply to post markman hearing claim construction brief of Dot Hill Systems Corporation, placed in vault (dm) [Entry date 10/18/04]
10/18/2004	217	Order granting motion for leave to file its reply to post markman hearing claim construction brief of Dot Hill Systems Corporation in excess of page limit [212-1] signed by Honorable Sam Sparks (dm) [Entry date 10/19/04]
10/18/2004	218	Order granting motion for leave to file responsive brief to Crossroads' post-hearing markman brief in

		excess of page limit [209-1] signed by Honorable Sam Sparks (dm) [Entry date 10/19/04]
10/18/2004	219	Order denying amended motion to compel [199-1] denying motion for bifurcation of liability and damages/willfulness issues, and brief in support thereof [152-1] denying motion to stay [190-1] granting motion to compel the testimony of Diana Shen, Ellen Lary, and Richard Lary [146-1] signed by Honorable Sam Sparks (dm) [Entry date 10/19/04]
10/18/2004		Mooted motions motion to compel testimony of Crossroads' expert Paul Hodges [197-1] (dm) [Entry date 10/19/04]
10/19/2004	220	Motion by Crossroads Systems ( for (J. Eric Elliff) to appear pro hac vice (dm) [Entry date 10/20/04]
10/20/2004	221	Order granting motion for (J. Eric Elliff) to appear pro hac vice [220-1] signed by Honorable Sam Sparks (td) [Entry date 10/21/04]
10/20/2004	222	Order granting motion to seal declaration of Barry K. Shelton in support of Crossroads Systems Inc.'s reply to post markman hearing claim construction brief of Dot Hill Systems Corporation [215-1] signed by Honorable Sam Sparks (td) [Entry date 10/21/04]
10/20/2004	223	Order granting motion to file under seal: reply to post markman hearing claim construction brief of Dot Hill Systems Corporation [213-1] signed by Honorable Sam Sparks (td) [Entry date 10/21/04]
10/25/2004		Pro hac vice fee paid byJ. Eric Elliff with Amount: \$ 25.00 Receipt # 362493 (dm) [Entry date 11/03/04]
11/09/2004	224	Motion by Dot Hill Systems Cor for leave to file reply to opposition to motion for summary judgment that U.S. patent no. 6,425,035 and U.S. patent no. 5,941,972 are invalid (dm) [Entry date 11/15/04]
11/09/2004	225	Motion by Dot Hill Systems Cor to seal declaration of Jason B. Witten in support of Dot Hill's reply to opposition to motion for summary judgment that U.S. patent no. 6,425,035 and U.S. patent no. 5,941,972 are invalid (dm) [Entry date 11/15/04]
11/09/2004	226	Reply Brief by Dot Hill Systems Cor regarding: motion for summary judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are invalid pursuant to 35 USC Sec. 102 and/or 103 in view of prior development of Digital Equipment Corp HSZ70 controller (with attached exhibits 14 and 17 submitted and maintained under seal) [85-1] (dm) [Entry date 11/15/04]
11/09/2004	227	Declaration of Jason B. Witten by Dot Hill Systems Cor in support of motion for summary judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are invalid pursuant to 35 USC Sec. 102 and/or 103 in view of prior development of Digital Equipment Corp HSZ70 controller (with attached exhibits 14 and 17 submitted and maintained under seal) [85-1] (dm) [Entry date 11/15/04]
11/10/2004	228	Order granting motion for leave to file reply to opposition to motion for summary judgment that U.S. patent no. 6,425,035 and U.S. patent no. 5,941,972 are invalid [224-1] signed by Honorable Sam Sparks (dm) [Entry date 11/15/04]
11/12/2004	229	Motion by Dot Hill Systems Cor for leave to file corrected reply brief in support of Dot Hill's motion for summary judgment that U.S. patent no. 6,425,035 and U.S. patent no. 5,941,972 are invalid (dm) [Entry date 11/15/04]
11/15/2004	230	Order granting motion to seal declaration of Jason B. Witten in support of Dot Hill's reply to opposition to motion for summary judgment that U.S. patent no. 6,425,035 and U.S. patent no. 5,941,972 are invalid [225-1] signed by Honorable Sam Sparks (dm) [Entry date 11/16/04]
11/16/2004	231	Order granting motion for leave to file corrected reply brief in support of Dot Hill's motion for summary judgment that U.S. patent no. 6,425,035 and U.S. patent no. 5,941,972 are invalid [229-1] signed by Honorable Sam Sparks (dm) [Entry date 11/16/04]
11/24/2004	232	Motion by Crossroads Systems ( for leave to file a surreply in opposition to DOT Hill Systems Corp.'s motion for summary judgment for invalidity of U.S. Patent # 6,423,035 and 5,941,972 (received Surreply and declaration) (mc1) [Entry date 11/29/04]
11/30/2004	233	Order granting motion for leave to file a surreply in opposition to DOT Hill Systems Corp.'s motion for summary judgment for invalidity of U.S. Patent # 6,423,035 and 5,941,972 [232-1] signed by Honorable Sam Sparks (mc2) [Entry date 11/30/04]
11/30/2004	234	Surreply - Response by Crossroads Systems ( to motion for summary judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are invalid pursuant to 35 USC Sec. 102 and/or in view of prior development of Digital Equipment Corp controller [85-1] (mc2) [Entry date 11/30/04]
12/02/2004	235	Motion by Dot Hill Systems Cor for leave to file Dot Hill's response to Crossroads' surreply in support of Dot Hill's motion for summary judgment (dm) [Entry date 12/06/04]
12/02/2004	236	Motion by Dot Hill Systems Cor for leave to file Dot Hill's response to Crossroads' surreply in support of Dot Hill's motion for summary judgment (dm) [Entry date 12/06/04]
12/02/2004	237	Response by Dot Hill Systems Cor to Crossroads' surreply in support of Dot Hill's motion for summary judgment [234-1] (dm) [Entry date 12/06/04]
12/10/2004	238	Order granting motion for leave to file Dot Hill's response to Crossroads' surreply in support of Dot Hill's motion for summary judgment [236-1] signed by Honorable Sam Sparks (dm) [Entry date

9/19/2005

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		12/13/04]
12/10/2004	239	Order granting motion for leave to file Dot Hill's response to Crossroads' surreply in support of Dot Hill's motion for summary judgment [235-1] signed by Honorable Sam Sparks (dm) [Entry date 12/13/04]
01/05/2005	240	Notice of attorney appearance for Crossroads Systems (, by John Michael Guaragna (mc2) [Entry date 01/06/05] [Edit date 01/06/05]
01/05/2005	242	Motion by Crossroads Systems ( for Raymond W. Mort, III to appear pro hac vice (mc2) [Entry date 01/06/05]
01/06/2005	241	Advisory to the court filed by Crossroads Systems ( - notice of change of firm name and removal of counsel for plaintiff. (mc2) [Entry date 01/06/05]
01/07/2005	243	Order granting motion for Raymond W. Mort, III to appear pro hac vice [242-1] signed by Honorable Sam Sparks (dm) [Entry date 01/10/05]
01/13/2005		Pro hac vice fee paid byRaymond W. Mort with Amount: \$ 25.00 Receipt # 363826 (dm) [Entry date 01/18/05]
01/19/2005	244	Motion by Crossroads Systems ( for Darius C. Gambino to appear pro hac vice (dm) [Entry date 01/20/05]
01/21/2005	245	Report and recommendation of Special Master Karl Bayer regarding United States Patent Nos. 5,941,972 and 6,425,035 B2 (dm) [Entry date 01/24/05]
01/25/2005	246	Order granting motion for Darius C. Gambino to appear pro hac vice [244-1] signed by Honorable Sam Sparks (dm) [Entry date 01/25/05]
01/26/2005		Acknowledgment receipt by Alan Albright magistrate report and recommendations (dm) [Entry date 01/26/05]
01/26/2005		Acknowledgment receipt by Raymond Mort, John Guaragna, Barry Shelton & Tacy McCreight magistrate report and recommendations (dm) [Entry date 01/26/05]
01/27/2005		Acknowledgment receipt of Dot Hill Systems Cor magistrate report and recommendations (td) [Entry date 01/28/05]
01/27/2005		Pro hac vice fee paid byDarius C. Gambino with Amount: \$ 25.00 Receipt # 364027 (dm) [Entry date 02/07/05]
01/28/2005		Acknowledgment receipt of Dot Hill Systems Cor magistrate report and recommendations (Morgan & Finnegan) (td) [Entry date 01/28/05]
01/31/2005	247	Stipulation and Order regarding the deadline to file objections to special master's report and recommendation regarding the construction of claims in U.S. patent filed by Crossroads Systems (, Dot Hill Systems Cor (dm) [Entry date 02/02/05]
01/31/2005		Acknowledgment receipt by J. Eric Elliff magistrate report and recommendations (dm) [Entry date 02/08/05]
01/31/2005		Acknowledgment receipt by Franklin Gibbs, Jason Witten, Larry Severin & Richard Cauley, magistrate report and recommendations (dm) [Entry date 02/08/05]
01/31/2005		Acknowledgment receipt by Valerie Greenberg, magistrate report and recommendations (dm) [Entry date 02/08/05]
01/31/2005		Acknowledgment receipt by Joseph Reid, Matthew Bernstein, John Guist & John Allcock, magistrate report and recommendations (dm) [Entry date 02/08/05]
02/04/2005	248	Ordered that the deadline to file and serve objections to the Special Master's Report and Recommendation is Monday, February 14, 2005 and it is further ordered that the parties' Stipulation and Order regarding the deadline to file objections to the Special Mater's Report and Recommendation [#247], which the Court construes as a motion to amend the Markman scheduling order is Denied in all other respects signed by Honorable Sam Sparks (dm) [Entry date 02/04/05]
02/04/2005		Acknowledgment receipt of Darius Gambino magistrate report and recommendations (dm) [Entry date 02/08/05]
02/14/2005	249	Joint Stipulation regarding deposition limits filed by Crossroads Systems (, Dot Hill Systems Cor (mc2) [Entry date 02/14/05]
02/14/2005	250	Unopposed Motion by Dot Hill Systems Cor for leave to file Dot Hill's objections to Special Master's Report and Recommendation in excess of page limit (mc2) [Entry date 02/14/05]
02/14/2005	251	Objections to report and recommendations [245-1] by Dot Hill Systems Cor (mc2) [Entry date 02/14/05]
02/17/2005	252	Motion by Dot Hill Systems Cor for Peter O. Huang to appear pro hac vice (dm) [Entry date 02/22/05]
02/22/2005	253	Response by Crossroads Systems ( to report & recommendation objection [251-1] (dm) [Entry date 02/23/05]
02/22/2005	254	Order granting motion for leave to file Dot Hill's objections to Special Master's Report and

## Lexis Nexis CourtLinkse 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 57 of Bage 28 of 29

Recommendation in excess of page limit [250-1] signed by Honorable Sam Sparks (dm) [Entry date 02/23/05] Motion by Crossroads Systems ( for Alan D. Albright, Barry K. Shelton, John E. Guist, Matthew C.

		Bernstein, Joseph Reid, and Tracy L. McCreight to withdraw as attorney (dm) [Entry date 03/04/05]
03/03/2005	256	Motion by Dot Hill Systems Cor for a limited six month abatement (dm) [Entry date 03/07/05]
03/04/2005	257	Order striking motion for Peter O. Huang to appear pro hac vice [252-1] signed by Honorable Sam Sparks (dm) [Entry date 03/07/05]
03/07/2005	258	Motion by Dot Hill Systems Cor for Peter O. Huang to appear pro hac vice (dm) [Entry date 03/08/05]
03/08/2005	259	Order granting motion for Alan D. Albright, Barry K. Shelton, John E. Guist, Matthew C. Bernstein, Joseph Reid, and Tracy L. McCreight to withdraw as attorney [255-1] (Terminated attorney Alan D Albright for Crossroads Systems (, attorney John E. Giust for Crossroads Systems (, attorney Matthew C. Bernstein for Crossroads Systems (, attorney Joseph P. Reid for Crossroads Systems (, attorney Joseph P. Reid for Crossroads Systems (, attorney Joseph P. Reid for Crossroads Systems (, attorney Tracy L. McCreight for Crossroads Systems (, attorney John E. Giust for Crossroads Systems (, attorney Matthew C. Bernstein for Crossroads Systems (, attorney Joseph P. Reid for Crossroads Systems (, attorney Alan D Albright for Crossroads Systems (, attorney Incered to Crossroads Systems (, attorney Matthew C. Bernstein for Crossroads Systems (, attorney Joseph P. Reid for Crossroads Systems (, attorney Alan D Albright for Crossroads Systems (, attorney Tracy L. McCreight for Crossroads Systems (, attorney Joseph P. Reid for Crossroads Systems (, attorney Matthew C. Bernstein for Crossroads Systems (, attorney Joseph P. Reid for Crossroads Systems (, attorney Alan D Albright for Crossroads Systems (, attorney Tracy L. McCreight for Crossroads Systems (, attorney Jon D Albright for Crossroads Systems (, attorney Tracy L. McCreight for Crossroads Systems (, attorney Barry K. Shelton for Crossroads Systems (, attorney Joseph P. Reid for Crossroads Systems (, attorney Matthew C. Bernstein for Crossroads Systems (, attorney Joseph P. Reid for Crossroads Systems (, attorney Matthew C. Bernstein for Crossroads Systems (, attorney Joseph P. Reid for Crossroads Systems (, attorney Matthew C. Bernstein for Crossroads Systems (, attorney Joseph P. Reid for Crossroads Systems (, attorney Matthew C. Bernstein for Crossroads Systems (, attorney John E. Giust for Crossroads Systems (, attorney Matthew C. Bernstein for Crossroads Systems (, attorney John E. Giust for Crossroads Systems (, attorney Tracy L. McCreight for Crossroads Systems (,
03/09/2005	260	Order granting motion for Peter O. Huang to appear pro hac vice [258-1] signed by Honorable Sam Sparks (dm) [Entry date 03/09/05]
03/11/2005	261	Order Motion hearing motion for a limited six month abatement [256-1] for 2:00 3/17/05, motion request for judicial notice in support of its motion for summary judgment [86-1] for 2:00 3/17/05, motion for summary judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are invalid pursuant to 35 USC Sec. 102 and/or 103 in view of prior development of Digital Equipment Corp HSZ70 controller (with attached exhibits 14 and 17 submitted and maintained under seal) [85-1] for 2:00 3/17/05 signed by Honorable Sam Sparks (dm) [Entry date 03/14/05]
03/11/2005		Pro hac vice fee paid byPeter O. Huang with Amount: \$ 25.00 Receipt # 379646 (dm) [Entry date 03/17/05]
03/14/2005	262	Response by Crossroads Systems ( in opposition to motion for a limited six month abatement [256-1] (dm) [Entry date 03/16/05]
03/14/2005	263	Motion by Dot Hill Systems Cor for leave to supplement its motion for a limited six month abatement (dm) [Entry date 03/16/05]
03/14/2005	264	Declaration of John M. Guaragna by Crossroads Systems ( in support of in opposition response [262-1] (dm) [Entry date 03/16/05]
03/15/2005	265	Transcript filed for dates of October 15, 2004 (Proceedings Transcribed: all pending matters) (Court Reporter: Lily Reznik) (dm) [Entry date 03/16/05]
03/17/2005		Miscellaneous hearing on all pending matters held, case will be stayed for 90 days after April 7, 2005, plaintiff to copy the patent office, at the end of 90 day period parties will proceed with discovery, etc. (dm) [Entry date 03/18/05]
03/17/2005	266	Minutes of proceedings for motions hearing conducted on March 17, 2005 by Judge Sparks. Court Reporter: Lily Reznik (dm) [Entry date 03/18/05]
03/22/2005	267	Order granting motion for leave to supplement its motion for a limited six month abatement [263-1], granting in part, denying in part motion for a limited six month abatement [256-1], dismissing motion request for judicial notice in support of its motion for summary judgment [86-1], dismissing motion for summary judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are invalid pursuant to 35 USC Sec. 102 and/or 103 in view of prior development of Digital Equipment Corp HSZ70 controller (with attached exhibits 14 and 17 submitted and maintained under seal) [85-1] signed by Honorable Sam Sparks (dm) [Entry date 03/23/05]
03/28/2005	268	Transcript filed for dates of March 17, 2005 (Proceedings Transcribed: All Pending Matters) (Court Reporter: Lily Reznik) (dm) [Entry date 03/29/05]
04/12/2005	269	Letter/Correspondence submitted by Crossroads Systems (regarding: compliance with Court's March 22, 2005 order requesting that plaintiff file a copy of that order in the reexamination proceedings involving the patents-in-suit. (dm) [Entry date 04/13/05]
06/20/2005	270	Motion by Dot Hill Systems Cor for continued limited abatement (dm) [Entry date 06/21/05]
06/20/2005	271	Declaration of Richard F. Cauley in support of Dot Hill Systems Corporation's motion for continued limited abatement [270-1] (dm) [Entry date 06/21/05]

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## LexisNexis CourtLindse 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 58 of Page 29 of 29

07/01/2005	272	Response by Crossroads Systems ( in opposition to motion for continued limited abatement [270-1] (dm) [Entry date 07/05/05]
07/01/2005	273	Declaration of John M. Guaragna by Crossroads Systems ( in support of opposition response [272-1] (dm) [Entry date 07/05/05]
07/07/2005	274	Response by Dot Hill Systems Cor in support of motion for continued limited abatement [270-1] (dm) [Entry date 07/08/05]
07/13/2005	275	Order set hearing on all pending matters at 2:00 7/21/05 signed by Honorable Sam Sparks (dm) [Entry date 07/14/05]
07/21/2005		Motion hearing held for the following motions: [270-1], announcements made, statements of counsel heard. After consideration, the Court agrees to continue the stay for 60 days. (dm) [Entry date 07/22/05]
07/21/2005	276	Minutes of proceedings for motions hearing conducted on July 21, 2005 by Judge Sparks. Court Reporter: Lily Reznik (dm) [Entry date 07/22/05]
07/26/2005	277	Order granting in part, denying in part motion for continued limited abatement [270-1], this case is stayed for an additional 60 days from the date of this order to afford the USPTO an opportunity to issue a final determination on the status of the claims of the patents-in-suit signed by Honorable Sam Sparks (dm) [Entry date 07/26/05]
07/27/2005	278	Transcript filed for dates of July 21, 2005 (Proceedings Transcribed: Hearing on pending matters) (Court Reporter: Lily Reznik) (dm) [Entry date 07/28/05]

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### Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 59 of 324

,	IN THE UNITED STATES P	ATENT AND TRADEMARK	OFFICE
	SUBMISSION OF REFERENCES TO	COMPLETE RECORD	Atty. Docket No. (Opt.)
	BY APPLICANTS	\$	CROSS1123-17
			CROSS1123-19
OIPE-	4	Applicants	
/ -		Geoffrey B. Hoese et al.	
SEP 1 9 20	/1338 U.S. PTO .	Application Number	Filed
		90/007,125	07/19/2004
123		90/007,317	07/19/2004
CAT & TO MAN	<b>69/12/05</b>	For	
HAUE		Storage Router and Meth	od for Providing
		Virtual Local Storage	_
		Group Art Unit	Examiner
		2182	Alan Chen
	Commissioner for Patents	Certification Unde	r 37 C.F.R. §1.8
	P.O. Box 1450	I hereby certify that this docu	ment is being deposited with
		the United States Postal Service	e as First Class Mail in a box
	Alexandria, VA 22313	addressed to: Commissioner	for Patents, P.O. Box 1450,
		Alexandria, VA 22313 on Septe	ember 8, 2005.
		i conice fr	Annold 1
		Janice P	ampell

To complete the record, Applicants respectfully submit hard copies of references previously submitted on CD-ROM with an IDS dated March 23, 2005 (the "March 23 IDS"). This submission is made simply to complete the file record and is not a new IDS as the references were already provided on CD-ROM and reviewed by Examiner Fritz Fleming (a copy of the March 23 IDS was initialed by Examiner Fleming indicating that he reviewed the references).

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicants

Dated: September 8, 2005

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1301 W. 25th Street, Suite 408 Austin, TX 78705 T. 512-637-9220 / F. 512-371-9088 John L. Adair Reg. No. 48,828

### Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 60 of 324

	IN THE UNITED STATES P	ATENT AND TRADEMARK	OFFICE
	SUBMISSION OF REFERENCES TO BY APPLICANT	COMPLETE RECORD	Atty. Docket No. (Opt.) CROSS1123-17
			CROSS1123-19
OTPE	a construction of the second sec	Applicants Geoffrey B. Hoese et al.	
000 1 0 200	15 m)	Application Number	Filed
SEP 1 × tot		90/007,125	07/19/2004
2	5	90/007,317	07/19/2004
AT A THE A	\$ ⁵ /	For	
G IMADE		Storage Router and Meth	nod for Providing
		Virtual Local Storage	
		Group Art Unit	Examiner
		2182	Alan Chen
	Commissioner for Patents	Certification Unde	er 37 C.F.R. §1.8
	P.O. Box 1450	I hereby certify that this docu	ment is being deposited with
	Alexandria, VA 22313	addressed to: Commissioner	ce as First Class Mail in a box for Patents, P.O. Box 1450,
		Alexandria, VA 22313 on Septe	ember 8, 2005.
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		Janice	unpon

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John L. Adair Reg. No. 48,828

Dated: September 8, 2005

1301 W. 25th Street, Suite 408 Austin, TX 78705 T. 512-637-9220 / F. 512-371-9088

IN THE UNITED ST	ATES PATENT AND TRADEMAR	K OFFICE
Statement of Substance	of Examiner Interview	Atty. Docket No. CROSS1123-17 CROSS1123-19
	Applicants Geoffrey B. Hoese, et al. Reexamination Control No.	Date Filed
SET C	90/007,125 90/007,317	07/19/2004
TEADS IN TEADS	Title Storage Router and Metho Local Storage	od for Providing Virtual
	Group Art Unit 2182	Examiner Chen, Alan
	Confirmation Number: 2304	Patent No. 6,425,035
	Certificate of Mailing U	Inder 37 C.F.R. §1.10
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	I hereby certify that this correspon the United States Postal Service a (Label No. EV616963290US) in ar Commissioner for Patents, P.O. B 1450 on $\frac{\gamma-1-0.5}{2}$	dence is being deposited with is Express Mail to Addressee in envelope addressed to ox 1450, Alexandria, VA 22312-
Dear Sir:	Juli J. B Signa Julie H. Printed	ladicad ture BLACKARD Name

This paper is to summarize the interview conducted with Examiner Alan Chen on August 9, 2005 with Applicants' representatives including Messrs. Sprinkle, Adair and Griswold.

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90/007,125 90/007,317 Customer ID: 44654

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### Summary

On August 9, 2005, Messrs. Steve Sprinkle, John Adair and Robert Griswold, Jr. met with Examiner Alan Chen for a personal interview. During the interview, the prior art cited in the Office Action Dated May 24, 2005, United States Patent 6,425,035 and the Reply to Office Action Under Ex Parte Reexamination Dated July 22, 2005 (the "July 22 Reply") submitted in the above referenced case were considered. No additional exhibits were shown or demonstrations conducted.

Applicants' representatives and Examiner Chen discussed claims 1, 7 and 11 of the 90/007,125 and 90/007,317 merged reexamination and Applicants' representatives summarized the July 22 Reply. In discussing the arguments of the July 22 Reply, Applicants' representatives reviewed the Spring and Oeda prior art references and discussed the terms "mapping", "access controls" and "remote". No agreement was reached.

This Summary was served via Certified Mail, R.R.R. on September 1, 2005 to:

Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

Case 1:13-c Attorney Docket No.

CROSS1123-17

CROSS1123-19

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

John L. Adair Reg. No. 48,828

Date: September <u>l</u>, 2005 1301 W. 25th Street, Suite 408 Austin, TX 78705 Tel. (512) 637-9223 Fax. (512) 371-9088

ase 1:13-cv-00895-SS	Document 31-16	Filed 04/09/14	Page 63 of 324
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Case 1:13-cv-00895-SS Doci	ument 31-16 Filed 04/09/14 Page 63 of 324
SFP 0 6 2005 w IN THE UNITED STA	TES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF	SERVICE Atty Docket No. CROSS1123-17 CROSS1123-19
	Application Nos. 90/007,125 filed 07/19/2004 90/007,317 filed 11/23/2004
Mail Stop Patent Application Commissioner for Patents	Applicant: Geoffrey B. Hoese
P.O. Box 1450 Alexandria, VA 22313-1450	Title: STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

Sir:

I hereby certify that the attached Statement of Substance of Examiner Interview ("Statement") is being deposited with the U.S. Postal Service as First Class Mail to the Director of the U.S. Patent Office, P.O. Box 1450, Alexandria, VA 22313 on September 1, 2005. Applicant hereby states a copy of the Notification is also being served, via first class mail (Certified, R.R.R.), on:

> Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

> > and

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA 22202

As per 35 U.S.C. §1.248 service is made via first class mail (Certified, R.R.R.) on September 1, 2005.

Respectfully submitted,

Sprinkle IP Law Group

John L. Adair Reg. No. 48,828

Dated: September 1, 2005

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9223 Fax. (512) 371-9088

Enclosures

	IN THE UNITED STATES	S PATENT AND TRADEMAR	KOFFICE
TPE To	ment of Substance of I	Examiner Interview	Atty. Docket No. CROSS1123-17 CROSS1123-19
P 0 6 2005		Applicants Geoffrey B. Hoese, et al.	
maperating		Reexamination Control No. 90/007,125 90/007,317	Date Filed 07/19/2004
		Title Storage Router and Metho Local Storage	d for Providing Virtual
		Group Art Unit 2182	Examiner <b>Chen, Alan</b>
		Confirmation Number: 2304	Patent No. 6,425,035
		Certificate of Mailing U	nder 37 C.F.R. §1.10
Commissic P.O. Box 1 Alexandria	oner for Patents 450 , VA 22313-1450	I hereby certify that this correspond the United States Postal Service a (Label No. EV616963290US) in ar Commissioner for Patents, P.O. Bo 1450 on $\underline{9-1-05}$	dence is being deposited with s Express Mail to Addressee onvelope addressed to ox 1450, Alexandria, VA 22312-
Dear Sir:		Julie H. J Signat Julie H. J Printed I	Bland and B Name

This paper is to summarize the interview conducted with Examiner Alan Chen on August 9, 2005 with Applicants' representatives including Messrs. Sprinkle, Adair and Griswold.

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#### 2

#### Summary

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This Summary was served via Certified Mail, R.R.R. on September 1, 2005 to:

Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

CROSS1123-17

CROSS1123-19

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

John L. Adair

Reg. No. 48,828

Date: September <u>/</u>, 2005 1301 W. 25th Street, Suite 408 Austin, TX 78705 Tel. (512) 637-9223 Fax. (512) 371-9088



2005	IN THE UNITED STATES PATENT AND TRADEMARK OFFICE				
CERTIFICATE OF	SERVICE	Atty Docket No. CROSS1123-17 CROSS1123-19			
	Application Nos. 90/00 90/00	07,125 filed 07/19/2004 07,317 filed 11/23/2004			
Mail Stop Patent Application Commissioner for Patents	Applicant:	Geoffrey B. Hoese			
P.O. Box 1450 Alexandria, VA 22313-1450	Title: STORAGE ROU VIR	TER AND METHOD FOR PROVIDING TUAL LOCAL STORAGE			

I hereby certify that the attached Statement of Substance of Examiner Interview ("Statement") is being deposited with the U.S. Postal Service as First Class Mail to the Director of the U.S. Patent Office, P.O. Box 1450, Alexandria, VA 22313 on September 1, 2005. Applicant hereby states a copy of the Notification is also being served, via first class mail (Certified, R.R.R.), on:

> Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

> > and

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA 22202

As per 35 U.S.C. §1.248 service is made via first class mail (Certified, R.R.R.) on September 1, 2005.

Respectfully submitted,

Sprinkle IP Law Group

dohn L. Adair Reg. No. 48,828

Dated: September 1, 2005

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9223 Fax. (512) 371-9088

Enclosures

Case 1:13-cv-00895-SS Document 3 there ber Atter ber Aren Ment of Comme
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### Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION		ATTORNEY DOCKET NO.
90/007,125 90/007317	07/19/2004	6425035		1006-8910
Larry E. Severin Wang, Hartman & Git	obs, PC			EXAMINER
Suite 1050	2660		ART UNIT	PAPER
The wport Beach, CA 9	2000		2182	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

CC: SPRINKLE IP LAW GROUP 1301 W. 25th Street Suite 408 Austin, TX 78705

PTO-90C (Rev.3-98)

	accord method with		
Ex Parte Reexamination Interview Summary	90/007,125 90/007317	6425035	
•	Examiner	Art Unit	
• ·	Alan S. Chen	2182	L
All participants (USPTO personnel, patent owner, patent ov	wner's representative):		
(1) <u>Alan S. Chen</u>	(3) <u>John Adair</u>		
(2) <u>Steve Sprinkle</u>	(4) <u>Robert Griswold</u>		
Date of Interview: 24 August 2005		· .	
Type: a)⊠ Telephonic b)□ Video Conference c)□ Personal (copy given to: 1)□ patent owner	2) patent owner's repre	esentative)	
Exhibit shown or demonstration conducted: d) Yes If Yes, brief description:	e)⊠ No.		·
Agreement with respect to the claims f) was reached. Any other agreement(s) are set forth below under "Descrip	g)⊠ was not reached. h)[ tion of the general nature of w	] N/A. /hat was agreed	to"
Claim(s) discussed: <u>N/A</u> .			
Identification of prior art discussed:			
Description of the general nature of what was agreed to if a Examiner pointed out items of merit in references, applicar references. (A fuller description, if necessary, and a copy of the amend patentable, if available, must be attached. Also, where no	an agreement was reached, o <u>nt's representatives described</u> Iments which the examiner ag copy of the amendments that	r any other comr how claims are o reed would rend would render the	nents: <u>differentiate_from</u> er the claims e claims
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Case 1:13-cv-00895-SS		Document 31,16, Eiled A4/09/14 PARTMEN OF OF COMMERCE Patent and Trademark Office Address: ASSISTANT COMMISSIONER FOR PATENTS Washington, D.C. 20231			
APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	· · · · · · · · · · · · · · · · · · ·	ATTORNEY DOCKET NO.	
90/007,125 90/007,317	07/19/2004	6425035		1006-8910	
Larry E. Severin		EXAMINER			
Wang, Hartman & Gibbs 1301 Dove Street	, PC		CHEN, ALAN		
Suite 1050 Newport Beach, CA 926	60		ART UNIT	PAPER	
Newport Beach, CA 720			2182		
			DATE MAILED:	08-22-05	

# Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

CC: SPRINKLE IP LAW GROUP 1301 W. 25th Street Suite 408 Austin, TX 78705

PTO-90C (Rev.3-98)

Ex Parte Reexamination Interview Summary	Control No. 90/007,125	Patent Under Reexamination 6425035	
•	Examiner $9007317$	Art Unit	
All panicipants (USP 10 personner, patent owner, patent o	witer s representative).		
1) <u>Alan S. Chen</u>	(3)		
2) <u>Mr. Spankie</u>	(4)	•	
Date of Interview: <u>22 August 2005</u>			
c) Personal (copy given to: 1) patent owner	2) patent owner's repro	esentative)	
Exhibit shown or demonstration conducted: d) Yes If Yes, brief description:	e) 🗋 No.		
Agreement with respect to the claims 1) was reached. Any other agreement(s) are set forth below under "Descrip	g) was not reached. h)[ bion of the general nature of w	] N/A. /hat was agre	ed 10"
Claim(s) discussed: <u>N/A</u> .			
Identification of prior art discussed: <u>N/A</u> .			
obviousness based on the quality and quantity of reviewer he will put that into consideration but needs to conduct his Examiner cites references which is not of the prior art of re would respond with feedback on them within the week. (A fuller description, if necessary, and a copy of the ameni- patentable, if available, must be attached. Also, where no patentable is available, a summary thereof must be attach	s/examiners that have worked own unbiased search/conside acord that he is currently consi dments which the examiner at a copy of the amendments that red.)	<u>ron this case</u> <u>eration in judg</u> idering, Mr. Sj greed would re would render	<u>Examiner states</u> ing patentability, <u>prinkle states he</u> ender the claims the claims
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### Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 71 of 324

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
90/007.317 90/007/25	11/23/2004	6425035	HOESE1/WAB	1634	
44654 75	90 08/09/2005		EXAM	INER	
SPRINKLE IP LAW GROUP 1301 W. 25TH STREET			Chen, ALAN		
SUITE 408			ART UNIT	PAPER NUMBER	
AUSTIN, TX	78705		2182		
			DATE MAILED: 08/09/200	DATE MAILED: 08/09/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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# UNITED STATES DEPARTMENT OF COMMERCE Patent and Tracemark Office Page 72 of 324

Address: ASSISTANT COMMISSIONER FOR PATENTS Washington, D.C. 20231

APPLICATION NO.J CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION		ATTORNEY DOCKET NO.	
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Larry E. Severin				EXAMINER	
Wang, Hartman & Gibbs, PC 1301 Dove Street			Chen, ALAM		
Suite 1050 Newport Beach, CA 92	2660		ART UNIT	PAPER	
		,	2182		

DATE MAILED: 08-09-05

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Case 1:13-cv-00895-SS Docume	nt 31-16 Filed 04/09/14 Control No.	Page 73 of 324 Patent Under Reexamination		
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	Examiner	Art Unit		
	Alan Chen	2182		
All participants (USPTO personnel, patent owner, patent	owner's representative):			
(1) <u>Alan Chen</u>	(3) John Adair			
(2) <u>Steven Sprinkle</u>	(2) <u>Steven Sprinkle</u> (4) <u>Robert Griswold</u>			
Date of Interview: 8/09/05				
Type: a) Telephonic b) Video Conference c) Personal (copy given to: 1) patent own	er 21 patent owner's rep	resentative)		
Exhibit shown or demonstration conducted: d) Yes If Yes, brief description:	eX No.			
Agreement with respect to the claims f) was reached Any other agreement(s) are set forth below under "Descr	g(X) was not reached. (b) iption of the general nature of v	N/A. what was agreed to"		
Claim(s) discussed: <u>1,7 and 11</u> .				
Identification of prior art discussed: Spring and Oeda.				
Description of the general nature of what was agreed to if an agreement was reached, or any other comments: reviewed prior art to Spring and Oeda; deliberated over specific terms claimed, e.g., "mapping", "access control" and "remote".				
(A fuller description, if necessary, and a copy of the amer patentable, if available, must be attached. Also, where n patentable is available, a summary thereof must be attac	ndments which the examiner as o copy of the amendments that hed.)	greed would render the claims t would render the claims		
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	Applicant	Initiated Interview	w Request <b>F</b>	form	
Application No.: Examiner:	901007,317 901007,125 1 Alan	First Named Applicant Art Unit: 2182	: <u>Hoese</u> Status of App	lication:	nal office
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(3) <u>Steven Sp</u>	rinkle	(4) Robert Cris	uold		
Proposed Date of I	nterview: <u>Augus</u>	t 9,2005	Proposed Ti	ime: <u>2-0</u> 0	<u>/</u> (AM/KM)
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		Issues To Be Disc	ussed		
Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior	Discussed	Agreed	Not Agreed
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(2) <u>Rej</u>	Claim 7	11	[]	[]	[]
(3)_ <u>Rej</u>	Claim 11	<u> </u>	[]	[]	[]
(4)S	heet Attached		[]	[]	[]
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	IN THE UNITED STATES	PATENT AND TRADEM	IARK OFFICE
	CERTIFICATE OF SERVICE UNDER 37 C.F.R. 1.248		Atty. Docket No.
			CROSS1123-17 CROSS1123-19
PTO	Applicant Geoffrey B. Hoese, et		
U.S	7/22/04	Reexamination Control No.	Date Filed
34660	6	90/007,125 90/007,317	07/19/2004 11/23/2004
		Title Storage Router and Method for Providing Virtual Local Storage	
		Group Art Unit 2182	Examiner Fleming, Fritz

Applicant hereby serves the Reply to Office Action Under *Ex Parte* Reexamination Dated 05/24/05 in the above referenced case to:

Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA 22202

As per 35 U.S.C. §1.248 service is made via first class mail on July 22, 2005

Respectfully submitted,

Sprinkle IP Law Group

John L. Adair Reg. No. 48,828

Dated: July 22, 2005

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9223 Fax. (512) 371-9088

Enclosures

IN THE UNITED ST	ATES PATENT AND TRADEMA	RK OFFICE		
REPLY TO OFFICE ACT REEXAMINATION	Atty. Docket No. CROSS1123-17 CROSS1123-19			
	Applicants Goeffrey B. Hoese, et al.			
	Reexamination Control Nos.	Date Filed		
	90/007,125	07/19/2004		
•	90/007,317	01/23/2004		
	Title			
	Storage Router and Method for Providing Virtua			
	Local Storage			
	Group Art Unit	Examiner		
	2182	Fleming, Fritz		
	Certificate of Mailing Under 37 C.F.R. §1.10			
Commissioner for Patents	I hereby certify that this correspon	I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (Label No. EV734539513US) in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandna, VA 22312-1450 on July 22, 2005.		
P.O. Box 1450	No. EV734539513US) in an enve			
Alexandria, VA 22313-1450	for Patents, P.O. Box 1450, Alexan 22, 2005.			
	Quhi l	Stand		
Dear Sir:	Julie B	ackard		

In response to the Official Action mailed May 24, 2005 (the "May 24 Office Action"), Applicant respectfully requests the Examiner reconsider the rejections of the Claims in the Re-Examination of U.S. Patent 6,425,035 (the "035 Patent") in view of this reply.

Oracle-Huawei-NetApp Ex. 1009, pg. 701

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#### IN THE CLAIMS:

1. A storage router for providing virtual local storage on remote storage devices to devices, comprising:

a buffer providing memory work space for the storage router;

a first controller operable to connect to and interface with a first transport medium;

a second controller operable to connect to and interface with a second transport medium; and a supervisor unit coupled to the first controller, the second controller and the buffer, the

supervisor unit operable to map between devices connected to the first transport medium and the storage devices, to implement access controls for storage space on the storage devices and to process data in the buffer to interface between the first controller and the second controller to allow access from devices connected to the first transport medium to the storage devices using native low level, block protocols.

2. The storage router of claim 1, wherein the supervisor unit maintains an allocation of subsets of storage space to associated devices connected to the first transport medium, wherein each subset is only accessible by the associated device connected to the first transport medium.

3. The storage router of claim 2, wherein the devices connected to the first transport medium comprise workstations.

4. The storage router of claim 2, wherein the storage devices comprise hard disk drives.

5. The storage router of claim 1, wherein the first controller comprises:

a first protocol unit operable to connect to the first transport medium;

a first-in-first-out queue coupled to the first protocol unit; and

a direct memory access (DMA) interface coupled to the first-in-first-out queue and to the buffer.

6. The storage router of claim 1, wherein the second controller comprises: a second protocol unit operable to connect to the second transport medium; an internal buffer coupled to the second protocol unit; and

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a direct memory access (DMA) interface coupled to the internal buffer and to the buffer of the storage router.

7. A storage network, comprising:

a first transport medium;

a second transport medium;

a plurality of workstations connected to the first transport medium;

a plurality of storage devices connected to the second transport medium; and

a storage router interfacing between the first transport medium and the second transport medium, the storage router providing virtual local storage on the storage devices to the workstations and operable:

to map between the workstations and the storage devices;

to implement access controls for storage space on the storage devices; and

to allow access from the workstations to the storage devices using native low level,

block protocol in accordance with the mapping and access controls.

8. The storage network of claim 7, wherein the access controls include an allocation of subsets of storage space to associated workstations, wherein each subset is only accessible by the associated workstation.

9. The storage network of claim 7, wherein the storage devices comprise hard disk drives.

10. The storage network of claim 7, wherein the storage router comprises:

a buffer providing memory work space for the storage router;

- a first controller operable to connect to and interface with the first transport medium, the first controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer;
- a second controller operable to connect to and interface with the second transport medium, the second controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer; and
- a supervisor unit coupled to the first controller, the second controller and the buffer, the supervisor unit operable:
- to map between devices connected to the first transport medium and the storage devices, to implement the access controls for storage space on the storage devices and to process

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data in the buffer to interface between the first controller and the second controller to allow access from workstations to storage devices.

11. A method for providing virtual local storage on remote storage devices connected to one transport medium to devices connected to another transport medium, comprising:

interfacing with a first transport medium;

interfacing with a second transport medium;

mapping between devices connected to the first transport medium and the storage devices and implementing access controls for storage space on the storage devices; and

allowing access from devices connected to the first transport medium to the storage devices using native low level, block protocols.

12. The method of claim 11, wherein mapping between devices connected to the first transport medium and the storage devices includes allocating subsets of storage space to associated devices connected to the first transport medium, wherein each subset is only accessible by the associated device connected to the first transport medium.

13. The method of claim 12, wherein the devices connected to the first transport medium comprise workstations.

14. The method of claim 12, wherein the storage devices comprise hard disk drives.

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## TABLE OF CONTENTS FOR RESPONSE TO REJECTIONS

I. Rejections Under 35 U.S.C. § 103

A. Introduction

B. Background of the Invention

C. Overview of Claim 1

D. "Remote Storage Devices" and "Allowing Access...Using NLLBPs" -Neither Spring nor Oeda Teaches or Suggests the Limitations of Remote Storage Devices and Allowing Access to the Remote Storage Devices Using NLLBP

1. "Remote" Requires at Least One Serial Transport Medium

2. Spring's SCSI-to-SCSI System Does Not Provide Remote Storage

**Devices** 

3. Spring's Ethernet-to-SCSI System Does Not Allow Access using

NLLBP

4. Similarly, Oeda Fails to Provide Remote Storage Devices and Allowing Access to the Remote Storage Devices Using NLLBP

5. Summary: Allowing Access to Remote Storage Devices Using NLLBP

E. "Map" – Neither Spring or Oeda Teaches or Suggests Mapping Between Devices Connected to the First Transport Medium and the Storage Devices

1. "Map" - A Representation of the Devices on the First Transport Medium and the Storage Devices

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# 2. Neither Spring nor Oeda Teaches or Suggests a Map

F. "Access Controls" – Neither Spring nor Oeda Teaches or Suggests Implementing Access Controls

1. Implementing Access Controls

2. Spring Does Not Implement Access Controls

3. Oeda Does Not Teach or Suggest Access Controls

4. The Ethernet Based Configuration of Oeda Does Not Teach or Suggest Any Form of Access Controls for Remote Storage

G. The Combination of Oeda and Spring Does Not Teach or Suggest the Present Invention

H. The Jibbe Reference Does Not Address the Deficiencies of Spring and Oeda

I. Summary: There is No *Prima Facie* Case of Obviousness

II. Conclusion

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#### I. Rejections Under 35 U.S.C. §103

#### A. Introduction

Claims 1-14 of the '035 Patent are variously rejected under 35 U.S.C. §103(a) as being unpatentable over United Kingdom Patent Application Publication No. UK GB 2297636 ("Spring") in view of United States Patent No. (5,634,111) ("Oeda") and further in view of United States Patent No. 5,345,565 ("Jibbe").

In order to establish a prima facie case of obviousness, the Examiner must show: that the prior art references teach or suggest all of the claim limitations; that there is some suggestion or motivation in the references (or within the knowledge of one of ordinary skill in the art) to modify or combine the references; and that there is a reasonable expectation of success. M.P.E.P. 2142, 2143; <u>In re Vaeck</u>, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). As detailed more fully below, Applicants respectfully submit that independent Claim 1, independent Claim 7 and independent Claim 11 of the '035 Patent are not rendered obvious by Spring, Oeda or Jibbe as the references do not teach or suggest, neither individually or in combination: i) providing virtual local storage on remote storage devices and allowing access from devices connected to a first transport medium to the remote storage using native low level block protocols (NLLBP) in conjunction with; ii) mapping between devices connected to the first transport medium and the storage devices; and in conjunction with iii) implementing access controls. None of the prior art, alone or in combination, teaches or suggests all of these claimed elements.

#### B. Background of the Invention

The '035 Patent is directed to an efficient storage router and method of routing data over a network from devices (e.g., host computers) on one side of the storage router to remote storage devices on the other side of the storage router using low level, block storage protocols or NLLBPs. Even though the storage devices are located remotely over the network from the host computers, the storage devices are virtualized so as to appear to the host computer as locally-attached storage devices. The invention of the '035 Patent further provides the security feature of providing access controls in order to control which storage devices (or portions thereof) any particular host computer can access; this access controls feature is implemented by mapping host devices to the remote storage devices to which a host device has access. By 8

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allowing a host device access only to those virtualized storage devices (or portions of storage devices) to which it is mapped, the invention of the '035 Patent can prevent unauthorized or unintended access by that host device to other remote storage devices in the network. Thus, the present invention provides a networked storage solution that connects hosts to remotely attached storage devices that <u>appear</u> locally attached, provides the security feature of controlling access to the remote storage devices using a map, and allows the host computers to access the remote storage devices over the network at the speeds and efficiencies facilitated by the use of NLLBPs.

As shown in the examples discussed in the Spring and Oeda prior art (discussed more fully below), prior to the present invention, host computers would access storage devices either i) locally via a parallel bus such as a SCSI bus or ii) remotely over a network using network protocols. However, both of these prior art systems had limitations that the invention of the '035 Patent overcomes. For storage systems with locally attached storage devices attached via SCSI buses, a SCSI-to-SCSI routing device provided access between host computers on one side of the SCSI-SCSI routing device to local storage on the other side of the SCSI-SCSI routing device. Because a SCSI bus was used on each side of the SCSI-to-SCSI routing device, a computer could access a storage device using a NLLBP, which facilitates the obtaining of information from the storage device in a fast and efficient manner (i.e., without the overhead associated with typical network file servers). However, a SCSI bus is a complicated set of parallel wires that cannot carry data a very long distance. This limitation is illustrated in Graphic 1 below. Note that color copies of Graphics 1-5 are attached in Exhibit A for the convenience of the Examiner.

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# Graphic 1

Thus, a major shortcoming of any such SCSI-to-SCSI routing device or method was that the storage devices must typically be within approximately 25 meters of the host computer that needs to have access to the storage devices. Indeed, due to the costs associated with these complicated SCSI buses, most SCSI buses were significantly shorter (typically less than 12 meters) in actual installations. As the '035 Patent states "typical storage transport mediums provide for a relatively small number of devices to be attached over relatively short distances." *See*, '035 Patent, col. 1, lines 23-25.

Modern computer storage systems, however, need networks connecting multiple computers to each other and to remote storage locations that are significantly distant from the host computers that access the remote storage. As discussed above, this is not possible with a SCSI bus because of the distance limitation of the SCSI bus. In typical prior art systems (including those of Spring and Oeda as will be discussed below), to overcome the inability of a SCSI-to-SCSI system to provide remote storage (as discussed an NLLBP cannot be sent a long

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distance over a SCSI bus), workstations were connected to a network server using a distancecapable network transport medium and a network protocol such as Ethernet. See, '035 Patent Background, col. 1, lines 47-54. A problem with this prior art solution was that the network server creates a bottleneck which slows down remote access because, at least in part, the computer or workstation needs to create something called a "network protocol" to send the data over the distance-capable transport medium. The problem with this prior art method for transmitting a storage NLLBP over a network to a remote storage device is that it takes the computer time to create a network protocol and it takes the server time to re-construct a native low level block protocol from that network protocol. Thus, the introduction of a network server into the system creates a bottleneck which slows down access to remote storage devices. Graphic 2, shown below, depicts one aspect of that bottleneck with the large balls intended to depict network protocols and the smaller balls intended to depict native low level block protocols. Although Graphic 2 only graphically depicts the problems in one direction (from the host computer through the server to the remote storage devices), the problems exist going both directions. In other words, the same type of bottleneck occurs in reverse when the data returns to the computer from the remote storage device through the server.



Graphic 2

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As shown in Graphic 2, for prior art systems that provided hosts access to remote storage, a workstation first had to translate requests into higher level network protocols in order to communicate with the network server, and the network server would then translate the requests into low level requests (e.g., NLLBPs) for transmitting to the storage device(s). It takes a computer a long time to create a network protocol. Graphic 3, shown below, describes in general terms steps involved when a computer needs to access remote storage through a server, and has to create a network protocol to achieve that access. Similar steps occur when the computer wants to write data to the remote storage device.



# Graphic 3

As illustrated in Graphic 4 below, the process the server goes through to build a NLLBP from a network protocol is also complex and time consuming. Graphic 4 describes in general terms steps involved in building a native low level block protocol from a network protocol. The native low level block protocol is then used to access a local storage device. The return of the data from the remote storage device to the host computer also involves the same complex steps. On the return path, the server needs to build a network protocol from the NLLBP it receives from the storage device. In addition, the computer needs to process that the network

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protocol to get the information by essentially repeating the steps shown in Graphic 3 above in reverse.



Graphic 4

Thus, prior to the present invention, those wishing to implement centralized storage at a remote location for networked devices were typically forced to use a relatively slow network server solution that required the use of higher level network protocols. These prior art systems did not provide remote storage that could be accessed at the speeds achieved by using an NLLBP from the hosts to the storage devices.

The present invention overcomes the deficiencies of these prior art systems allowing hosts to access remote storage devices at significantly distant, remote locations using a NLLBP. The use of the Fibre Channel protocol, for example, allows storage devices to be located in excess of 10 kilometers away from the workstations using a serial transport medium as opposed to the parallel transport medium of a SCSI bus. However, unlike an Ethernet file server system, a storage router connected using a Fibre Channel transport medium can allow access from the host computer to the remote storage devices using NLLBPs without having to create higher level network protocols. Because Fibre Channel supports the use of NLLBPs, the hosts can access the remote storage devices at greater speeds than can be achieved using

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higher-level network protocols. The present invention thus routes NLLBPs to the remote storage devices without involving a network server that requires the use of higher-level network protocols. This allows remote storage, but does away with the time consuming and complex steps of creating and processing higher-level network protocols at a server. Consequently, both distance and speed can be achieved, without sacrificing one for the other as required by prior art solutions.

In addition to providing the ability to locate host computers remotely at significant distances from storage devices, modern storage systems need to provide security between the host computers and the remote storage. In addition, since the host computers are remotely located physically from the storage devices, it is advantageous to provide this security in a centralized manner. In other words, it is desirable to provide a centralized control mechanism that controls each host computer's access so that each host can only access particular remote storage devices (or portions thereof). In prior art systems, the ability to provide such a security mechanism in a networked system connecting hosts to remote storage devices using NLLBPs without simply did not exist.

In addition to providing hosts access to remote storage devices over a network using NLLBPs, the invention of the '035 Patent provides such a security feature. The invention of the '035 Patent contains a map that maps the host computers to the remote storage devices by associating each host computer with some or all of the remote storage devices on the other side of the storage router. The invention of the '035 Patent implements access controls by using the map to allow each host access to only the specific storage to which the host is mapped. In this manner, the invention of the '035 Patent implements access controls to limit each computer's access to a specific subset of storage devices or sections of a storage device on the other side of the storage router. Put another way, the access controls provide the capability to permit or deny each computer access to a particular storage device, a set of storage devices or portions of a single storage device or devices (or any combination thereof). By assigning storage devices or portions thereof to particular computer workstations, the present invention prevents each computer workstation. This access controls feature is illustrated below in Graphic 5.

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#### Graphic 5

For the example of Graphic 5, host computer A is mapped to remote storage device 1, host computer B is mapped to remote storage device B and both A and B are mapped to remote storage device 3. Using this map, the invention of the '035 implements access controls by allowing host computer A to access either remote storage device 1 or 3 (e.g., allow host computer A to read or write data to or from storage devices 1 or 3) and by preventing host computer A from accessing remote storage device 2 (e.g., only allowing host computer B to read or write data to storage device 2 in the example of Graphic 5). By mapping between host devices and storage devices (or portions thereof), the invention of the '035 Patent can ensure that requests from host computer A are only directed to the storage devices that are assigned to computer A. This allows the security feature of access controls to be implemented while still allowing the host computers to access the storage devices using an NLLBP.

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In summary, the invention of the '035 Patent provides a networked storage solution that combines the ability to allow access from host computers to remote storage devices using NLLBPs with the ability to control access between host computers and the remote storage devices. Thus, the invention of the '035 Patent provides the advantages of 1) remote storage devices that appear to the host as locally attached, but that actually reside at remote distances from the host computers, 2) access to these remote storage devices at the speed and efficiency associated with using NLLBPs, and 3) data security by controlling the access of each host to the remote storage. None of the prior art cited by the Examiner, alone or in combination, teaches or suggests a system that provides access from host computers (or other device connected to the first transport medium) to remote storage devices using an NLLBP, while implementing access controls in accordance with a map.

# C. Overview of Claim 1

The Examiner rejected independent Claim 1 as being unpatentable over Spring in view of Oeda and Jibbe. Applicants will focus on Claim 1 in discussing how the present invention differs from the cited art.

Claim 1 recites:

A storage router for providing virtual local storage on remote storage devices to devices, comprising: a buffer providing memory work space for the storage router; a first controller operable to connect to and interface with a first transport medium; a second controller operable to connect to and interface with a second transport medium; and a supervisor unit coupled to the first controller, the second controller and the buffer, the supervisor unit operable to map between devices connected to the first transport medium and the storage devices, to implement access controls for storage space on the storage devices and to process data in the buffer to interface between the first controller and the second controller to allow access from devices connected to the first transport medium to the storage devices using native low level, block protocols. [Emphasis Added].

Claim 1 includes "providing virtual local storage on <u>remote</u> storage devices" and "a supervisor unit . . . operable to . . . map between devices connected to the first transport

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medium and the storage devices, to implement access controls for storage space on the storage devices and . . . to allow access from devices connected to the first transport medium to the storage devices using native low level, block protocols." Claim 11 similarly includes providing virtual local storage on "remote storage devices" while claim 7 is a network containing a router that connects hosts to storage devices through transport mediums. Claims 1, 7 and 11 include features of mapping between devices on one transport medium (e.g., workstations) to the storage devices, implementing access controls and allowing access from devices connected to the first transport medium (e.g., workstations) to the storage devices using a NLLBP. The present invention as recited in Claim 1 thus enables computers to access <u>remote</u> storage devices without the overhead of high level protocols and file systems typically required by network servers (i.e., using NLLBP) while providing the security measure of access controls.

As will be discussed more fully below, the systems of Spring and Oeda, in contrast to the invention of the '035 Patent, either do not provide remote access to storage devices or, for embodiments of those systems that may be able to provide remote access to storage devices, require the use of higher level network protocols (and therefore cannot allow access to the remote storage devices using NLLBPs). Thus, these references suffer the shortcomings of exactly the type of prior art the present invention was designed to overcome in that they are either limited in distance or require time consuming translations between higher level network protocols and NLLBPs. Moreover, as will also be discussed more fully below, Spring and Oeda fail to disclose mapping and access controls as discussed below.

D. "Remote Storage Devices" and "Allowing Access . . . Using NLLBPs" - Neither Spring nor Oeda Teaches or Suggests the Limitations of Remote Storage Devices and Allowing Access to the Remote Storage Devices Using NLLBP

Examiner Fleming relies on Spring as showing virtual local storage on a remote storage device and both Spring and Oeda as showing the ability to allow access from devices connected to a first transport medium to a remote storage device using NLLBP. Applicants respectfully submit, however, both Spring and Oeda exhibit the shortcomings of the prior art solutions that the present invention specifically overcomes. Namely, the solutions in both Spring and Oeda require a choice between local (not remote) storage that can be accessed using a NLLBP or using slower high level network protocols to access remote storage (can't

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allow access using NLLBP); neither Spring or Oeda provides a solution that allows access to remote storage devices using NLLBP.

#### 1. "Remote" Requires at Least One Serial Transport Medium

Claim 1, as discussed above, provides virtual local storage on remote storage devices. A "remote storage device" is a storage device that is connected indirectly using at least one serial network transport medium to allow for storage devices to be significantly remote from the host computers. This definition is supported by both the Specification of the '035 Patent and by the claim construction recommended by the Special Master in currently stayed *Crossroads v. Dot Hill Systems Corporation*, Western District of Texas, Civil Action No. A-03-CA-754-SS (the "Dot Hill Litigation").

As described above, prior art solutions that allowed access from hosts to storage devices using a NLLBP used SCSI-to-SCSI routing devices. In this case, both data transport media sere limited distance parallel buses (SCSI is a parallel, distance-limited bus). The present invention overcomes the deficiencies of these prior art systems allowing hosts to access centralized, remote storage devices at "significantly remote positions" using a NLLBP. *See*, '035 Patent, col. 2, lines 27-32. The use of the Fibre Channel protocol (a serial protocol) allows the remote storage devices to be located at distances up to and "even in excess of 10 kilometers" from the workstations. *See*, '035 Patent, col. 2, lines 31-33. The claimed invention of the '035 Patent provides the "ability to centralize local storage for networked workstation without any cost in speed or overhead" so that each workstation can have access to "its virtual local storage as if it were locally connected" despite potentially being at a great distance from the storage devices. *See*, '035 Patent col. 2, lines 27-31. In the invention of the '035 Patent, networked hosts are thus connected to storage devices over at least one significant distance-capable link, such as Fibre Channel.

As the Fibre Channel example just presented, and the other examples provided in the '035 Patent illustrate, the ability to have remote storage devices is achieved through the use of at least one serial transport medium between the workstations and the storage devices. It is the serial interconnect that allows for attachment over large distances and, hence, the ability to provide remote storage. *See*, '035 Patent, col. 1, lines 29-36. Even in the SCSI initiator to SCSI target configuration discussed in the '035 Patent, there is a third Fibre Channel transport medium (i.e., a serial transport medium) between the two storage routers to extend the distance between the workstations and storage devices to provide the capability for having remote

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storage. *See,* '035 Patent col. 6, lines 19-31.¹ The serial transport medium is necessary for remote storage because parallel SCSI buses alone are severely limited in distance and cannot provide connectivity to remote storage devices in the manner of the present invention.

The definition of "remote" as requiring at least one serial transport medium is further supported by the fact that in the on-going Crossroads v. Dot Hill Systems Corporation, Western District of Texas, Civil Action No. A-03-CA-754-SS litigation (the "Dot Hill Litigation"), Special Master Bayer recommended to the Court that "remote" be construed to mean "indirectly connected through at least one serial network transport medium" (emphasis added). The pertinent portions of the Report and Recommendation of the Special Master Regarding United States Patent Nos., 5,941,972 and 6,425,035 B2 (the "Report") are attached hereto as Exhibit B. Special Master Bayer was commissioned by the Court in the Dot Hill Litigation to conduct a Markman hearing and provide recommendations to the Court as to how the claims of the '035 Patent should be interpreted. Special Master Bayer filed his recommendations in the Report after reviewing the initial Markman briefs submitted by both Dot Hill and Crossroads, conducting a Markman hearing (on August 30, 2004), and reviewing post-Markman briefs and reply briefs. After careful review and analysis, Special Master Bayer concluded that "remote" meant "indirectly connected through at least one serial network transport medium". Thus, at least one of the transport mediums (either the one connecting workstations to the storage router or the one connecting the storage router to the storage devices) recited in independent Claims 1 and 11 must be serial (e.g., cannot be parallel SCSI). This definition of "remote" is consistent with the idea that the invention of the '035 Patent allows for the storage devices to be at "significantly remote positions" of up to and "even in excess of 10 kilometers" from the hosts accessing those storage devices. The at least one serial connection allows for networked workstations to connect to storage remotely, while a parallel SCSI connection simply cannot.

¹ In this unclaimed configuration, there are two "back to back" FC-SCSI routers. Workstations are connected to the first router by a SCSI bus and storage devices are connected to the second router by a SCSI bus. The two routers are connected by a Fibre Channel transport medium.

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# 2. Spring's SCSI-to-SCSI System Does Not Provide Remote Storage Devices

The system of Spring does not provide virtual local storage on <u>remote</u> storage devices. Instead, Spring teaches a system in which a server emulates local drives as local SCSI removable drives to a set of workstations. *See*, Spring, page 3, lines 1-5. Workstations access the emulated SCSI removable drives as if they were locally attached removable SCSI drives. *See*, Spring, page 10, lines 1-3. Because the drives appear as removable drives, the SCSI dismount command can be used to free media for use by other workstations. *See*, Spring, page 10, lines 16-25. As an example, in the context of a workgroup that works on large files, such as graphics, this allows one user to mount the virtual drive containing a particular image at the user's workstation, work on the image, save the image, and then dismount the virtual media. Another user can then mount virtual media and edit the media. This obviates the need to share physical media such as CD's or tapes while coordinating operations between various workstations.

The invention of Spring is illustrated in FIGURE 1 of Spring, reproduced below.

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# FIGURE 1 of Spring

As shown, the hosts 16 connect via a parallel SCSI bus to server 20 which is further connected to storage devices 21-25. It is clear from the Specification of Spring that the physical drives to which the data is written and from which the data is read are connected using a direct connection, specifically SCSI. Spring repeatedly mentions that the disk drives are implemented in accordance with the RAID 5 configuration. *See e.g.*, Spring, page 6, lines 1-4,

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and page 10, lines 1-5. In 1995, the year of Spring's filing, RAID 5 systems predominately if not exclusively used SCSI drives.² More significantly, Spring stresses that the differences between the emulated drives and physical drives are that the emulated SCSI drives are smaller than the physical drives and the emulated SCSI drives appear as removable while the physical drives are fixed drives. *See*, Spring, page 8, lines 18-23. Spring does not differentiate the SCSI emulated drives from the physical drives based on protocol and provides no ability to convert between storage protocols. Furthermore, this passage indicates that the physical drives are physically fixed and remain permanently in place. *Id.* Accordingly, Examiner Fleming stated that the system of Spring provides access from the USERS (i.e., host computers) through the server and to the disk drives using SCSI. *See*, May 24 Office Action, page 7 ("SCSI . . . is used from the USER to the storage router to the disc drives").

The Spring SCSI-to-SCSI system, such as that shown in FIGURE 1 of Spring, <u>does not</u> use at least one serial data transport medium and <u>does not</u> provide the capability to locate storage devices at significant distances from the workstations. There is simply no distance-capable storage link in the system of Spring as Spring relies on distance-limited SCSI interfaces. Indeed, Spring recognizes the inability of SCSI interfaces to provide a distance-capable link stating "a large number of workstations may be provided <u>relatively close</u> to server 20, in which case conventional SCSI interfaces may be employed." *See*, Spring, page 7, lines 10-12 (emphasis added). Thus, the SCSI-to-SCSI system of Spring does not provide virtual local storage on "remote storage devices" as it lacks at least one distance-capable serial transport medium.

# 3. Spring's Ethernet-to-SCSI System Does Not Allow Access using NLLBP

While the Spring SCSI-to-SCSI system of FIGURE 1 does not provide for remote storage devices and cannot allow for significant physical distance between the hosts and storage devices, Spring does provide some insight as to how "remote" or physically distant storage devices could be incorporated into the Spring system. While acknowledging that parallel SCSI interfaces have "limited" range, Spring states that in order to create less limited distance separation from hosts to storage devices "in alternative embodiments it may be

² Similar to SCSI, other existing drive connections such as ATA and IDE were severely limited in distance.

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necessary to provide alternative connections, possibly via coaxial cables, so as to increase the distance between the server and the workstations". *See* Spring, page 7, lines 3-7. Spring goes on to state that ". . . in alternative arrangements, workstations may be distributed quite widely through a building, requiring more robust connection between the processor and server 20. It is envisaged that connections of this type should allow the workstation to be displaced from the server by distances in excess of 100 meters, having characteristics similar to high speed Ethernet links." *See Id.* at page 7, lines 12-17. As will be explained more fully below, this alternative embodiment to allow "remote" storage devices in Spring does not meet the claim limitation of "allowing access" between hosts and storage devices "using NLLBPs".

Independent Claim 1 of the '035 Patent not only recites that the storage devices are "remote", but also that the supervisor unit is operable to "allow access from devices connected to the first transport medium to the storage devices using native low level block protocols." Thus, the host computers connected to the first transport medium must be able to access the remote storage devices using a NLLBP. This ability to allow access from host computers to storage devices using a NLLBP, as recited in Claim 1, requires allowing access between the host and storage device(s) using a protocol (i.e., a set of rules) that does not involve the overhead of high level protocols and file systems typically required by network servers, as supported in the '035 Patent Specification and prior litigation interpreting this claim term.

As discussed above, in systems prior to the present invention, when making a request to storage through a <u>network server to allow access between workstations and remote storage</u> <u>devices</u>, a workstation first had to translate the requests from its file system protocols to higher level network protocols in order to communicate with the network server, and the network server would then translate them into low level requests to the storage device(s). In contrast, as described in the '035 Patent, allowing a host to access storage devices using a NLLBP provides a mechanism by which communication between the host and the storage devices can be accomplished faster because there is no need to translate from a network protocol to a NLLBP. *See* '035 Patent Specification, col.' 1, lines 47-60, col. 2, lines 12-15 and 23-26, col. 3, lines 14-25 and col. 4, lines 17-25 (distinguishing an NLLBP from higher-level protocols by contrasting the invention of the '035 Patent (allowing access using NLLBP) to prior art solutions (which allowed access using network protocols requiring translation to NLLBP). Further, in *Crossroads v. Chaparral Network Storage, Inc.*, Western District of Texas, Civil Action No. A-00-CA-217-SS (the "Chaparral Litigation") and *Crossroads Systems (Texas), Inc., v. Pathlight Technology, Inc.*, Western District of Texas, Civil Action No. A-00-CA-248-JN, the Federal

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District Court issued a Joint Markman Order (the "Markman Order") interpreting "NLLBP" for the purposes of United States Patent No. 5,941,972 (the "972 Patent", the parent to the '035 Patent) as follows: "a set of rules or standards that enable computers to exchange information and do not involve the overhead of high level protocols and file systems typically required by network servers." A copy of the Markman Order is attached hereto as Exhibit C. This construction and the validity of the '972 Patent was upheld by the Federal Circuit. A copy of the Federal Circuit decision affirming the decision of the lower court is attached hereto as Exhibit D. Thus, based on both the Specification of the '035 Patent and the Markman Order, an NLLBP is a protocol that enables the exchange of information without the overhead of high-level protocols and file systems typically required by network servers.

As claimed in the '035 Patent, allowing access from host devices to storage devices is done using NLLBPs. Using the example of a first transport medium of Fibre Channel ("FC") and second transport medium of SCSI, a FC workstation can communicate SCSI commands to a storage device using the FC protocol through the storage router. In this case, the storage router receives the FC-encapsulated SCSI commands on the FC transport medium, removes the FC encapsulation and forwards the SCSI commands to the storage devices on the SCSI data transport medium (provided the FC workstation is allowed to have such access as will be discussed more fully below). There is *no translation* of the commands from a higher level network protocol to a native, low level protocol. In other words, the storage router is not required to translate from a high level command (e.g., a file system command or function call with arguments) into a SCSI command. Rather, the storage router strips the FC layer off of the existing SCSI command and forwards the SCSI command to the storage device. Thus, when the FC host workstation is allowed to have access to the SCSI storage device, that access is accomplished using NLLBPs.

Thus, as recited in Claim 1, to "allow access from devices connected to the first transport medium to devices connected to the storage devices using native low level block protocols" requires allowing access from host computers to remote storage devices using NLLBP. Thus, due to the "remote" limitation, Claim 1 requires that at least one transport medium be a serial transport medium and due to the "NLLBP" limitation, the host computers must be allowed access to the remote storage devices using a protocol that does not involve the higher level overhead typically associated with network servers. Spring simply does not teach or suggest any system that will allow hosts to access remote storage devices using NLLBP.

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As discussed above, Spring does provide an alternative embodiment to its SCSI-to-SCSI embodiment of FIGURE 1 that can allow for hosts to be separated from storage devices by distances in excess of 100 meters. See, Spring, page 7, lines 3-17. ("... in alternative arrangements, workstations may be distributed quite widely through a building, requiring more robust connection between the processor and server 20. It is envisaged that connections of this type should allow the workstation to be displaced from the server by distances in excess of 100 meters, having characteristics similar to high speed Ethernet links"). The use of coaxial cable for Ethernet networks was common in 1995 (e.g., 10Base-2 and 10Base-5 Ethernet), however, these Ethernet networks required the use of high-level protocols to transmit information between a workstation and a network server. In Ethernet-to-SCSI systems such as that suggested in Spring, a workstation would first translate the request from its file system protocol to a "network protocol" (i.e., Ethernet protocol) and send the request to a network server. The network server would then translate the network protocol to a native low level protocol (i.e., SCSI) and send the low level request to the attached storage device. The problem with this type of system is exactly the problem that the '035 Patent described in the Background of the Invention and was designed to overcome. Namely, this type of system creates a bottleneck that slows down the access from the hosts to the remote storage devices. Because, NLLBPs cannot be sent over long distances using a SCSI bus, the workstation must create a network protocol to send requests over the Ethernet transport medium. It takes the workstation a long time to create a network protocol and takes the server time to translate the information sent according to the network protocol into a NLLBP (and visa versa when sending the information back from the storage device to the host). In such a system, data access times from the workstation to the devices are increased.

While Spring provides no guidance as to how the emulated removable SCSI drives would be accessed via Ethernet in the suggested alternative embodiment, at the time of Spring, one of ordinary skill in the art would have understood that access to remote storage via Ethernet required the use of a higher level network protocol and there no teaching or suggestion in Spring otherwise. Thus, it would be understood that the workstations of Spring use a higher level network protocol (e.g., an Ethernet file server protocol) that is then translated by the network server into a NLLBP before access to remote storage devices can be achieved. The system of Spring is exactly the type of system that the present invention was designed to overcome because the system of Spring <u>does</u> involve the overhead of high level protocols typically required by network servers and <u>does</u> require a translation of a network protocol into

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SCSI commands at the network server when allowing workstations to make requests to and from storage devices. Therefore, Spring does not teach or suggest the limitation "to allow access from devices connected to the first transport medium to the [remote] storage devices using native low level, block protocols." (emphasis added).

4. Similarly, Oeda Fails to Provide Remote Storage Devices and Allowing Access to the Remote Storage Devices Using NLLBP

Like Spring, Oeda discloses a SCSI-to-SCSI system of connecting a host computer to a storage device(s). *See* Oeda, FIGURES 1-5. FIGURE 4, illustrative of the Oeda system, is reproduced below.



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Using the Example of FIGURE 4 of Oeda, a SCSI magnetic disk storage device 3 (including disk controller 5 and drive unit 4) is connected to two host computers through SCSI bus 2. Thus, hosts communicate to storage devices in this Oeda system using only parallel SCSI; there is no serial transport medium between the hosts and the disk storage device. Consequently, for the reasons discussed above regarding Spring, the Oeda storage device 3 of FIGURE 4 is not <u>remote</u> from the host computers as recited in the independent Claims of the '035 Patent.

Like Spring, Oeda also provides an alternative embodiment that has the capability to provide hosts access to remote storage as shown in FIGURE 6 of Oeda reproduced below. Like Spring, this Oeda embodiment also fails to allow access to remote storage devices using NLLBP.



# FIGURE 6 of Oeda

In FIGURE 6 of Oeda, Oeda replaces the SCSI bus 2 of FIGURE 4 with an Ethernet connection 22 and inserts into the system a network file server 19. *See*, Oeda, col. 9, lines 48-67 and FIGURE 6. As this embodiment of Oeda points out, access to remote storage devices required the use of higher-level network protocols and is not done using NLLBP. There is no teaching or suggestion in Oeda to the contrary. In fact, Oeda recognizes that a translation from the network protocol to a NLLBP must occur stating "host computer 1B must accept and deliver

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commands and data in which the differences of communication protocols for the SCSI bus 21 and Ethernet are considered." *See*, Oeda, col. 9, lines 47-60 (describing replacing the SCSI bus of FIGURE 5 with a network such as Ethernet). Further in conjunction with FIGURE 6, Oeda describes that while this embodiment allows the storage device to be shared among hosts using different operating systems and network protocols, it still requires the use of high-level network protocols between the host computers and file server (e.g., the network protocols used by UNIX, MS-DOS and the general purpose computer to communicate via Ethernet). *See*, Oeda, col. 10, lines 22-68.

Again, these Ethernet-based systems of Oeda are precisely the types of systems that the present invention was designed to overcome because they <u>do</u> involve the overhead of high level network protocols typically required by network servers and they <u>do</u> require a translation of a network protocol into SCSI commands at the network server when allowing workstations to make requests to and from storage devices. Thus, similar to Spring, Oeda simply does not teach or suggest the limitation "to allow access from devices connected to the first transport medium to the [remote] storage devices <u>using native low level, block protocols</u>." (emphasis added).

# 5. Summary – Allowing Access to Remote Storage Devices Using NLLBP

Neither Oeda or Spring, alone or in combination, teach or suggest allowing access from host devices to remote storage devices using NLLBPs. Spring teaches a SCSI-to-SCSI system in which workstations are connected to a network server via a SCSI bus. Spring does not disclose in this embodiment any distance capable serial transport medium, but simply the limited distance, parallel SCSI transport medium. Consequently, the SCSI-to-SCSI system of Spring does not allow access to "remote" storage devices as recited in Claims 1 and 11. In order to provide the ability to access remote storage devices, Spring introduces Ethernet connectivity (replacing the SCSI bus between the workstations and the server with an Ethernet connection) and higher-level network protocols. Because this Ethernet-to-SCSI embodiment of Spring requires the use of higher-level network protocols it does not "allow access from devices connected to the first transport medium to the [remote] storage devices using native low level, block protocols" as recited in Claims 1 and 11.

Similarly, Oeda teaches a SCSI based system and an Ethernet based system that suffer the same deficiencies as the systems of Spring. In the SCSI based system of Oeda, the storage device is also not indirectly connected to the host computer by at least one serial

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transport medium. Consequently, the magnetic storage device is not "remote" from the host computers. The Ethernet based systems of Oeda require the use of higher-level network protocols and, as in Spring, do not "allow access from devices connected to the first transport medium to the [remote] storage devices using native low level, block protocols."

Thus, in Spring and Oeda, the storage devices are not remote and access to them from the host is not provided using NLLBPs. Rather, the storage devices are connected using limited distance parallel SCSI buses. In order to provide access to a <u>remote</u> storage device, a higher level network protocol must be introduced. That is, in order to allow the storage devices to become remote in Spring and Oeda, access is no longer provided from the workstations to the storage devices using a NLLBP.³ Applicants therefore respectfully submit that Spring and Oeda do not teach or suggest providing "virtual local storage on remote storage devices" and providing access "from a device connected to a first transport medium to the [remote] storage devices using native low level block protocols" as recited in independent Claim 1. As the cited references, alone or in combination, do not teach or suggest this feature of the present invention, Applicants respectfully request allowance of Claim 1. As will be discussed more fully below, these references certainly do not teach or suggest allowing access to remote storage devices in conjunction with mapping and access controls as claimed in the '035 Patent.

# E. "Map" – Neither Spring nor Oeda Teaches or Suggests Mapping Between Devices Connected to the First Transport Medium and the Storage Devices

1. A Map Includes a Representation of the Devices on the First Transport Medium and the Storage Devices

Claim 1 recites a supervisor unit operable "to map between devices connected to the first transport medium and the storage devices." Claims 7 and 11 contain similar features. Mapping between devices connected to the first transport medium and storage devices in the present application refers to a mapping between the workstations/host computers and storage devices such that a particular workstation/host computer on the first transport medium is associated with a storage device, storage devices or portion thereof on the second transport

³ Jibbe, a reference directed to a SCSI interface, simply does not address the issue of remote storage devices or allowing access to these remote storage devices using NLLBPs.

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medium. As discussed in the '035 Patent Specification, the mapping provides a correlation between devices on the first data transport medium and the storage devices through one or more steps. See, '035 Patent, col. 2, lines 9 – 12, col. 2, lines 20-21, and col. 8, line 61 – col. 9, line 5. In addition, the Federal District Court in the Chaparral and Pathlight Litigations defined the term "map" in its Markman Order as follows: "to create a path from a device on one side of the storage router to a device on the other side of the router, i.e., from a Fibre Channel device to a SCSI device (or vice-versa). A map contains a representation of devices on each side of the storage router, so that when a device on one side of the storage router wants to communicate to a device on the other side of the storage router, the storage router can connect the devices." See, Markman Order, Exhibit C, page 12 (emphasis added). Thus, the mapping of the '035 Patent associates the host device(s) on the first transport medium with storage devices on the second transport medium to create a path between the host and the remote storage device (or portion thereof). For example, the map can include mapping a host workstation identifier (e.g., address or other identifier) and a virtual representation of a storage device (e.g., a virtual LUN), and potentially even further from the virtual representation of the storage device to a physical representation of the storage device (e.g., a physical LUN).

#### 2. Neither Spring nor Oeda Teaches or Suggests a Map

As an initial matter, Examiner Fleming recognizes that Spring does not map between devices connected to the first transport medium and the storage devices as recited in Claim 1 (and likewise does not point to any place in Jibbe that teaches or suggests such a mapping). *See*, May 24 Office Action, page 7 (Spring "does not set forth a mapping between the workstations and the storage devices"). Instead, Examiner Fleming attempts to rely on Oeda to show mapping. *See*, May 24 Office Action, page 7 ("a mapping between workstations (in the form of HOSTs) and the assigned partitions (41-43) is clearly shown"). Oeda, however, does not teach mapping as recited in the '035 Patent because there is no "map" that contains a representation of a device on one side of the storage router and a representation of a storage device to the storage device (e.g., to connect the fibre channel host device to a SCSI storage device).

There is no map in Oeda that includes a representation of devices on one side of the disk controller and storage devices on the other side. Such a map is not necessary or used in Oeda, at least in part, because the Hosts are responsible for knowing which target SCSI IDs they can request and the disk controller processes target SCSI IDs without regard to the host

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that asserts the ID. Oeda discloses a host-based methodology to associate hosts with a storage partition and does not disclose a "map between devices connected to the first transport medium and the storage devices." See Oeda. Col. 8. lines 9-13 (host computers are set by the operating system). In Oeda, SCSI IDs for target devices are processed by a SCSI control large-scale integrated circuit ("LSI") as described in conjunction with FIGURE 7. The LSI contains n comparators and ID registers, with each register containing a SCSI ID for a target device. See Oeda, col. 5, lines 44-48. When a host computer requests a particular target, it does so in the "selection phase" by marking "true" the data line among the eight data lines of the SCSI bus which correspond to the SCSI ID number of the target. See id. at col. 5, lines 14-22. Each comparator compares the ID number asserted during the selection phase (e.g., the ID of the desired target) with the ID in the respective register and, if a match is made, generates an ID coincidence signal. See id. at col. 5, lines 48-51. Using the example of FIGURE 7, if a host asserts ID 1 on the SCSI bus, comparator 74 will compare the asserted ID to the contents of register 71, comparator 75 will compare the asserted ID to the contents of register 72 and comparator 76 will compare the asserted ID to the contents of register 73. Because the asserted ID matches the contents of register 71, comparator 74 will generate an ID coincidence signal, indicating that the host is requesting SCSI ID 1. The CPU will then process the subsequent commands and data to read data from or write data to the appropriate partition associated with SCSI ID 1 (e.g., partition 41). See, Oeda, col. 5, line 64 through col. 6, line 13. This process is done without regard to the host that actually asserted the SCSI ID 1 in the selection phase. Thus, whenever LSI receives SCSI ID 1 in the selection phase, it processes the corresponding command to read from or write to the appropriate partition regardless of the host device that asserted SCSI ID 1.

The Examiner cites Oeda at Column 7 lines 53-Column 8, line 30 for the proposition that Oeda shows a "map", however, this reliance on Oeda is misplaced. In a multi-host environment, such as that depicted in FIGURE 4 of Oeda (shown above), each host is set beforehand by its operating system to only request specific SCSI ID's. *See* Oeda, col. 8, lines 9-31. Put another way, the operating system sets each host to limit the target SCSI IDs that host can select during the SCSI selection phase. In the example of Oeda, Host 1A is configured by the operating system to request only SCSI ID 1 and SCSI ID 3 and Host 1B is configured by the operating system to request only SCSI ID 2 and SCSI ID 3. *See* Oeda, col. 7, lines 57-65. Oeda states that it is the operating system of the computer system that sets the host computers beforehand. *See* Oeda, col. 8, lines 9-13. After the OS sets the host computer

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selection configuration, when a particular host selects a particular target ID, for example target ID 1, the LSI of the disk controller identifies the appropriate partition (e.g., partition 41) as described in conjunction with the selection logic of FIGURE 7. Due to Oeda's method for using the operating system to set hosts, the disk controller does not have to (and does not) map host IDs to target SCSI IDs because only hosts configured to request target ID 1, will request ID 1 in the selection phase. Indeed, Oeda fully admits that it does not need or use such a map, stating "when disk controller 5 performs the exclusive control between an access from the host computer 1A and an access from the host computer 1B, it need not consider the difference of the device ID's (here SCSI ID's=7,6) *of the respective host computers 1A and 1B*, but it may merely judge pertinent ones of the device ID's (SCSI ID's=1, 2 and 3) of the respective partitions 41, 42, 43 selected by the host computer 1A and 1B." Oeda, col. 8, lines 20-30 (emphasis added).

Thus, in the Oeda host-based system, the *hosts* know which target SCSI IDs to request and therefore there is no need for a map at the disk controller that controls whether a particular host is mapped to (and can therefore access) a particular storage device (or portion of a storage device). In Oeda each host knows the storage device SCSI IDs it is permitted to access and makes requests only to those storage device IDs. When the disk controller receives a target SCSI ID from a host it directs commands and data to the partition associated with that requested target SCSI ID without regard to the host that made the request. In other words, the disk controller in Oeda does not consult any map to determine whether the host should be connected to the requested target SCSI ID; rather, if the disk controller of Oeda receives a request, it simply forwards it to the appropriate SCSI ID. There is simply no teaching or suggestion in Oeda that disk controller 5, or any other device in Oeda, maintain a "map" that contains a representation of host devices on one side of the disk controller and representations of storage devices on the other side of the disk controller as recited in the claims of the '035 Patent.

Thus, while Oeda does touch on the concept of setting host computer configuration by the operating system (*see* Oeda, col. 8, lines 9-13), it does not teach or suggest doing any form of "mapping" as claimed in the '035 Patent. For example, setting the host configuration to define which target SCSI IDs a host may request can be done by setting registers in the host's host bus adapter ("HBA"). This methodology entails setting flags in registers of the host HBA indicating which SCSI bus lines the host can or cannot set as true. Thus, each host would simply have a listing or set of flags that indicate which target SCSI IDs are available to that

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host, but not a map as recited in the '035 Patent that represents that host device itself or the storage devices (i.e., Host 1A does not map itself to storage devices, but simply contains a list or set of register settings indicating that the HBA can only assert true on the bus lines for target SCSI ID 1 and SCSI ID 3). Neither the disk controller nor the individual hosts in Oeda are operable to map between devices on the first transport medium and storage devices. Thus, the host-based configuration method discussed by Oeda does not teach or suggest a map as recited in the '035 Patent.

Furthermore, the mapping recited in the '035 Patent is between host devices connected to the first transport medium and the storage devices that are remote from the host devices. As discussed above, Oeda achieves remoteness through the introduction of Ethernet as discussed in conjunction with FIGURE 6 without the use of NLLBPs. In the Ethernet based system of Oeda, portions of storage are assigned IP addresses based on the operating system/network protocol that is allowed access that IP address and not the specific hosts that can access the storage. See, Oeda, col. 10, lines 14-22. Thus, for example, in FIGURE 6 of Oeda, partition 213 is assigned IP address 5002, which is accessible by MS-DOS based computers (i.e., any host computer that runs MS-DOS). In contrast to the invention claimed in the '035 Patent, there is no map between hosts devices and storage devices as the partitions of Oeda's Ethernet system are simply "held in correspondence with OS's and network protocols." See, Oeda, col. 10, lines 24-27. Once again, the Oeda system controller (network file server 19 in FIGURE 6) does not contain a map with representations of particular host computers associated with particular storage partitions, but rather Oeda simply reviews the incoming request to a partition, sees that the incoming request uses a network protocol compatible with the IP address, and allows the request to go to the storage partition without regard to which host sent the request. This is not, and Oeda therefore does not teach or suggest, a map containing a representation of the host devices associated with a representation of the remote storage devices as recited in the claims of the '035 Patent.

# F. "Access Controls" – Neither Spring nor Oeda Teaches or Suggests Implementing Access Controls

## 1. Implementing Access Controls

Claim 1 recites a supervisor unit operable "to implement access controls for storage space on the storage devices and . . . to allow access from devices connected to the first
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transport medium to the storage devices using native low level, block protocols." To implement access controls requires more than simply allowing a host to have access to a storage device. Implementing access controls is a security measure designed to prevent unauthorized access from workstations to particular storage devices or subsets of storage as claimed and described in the '035 Patent. When access controls are implemented, particular workstations may be permitted or denied access to particular storage devices or subsets of storage devices. *See, e.g.,* FIGURE 3 of the '035 Patent and Graphic 5 above. The storage router uses access controls and routing "such that each workstation has controlled access to only the specified partition of [a storage device] which forms virtual local storage for the workstation. This access control allows security control of the specified data partitions." *See,* '035 Patent, col. 4, lines 29-34. Further, according to the Markman Order, to "implement access controls" for storage space on the storage devices means to provide "controls which limit a computer's access to a specific subset of storage devices or sections of a single storage device." *See,* Markman Order, Exhibit C, page 6.

The access controls of the '035 Patent depend on the map discussed above to control access of devices on a first transport medium (e.g., workstations) to storage devices such that requests from devices connected to the first transport medium are directed to <u>assigned</u> virtual local storage on the storage devices. In other words, the storage to which each workstation is permitted access is controlled through the use of the map. *See*, '035 Patent, col. 4, lines 13-16 ("storage allocated to each . . . workstation 58 through the use of mapping tables or other mapping techniques"). Thus, "the router can . . . map, for each initiator, what storage access is available and what partition is being addressed by a particular request. In this manner, the storage space provided by [storage devices] can be allocated to [devices connected to the first transport medium] . . . ." *See* '035 Patent, col. 8, lines 67 – col. 9, line 5.

The access controls of Claim 1 thus permit or deny access from particular host devices connected to the first data transport medium to particular storage devices (or subsets thereof) according to a map that associates the host devices with the remote storage devices. The access controls are part of the configuration for routing commands according to the map from a device connected to the first transport medium to *defined* storage location(s) using NLLBPs (i.e., without requiring the overhead of high level protocols typically required by network servers). The access controls of the present invention thus limit access by workstations to storage devices or subsets of storage devices by allocating storage according to the map.

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#### 2. Spring Does Not Implement Access Controls

Regarding Spring, Examiner Fleming stated:

Implementing of access controls is clearly described throughout the disclosure, especially noting that each USER has access to a large number of removable disc drives (see page 7, lines 18-27), thereby teaching the implementation of *some sort of access controls*, with the storage router (server 20) determining if the requested drive is available, and if so, granting access to the requesting workstation (see page 8, lines 10-17). Thus the access is ultimately controlled and allowed by the storage router (server 20). *See*, May 24 Office Action, page 6.

The passage of Spring cited by Examiner Fleming, namely page 8, lines 10-17, describes a conventional mechanism by which a server coordinates host access to SCSI drives, however this conventional mechanism is accomplished without access controls as defined in the '035 Patent as the coordination of host access described in Spring does not assign particular storage devices or portions thereof to particular workstations (or other device on the first transport medium). This conventional mechanism is not designed to limit any particular host from accessing any particular storage device, but rather to coordinate access to storage between hosts so as to avoid contention between hosts for the same storage. In the conventional mechanism described in Spring, when a workstation requests a logical disk drive, the server determines if the requested logical disk drive is available and if the logical disk drive is available, allows the workstation to access the logical disk drive. Under this scheme, any workstation can access the logical disk drive so long as the drive is available. In other words, Spring does not describe any mechanism that limits host access based on the ID of the host or which particular storage device the host wishes to access; rather, Spring simply uses a conventional SCSI mechanism to coordinate access based on storage device availability. There is simply no teaching or suggestion in Spring that the availability of the logical drive depends on the workstation requesting the drive and whether that particular workstation has been associated with that drive according to some mapping technique. In Spring, there is no map between the workstations of Spring and the emulated SCSI removable drives (as discussed above) that implements access controls to limit a particular workstations ability to access particular emulated SCSI removable drives.

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This lack of access controls is demonstrated by Spring's utilization of aspects of removable SCSI drives to coordinate operations between workstations and the fixed SCSI disks. As described above, server 20 in Spring presents large fixed disk drives as multiple, smaller SCSI removable disks. When a workstation wishes to access one of the emulated SCSI removable disks, the workstation will request the logical drive using conventional SCSI command. *See*, Spring, page 8, lines 4-8. The server will determine if the logical disk drive is available and, if so, will return data to the workstation regarding the logical disk drive including the fact that the logical drive is removable. *See*, Spring, page 8, lines 10-17. The workstation can then transfer data to the logical disk. *See*, Spring, page 9, lines 1-3. Once the data transfer is complete, the workstation will issue a SCSI DISMOUNT command to the emulated SCSI removable disk drive. *See*, Spring, page 10, lines 17-20. Server 20 "acts upon the dismount command by *releasing the logical drive such that it can be accessed by <u>other</u> <i>workstations.*" *See*, Spring, page 10, lines 24-25 (emphasis added). Thus, Spring is utilizing mechanisms to coordinate access between hosts and storage devices to make sure the storage devices is available.

However, in contrast to the invention of the '035 Patent, this methodology described in Spring does not limit access of particular workstations to specific assigned subsets of storage devices or portions thereof. Rather, any workstation can access any logical removable drive so long as that logical removable drive is not busy (i.e., is available). The use of the DISMOUNT command is to facilitate the coordination of operations of the multiple workstations that all have access to the same portions of the fixed disk drives, and *does not* prevent the access of particular workstations to specific portions of the fixed disk drives. There is simply no mechanism in Spring that prevents particular hosts from accessing particular storage. Spring thus teaches a system that *coordinates* access by multiple workstations to shared disk drives, not a system that permits or denies access to specific subset of storage devices or sections of a single storage device"). Applicants respectfully submit that Spring as cited by Examiner Fleming does not teach access controls as defined by the '035 Patent. Accordingly, Applicants respectfully request allowance of Claims 1, 7 and 11 and the respective dependent Claims.

Moreover, the Ethernet based system of Spring does not teach or suggest providing access controls for storage devices that are accessed by host computers using a NLLBP. As discussed above, the Ethernet based system of Spring relies on higher level protocols to achieve remote storage. In fact, Spring provides no discussion as to how to implement access

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controls in its Ethernet methodology (e.g., there is no discussion how emulating removable SCSI drives are presented over Ethernet to a host or how the DISMOUNT command is processed over Ethernet). Indeed, while there are no access controls as defined by the '035 Patent disclosed in Spring's SCSI-to-SCSI implementation, there is no discussion of any mechanism to limit access for the barely mentioned Ethernet based system of Spring. Thus, Spring fails to teach or suggest implementing access controls from remote storage devices that are accessed by a host computer using an NLLBP. Accordingly, Applicants respectfully request allowance of Claims 1 and 11.

### 3. Oeda Does Not Teach or Suggest Access Controls

Claim 1 (and Claim 10) of the '035 Patent recites "a supervisor unit . . . operable to . . . implement access controls for storage space on the storage devices." Similarly, Claim 7 recites a storage router "to implement access controls for storage space on the storage devices." The supervisor unit of Claim 1 and storage router of Claim 7 are each clearly configured to connect between the data transport medium to which the host devices are connected and the data transport medium of the storage devices are connected to provide for centralized management of access controls, thus allowing the ability to centrally control and administer storage space. *See*, '035 Patent, col. 2, lines 33-38. Claim 11 further recites together "mapping between devices connected to the first transport medium and implementing access controls, as discussed above, are tied together as access controls are implemented to "cause certain requests from FC Initiators to be directed to assigned virtual local storage." *See*, '035 Patent, col. 8, lines 61-64. Again, access controls are performed by a device (supervisor unit/storage router) where mapping between devices on the first transport medium and the storage devices cocurs, allowing for central control of storage space.

The SCSI-to-SCSI implementation of FIGURE 4 of Oeda does not provide for this type of access controls. In other words, there is no device in the system of FIGURE 4 of Oeda that manages storage space for hosts using mapping. Instead, in Oeda each host computer is set by the operating system to be assigned to a particular partition. Thus each host in Oeda contains flags, or other indications set beforehand, of the target SCSI bus lines corresponding to target SCSI IDs it can request so that each host can only request those target IDs (e.g., Host 1A is configured so that it can only send requests to SCSI ID 1 and SCSI ID 3). *See*, Oeda,

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col. 8, lines 9-14. Because Host 1A is configured not to request SCSI ID 2, it will not erroneously request partition 42. *See*, Oeda, col. 8, lines 14-16. The control of the SCSI IDs and therefore corresponding partitions that hosts can request thus occurs at *each of the hosts* and not at a supervisor unit/storage router or mapping as in the Claims 1, 7 and 11 of the '035 Patent.

In contrast to Oeda, Claims 1 and 7 of the '035 Patent require a supervisor unit or storage router that "implements access controls". In contrast, Oeda, has no supervisor unit or storage router connected between the hosts and remote storage devices that implements access controls. The disk controller 5 of Oeda as shown with reference to LSI 6 of FIGURE 7, simply forwards requests for a particular SCSI ID to the appropriate target. The disk controller does not process the host IDs, or perform any other mechanism to limit access of any particular host to any particular storage. The disk controller merely processes "pertinent ones of the device ID's (SCSI ID's=1, 2 and 3) of the respective partitions 41, 42, 43 selected by the host computer 1A and 1B." Oeda, col. 8, lines 20-30. Disk controller 5 is completely agnostic as to which host asserts a specific target ID as it is assumed in Oeda available target IDs are set beforehand at the hosts. Thus, disk controller 5 does not act as a storage router or supervisor unit that implements access controls for the storage space to limit a host's access to portions of the storage space.

Similarly, Oeda does not have a "mapping between devices connected to the first transport medium and the storage devices and implementing access control for storage space" as recited in Claim 11. In the '035 Patent, the implementation of access controls is accomplished in conjunction with the map which maps the host devices to the remote storage devices. As discussed above, neither the disk controller 5 of Oeda nor any other component of Oeda utilize a map that maps between devices connected to the first transport medium and the storage devices. There is, consequently, no component of Oeda that uses a map to provide for management of storage space by "mapping between devices connected to the first transport medium and the storage devices and implementing access controls for storage space." In other words, there is no teaching in Oeda of implementing access controls by providing a mapping of what storage access is available and what partition is being addressed by a particular request such that "the storage space provided by [storage devices] can be allocated to [devices connected to the first transport medium] . . . ." See '035 Patent, col. 8, lines 67 – col. 9, line 5.

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In Oeda, because the hosts are set to know which SCSI IDs they can request and <u>any</u> host (or other device) that asserts a particular SCSI target ID is granted access to the corresponding partition, there is simply no mechanism (e.g., supervisor unit, storage router or mapping) that limits each particular hosts' access to the storage device or particular partitions of the storage device. Therefore, Applicants respectfully request allowance of Claims 1, 7 and 11.

## 4. The Ethernet Based Configuration of Oeda Does Not Teach or Suggest Any Form of Access Controls For Remote Storage

As discussed previously, the storage devices for which access controls are provided are "remote storage devices" that are remote from the host devices requesting access. The portions of Oeda cited by the Examiner, namely those associated with of FIGURE 4, as allegedly providing access controls are discussed entirely within the context of a local, SCSI-to-SCSI storage implementation. While this host-based mechanism of Oeda is not the claimed access controls mechanism of the '035 Patent (as discussed above), Oeda provides no teaching or suggestion as to how even that host-based mechanism could be implemented for remote storage and, indeed, discards entirely that host-based storage allocation mechanism of FIGURE 4 when moving to the remote storage implementation of FIGURE 6.

As discussed above, Oeda introduces Ethernet to achieve remoteness. As shown in FIGURE 6, portions of storage are assigned IP addresses based on the operating system that can access that IP address, not the specific hosts that can access the storage. *See*, Oeda, col. 10, lines 14-22. Thus, for example, partition 213 is assigned IP address 5002, which is accessible by MS-DOS based computers. *See*, Oeda, col. 10, lines 37-39. <u>Any</u> computer that supports MS-DOS can access partition 213. *See*, Oeda, col. 10, lines 46-54 (explaining how the network file server handles requests to a particular IP address). The network file server does not provide any security to prevent hosts using the same operating system from accessing each other's data but simply forwards requests to a particular IP address to the proper storage.

While Oeda discloses providing remote storage, this is done using a higher level network protocol (not using NLLBP) without any access controls as claimed in the '035 Patent. Any computer using the same operating system and higher level network protocols can access the same partitions of storage. Oeda does not teach or suggest providing access controls for remote storage that is accessed by a host using NLLBP and, consequently, does not remedy

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the deficiencies of Spring. Applicants therefore respectfully request allowance of Claims 1 and 11.

# G. The Combination of Oeda and Spring Does Not Teach or Suggest the Present Invention

Even assuming *arguendo* that Spring and Oeda can be combined as suggested by Examiner Fleming, these references in combination do not teach or suggest the present invention. If combined in a SCSI-to-SCSI system, the combination of Spring and Oeda fails to teach or suggest mapping and implementing access controls for the storage space or mapping and implementing access controls at a supervisor unit or storage router. For remote storage, both Spring and Oeda teach the use of higher level network protocols and neither teaches mapping between devices connected to the Ethernet transport medium and the remote storage devices or implementing access controls for the storage space on the remote storage devices. Thus, the combination of Spring and Oeda fails to disclose allowing access to remote storage using a NLLBP in conjunction with providing a mapping between devices connected to a first transport medium and remote storage in conjunction with implementing access controls for the remote storage devices.

#### H. The Jibbe Reference Does Not Address the Deficiencies of Spring and Oeda

Jibbe discloses a SCSI interface that is used to connect a host computer to a SCSI disk array. The interface of Jibbe allows a host computer to transfer operations to a number of disk drives configured as a RAID 1, 2, 3, 4, or 5 disk array. *See*, Jibbe, Abstract. There is simply no teaching or suggestion in Jibbe that the disk array should be attached by anything other than a local SCSI bus and consequently does not teach or suggest remote storage devices. Moreover, Examiner Fleming did not cite the Jibbe reference as showing, nor does the Jibbe reference appear to show, mapping between devices connected to the first transport medium and the storage devices, implementing access controls or allowing access from hosts to storage devices using NLLBP.

I. Summary: There is No Prima Facie Case of Obviousness

The '035 Patent provides a system and method which allows a host computer to access <u>remote</u> storage devices using an NLLBP, while mapping between the host computers and

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remote storage devices (or portions thereof) and implementing access controls for storage space on the remote storage devices. Spring and Oeda teach either local SCSI-to-SCSI systems that do not provide remote storage or Ethernet-to-SCSI systems that rely on higher level protocols. While the Examiner has attempted to point to access controls in Spring and access controls and mapping in Oeda, these references show neither access controls nor mapping. Moreover, the portions in Spring and Oeda relied on for mapping and access controls (which do not, in fact, show mapping and access controls as discussed above) only apply to the SCSI-to-SCSI local storage implementations and do not apply to the Ethernet-to-SCSI implementations of these references that allow for remote storage. Consequently, Spring and Oeda do not show a system or method that provides access from host computers to remote storage using NLLBP, while applying access controls that limit a host computer's access to specified portions of the remote storage, nor do they teach mapping between the host computers and the remote storage devices.

None of the additional art cited by the Examiner remedy the deficiencies of Oeda and Spring. Jibbe does not address the issue of remote storage, nor does Jibbe discuss access controls or mapping.

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness for Claims 1-14 as the prior art references do not disclose, teach or suggest all of the claim limitations. Specifically, the prior art cited by Examiner Fleming does not teach or suggest: i) providing virtual local storage on remote storage devices and allowing access from devices connected to the first transport medium to the remote storage devices using a NLLBP; in conjunction with ii) mapping between devices on the first transport medium and the storage devices; in conjunction with iii) implementing access controls. While Examiner Fleming Fleming provided a thorough analysis of Spring and Oeda, these references simply fail to teach the claimed limitations. Furthermore, Jibbe does not make up for the deficiencies of Spring and Oeda. Accordingly, Applicants respectfully request allowance of Claims 1-14.

#### II. Conclusion

Applicants appreciate Examiner Fleming's consideration of the previous response and Examiner's interview when drafting the May 24 Office Action. Moreover, Applicants further appreciate Examiner Fleming's careful and detailed review of all of the submitted prior art and the issuance of a non-final office action. Applicants respectfully submit, however, that Claims

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1-14 are distinguishable from Spring, Oeda and Jibbe for the reasons stated herein. Therefore,

Applicants respectfully request allowance of all claims subject to reexamination.

This Reply was served via First Class Mail on July 22, 2005 to:

Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660 William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

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John L. Adair Reg. No. 48,828

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March 8, 2004

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## EXHIBIT B

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FILED IN THE UNITED STATES DISTRICT COURTISTIC DIVISION FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION 2005 JA 21 AHII: 28

:223

CROSSROAD SYSTEMS (TEXAS), INC., Plaintiff,

-75-

Case No. A-03-CA-754-SS

DOT HILL SYSTEMS CORPORATION, Defendant

#### REPORT AND RECOMMENDATION OF THE SPECIAL MASTER REGARDING UNITED STATES PATENT NOS. 5.941,972 and 6.425,035 B2

Attached hereto is the Special Master's Report and Recommendation to United States District Judge Sam Sparks regarding the construction of claims in United States Patent Nos. 5,941,972 ("the '972 patent") and 6,425,035 B2 ("the '035 patent").

The Special Master notes that during the course of the pre-bearing and post-hearing briefing as well as the *Markman* hearing itself, the parties reached agreement on certain terms initially identified as being in dispute. For instance, the parties' stipulated definition of the claim term "native low level, block protocol," which is the same in both patents, was incorporated into their Stipulated Definitions of Claim Terms [#131], filed with the Court on August 31, 2004. Also, although Crossroads initially identified the term "remote storage devices" in the '035 patent as one of the terms requiring the Court's construction, it has apparently abandoned that position since the parties' dispute over the meaning of "remote storage devices" may be resolved by the Court's construction of the word "remote" without the need for a separate construction of the entire phrase.

Additionally, in its post-hearing briefing, Crossroads stipulated to Dot Hill's definition of the term "allow access" in both patents based on the representations of Dot Hill's counsel at the hearing and in Dot Hill's briefing that the portion of Crossroads' proposed definition which was excluded by Dot Hill's definition—"preventing unauthorized communication"—is part of the definition of the phrase, "implementing access controls," which also appears in the patents. See

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Crossroads's Post-Hr'g Markman Br. at 8; Tr. of Markman Hr'g at 119:2-19; Dot Hill's Post-Markman Hr'g Claim Construction Br. at 22.

Proposed constructions for the remaining disputed terms are attached hereto. The parties may file written objections to the recommendations made in this report within ten (10) days from the date of their receipt of it pursuant to the Court's Order of February 23, 2004.

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- SIGNED this the <u>1946</u> day of January 2005.

KARL BAYER SPECIAL MASTER

Oracle-Huawei-NetApp Ex. 1009, pg. 746

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Actual Claims Language	Crossroads' Proposed Construction	Crossroads' Evidence	Dot Hill's Proposed Construction	Dot Hill's Evidence	structure of the second s
				computer through a network)." (DHS Brief Ex. 10)	
A storage router for providing	Remote:	Remote:	Remote:	Remote:	Remote:
remote storage devices to	at least one serial network	Intrinsic:	Inducectly connected and canable of nhusical	Intrinche	Indirectly connected through at
devices, comprising:	transport medium that	'035 patent:	separation.	'035 Patent:	reast one scitat network transport medium.
a buffer providing memory	encapsulates the native low-	col. 1, 11. 23-36;	1	Col. 1, lines 39-42 using	
work space for the storage	level block protocol."	col. 2, 11. 1-34;	NOTE: This is the definition	the term "remote" to	
router; a first controller		col. 5, 11. 46-48;	of remote, but since this	refer to storage which is	
operable to connect to and		col. 5, 11. 52-57;	phrase appears only in the	not "local," and defining	
interface with a first transport		col. 6, Il. 19-31;	preamble to explain the	"local" as "a disk drive,	
medium;		col. 9, Il. 26-31.	context in which the storage	tape drive, CD-ROM	
		-	router is used, it is not a	drive or other storage	
		Extrinsic:	limitation of this claim.	device contained within.	
		Tr. 102:14-20;		or locally connected to	
		Rhyne Cross, Tr. 159:17-18;		the workstation."	
		Rhyne Cross, Tr. 161:7-8;	-		
		Rhyne Cross, Tr. 174:14-24;		Col. 1, lines 63-67.	
		Tr. 180:5-14;		describing storage	
		Mr. Erwine's Notes, Shelton		capacity which is not	
		Decl. ISO Crossroads' Reply,		local as "remote."	
		Ex. 4.			
				Col. 2, line 32	
				signineanuy remore	

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Extrinsic: Webopedia definition of "remote" (Last modified

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			ur materia substantistica menteria and and and and and and and and and an	September 1, 1996) as "In networks, remote refers to files, devices, and other resources that are not connected directly to your workstation. Resources at your workstation are considered loca!" (DHS Brief Ex. 6)	Webopedia definition of "local" (Last modified September 1, 1996) as "In networks, local refers to files, devices, and other resources at your workstation. Resources located at other nodes on the network are remote." (DHS Brief Ex. 6)	Deposition of inventor Hoese, pages 143, 146, 147, 154-155 confirming that "remote" is not a function of distance by stating "It appears to be that the intent was to describe the storage as	
			Dot Hill's Proposed	Construction			
		•	Special Master's Proposed Contraction of Contractio				
			Crossroads' Proposed	Construction			
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	Special Master's Construction				12
	Dot Hill's Byidence	not being directly connected as local storage would be, but to be connected remotely, as in across a network or other means." (DHS Brief Ex. 14)	Deposition of inventor Russell pages 104–105 confirming that "remote" is not a function of distance by stating "And it might be right next to me or it could be, you know, across the country, but that would allow me to get at that remote storage." (DHS Brief Ex. 15)	Declaration of Rhyne, paragraph 19, stating that "[T]be meaning of "remote" in general and in the specific context of the Crossroads patents has nothing to do with the physical distance between a workstation	
Construction of Disputed Terms	Dot Hill's Proposed Construction				
Received and Master's Proposed	Crossroads' Evidence				
de	construction Crossroads' Proposed Construction				
	Actual Claims Language (			-	

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	Dot Hill's Evidence	and a storage device, but rather has to do with the topological nature of the interconnection between those devices." (DHS Responsive Brief Bx. 18) Declaration of Rhyne, paragraph 27, stating that "[T]be common meaning of "errors" is the	opposite of 'local,' and does not carry a distance characteristic." (DHS Responsive Brief Ex. 18) Declaration of Hodges in Support of Crossroads' Opening Markman Brief (1/21/04), paragraph 9,	statung taat. Ince term flocal storage' typically refers to storage devices which are directly connected to the computer (as opposed to storage devices connected to a computer florough a network). Increal storage also		
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icantum mumerature sustaines and and the second states of the second states and the second states	ur restances and the second structure and the second s	typically refers to storage devices which are located a very short distance from the computer, i.e. a few feet." (Crossroads' Brief) Markman hearing testimony of Rhyne at 15:3-15, showing that a definition of "remote" could be simply "indirectly connected."	T operableSupervisor Unit:Supervisor Unit:Supervisor Unit:Supervisor Unit:Supervisor Unit:interface"A computer processingIntrinsic:Intrinsic:A device comprising at leastinterface"A computer processingIntrinsic:A microprocessorA device comprising at leastinterface"A computer processingIntrinsic:A microprocessorA device comprising at leastinterface"A computer processingIntrinsic:Intrinsic:A device comprising at leastinto data in a buffer in order to"O i i, 1! 3-10;between devicesO i i i 3-10;unitmap between devicecoli 6, 1! 3-10;between devices connected toColi 5, lines 12-17,int and brogram memory spaces; and"O i i i a buffer in order to mapO i i i a buffer in order to mapunitmap between devicescoli 9; II. 22-31.between devices and which(2) associated logic required toif on the firstconnected to a secondExtrinsic:implements a stand alone(2) associated logic required to a secondif to the firstimplements access controls."Inters access controls.Inters arcs controls.microprocessor*and theimplements access controls."Col. 1, lines 37-39 andind program med to process dataand theimplements access controls.Inters access controls.Inters access controls.and theimplements access controls.Inters access controls.Inters access controls.and theimplements access controls.Inters access controls.
· · · · · · · · · · · · · · · · · · ·	Actual Claims Language		a second controller operable to connect to and interface with a second transport medium; and a supervisor unit coupled to the first controller, the second controller and the buffer, the supervisor unit operable to map between devices connected to the first transport medium and the storage devices,

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## EXHIBIT C

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## 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

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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

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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).

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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 ensuaring 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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implementing access controls, or a memory buffer.3 At the hearing, the defendants' connsel suggested that Figure 2 of the Lui patent discloses the claimed invention of the '972 patent However, Figure 2 of the Lui patent is not a part of the Lui invention; rather it is an illustration of a "conventional" network system that the Lui invention allegedly improves upon. See id. at 3:66. The Court rejects the defendants' argument that "conventional" network systems also read directly upon the '972 claimed invention. The patent examiner may have let one piece of prior art slip by; he or she would not have missed a "conventional" network system directly applicable to the plaintiff's claimed invention.

In sum, the Court will adopt the plaintiff's proposed definition and construe the phrase "implements access controls" in the claims of the '972 patent to mean "provides controls which limit a computer's access to a specific subset of storage devices or sections of a single storage device." "allocation of subsets of storage space to associated Fibre Channel devices, wherein П.

each subset is only accessible by the associated Fibre Chanel device"

The dispute here is essentially the same as in the preceding section. This phrase is used in claims 2, 8 and 12 of the '972 patent. As it did with the "implements access controls ... " phrase, the plaintiff argues the "allocation . . ." phrase means that specific Fibre Channel devices can be allocated storage space on subsections of a single SCSI storage device and on entire, undivided SCSI storage devices. The defendants stick to their general argument on this issue, and contend the phrase

³ The defendants argue these features are "implicitly" found in the Lui specification and in any event were disclosed in other prior art. See Defendants' Brief, at 12 and n.1. The Court is not persuaded that these features are "implicitly" disclosed by the Lui patent, and the other prior art briefly referenced by the defendants makes no mention of combining that prior art with the invention of the Lui patent, or vice-versa.

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means storage space can only be allocated on subsections of a single divided SCSI storage device. Both parties agree this storage space, however it is defined, can only be accessed by the specified Fibre Channel device(s).

The plaintiff's proposed definition is "subsets of storage space are allocated to specific Fibre Channel devices." See Plaintiff's Brief, at 26. The defendants say the phrase should be defined to mean "one or more partitions that are only accessible by a single Fibre Channel device." See Defendants' Brief, Ex. 2. For the reasons discussed in the preceding section, the Court adopts the plaintiff's proposed construction.

IV. "supervisor unit"

This term is used in claims 1, 2 and 10 of the '972 patent. The plaintiff contends this term should be defined as "a microprocessor programmed to process data in a buffer in order to map between Fibre Channel devices and SCSI devices and which implements access controls." See Plaintiff's Brief, at 25. The defendants argue the term should be defined as "an Intel 80960RP processor" with several specific features. See Defendants' Brief, Ex. 2.

The defendants argue their construction is mandated by the means-plus-function analysis of § 112(6) of the Patent Act, because the claims of the '972 patent do not adequately describe the "supervisor unit" to be used. See Defendants' Brief, at 15-17. The plaintiff argues that § 112(6) does not apply because the term "means" is not used with the term "supervisor unit" and because the term "supervisor unit" is adequately described by other claim language in the '972 patent. See Plaintiff's Markman Exhibits, at 35-39.

Section 112(6) of the Patent Act provides that when a claim refers to the "means for" a

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specific act, but fails to adequately describe these means, the means then must be defined by reference to the specification. See 35 U.S.C. § 112(6).4 If the claim language at issue does not include the term "means," there is a presumption that the § 112(6) means-plus-function analysis does not apply. See Al-Site Corp. v. VSI Int 7, Inc., 174 F.3d 1308, 1318 (Fed. Cir. 1999) ("[W]hen an element of a claim does not use the term 'means,' treatment as a means-plus-function claim element is generally not appropriate."). To overcome this presumption, the party seeking to apply § 112(6) must show the claim language at issue is purely functional and that other claim language does not adequately describe the disputed term. See id ("[W]hen it is apparent that the element invokes purely functional terms, without the additional recital of specific structure or material for performing that function, the claim element may be a means-plus-function element despite the lack of express means-plus- function language."). From a review of the claim language as a whole, the Court agrees with the plaintiff that the term "supervisor unit" is not purely functional, but refers instead to a device that can perform the tasks specifically listed in the claim language of the '972 patent. Specifically, claims 1, 2 and 10 of the '972 patent describe a "supervisor unit" that can: (1) maintain and map the configuration of networked Fibre Channel and SCSI storage devices; (2) include in this configuration an allocation of specific storage space to specific Fibre Channel devices; (3) implement access controls for the SCSI storage devices; and (4) process data in the storage router's buffer to allow an exchange between the Fibre Channel and SCSI storage devices. See '972 Patent,

⁴ Section 112(6) reads as follows: "An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." 35 U.S.C. § 112(6).

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at Claims 1, 2 and 10. These are the same tasks described in the plaintiff's proposed definition. In addition, the specification expressly defines the "supervisor unit" as "a microprocessor" (a computer chip) and specifically as "a microprocessor for controlling operation of storage router 56 and to handle mapping and security access for requests between Fibre Channel 52 and SCSI bus 54." See id. at 5:7 - 5:10. However, neither the specification (nor the claim language) limits the '972 patent to the specific Intel computer chip referenced by the defendants. Although the defendants correctly point out that the Intel 80960 chip is the only computer chip expressly named in the '972 patent and the specification describes many features this chip, the defendants fail to note that the Intel 80960 chip is listed as only "one implementation" of the claimed invention's microprocessor. See '972 Patent, at 5:63. The defendants are attempting exactly what the Federal Circuit prohibits - to limit the claims to the preferred embodiment and examples of the specification. "This court has cautioned against limiting the claimed invention to preferred embodiments or specific examples in the specification." Comark, 156 F.3d at 1186 (quoting Texas Instruments, Inc. v. United States Int'l Trade Comm'n, 805 F.2d 1558, 1563 (Fed. Cir. 1988)). The Court will not use an example of "one implementation" in the specification to limit the plain language of the claims. Accordingly, the Court adopts the plaintiff's definition of "supervisor unit" and will construe that term as used in the claims of the '972 patent to mean "a microprocessor programmed to process data in a buffer in order to map between Fibre Channel devices and SCSI devices and which implements access controls."

V. "SCSI storage devices"

This term is used in claims 1, 4, 7, 9-11 and 14 of the '972 patent. The plaintiff argues that this term essentially needs no further definition because the term SCSI is so well-known in the industry, but proposes that the term can be further defined as "any storage device including, for

example, a tape drive, CD-ROM drive, or a hard disk drive that understands the SCSI protocol and <u>can communicate using the SCSI protocol.^{*} See Plaintiff's Brief, at 18. The defendants argue the</u> term should be defined as "any storage device that uses a SCSI standard and has a unique BUS:TARGET:LUN address.^{*} See Defendants' Brief, Ex. 2.

The Court agrees with the plaintiff. Essentially, the defendants contend their narrow definition should be used because it "comports with '972 specification" and its discussion of SCSI storage devices. See Defendant's Brief, at 14. However, the specification language referred to by the defendants is only one example of how the SCSI storage device addressing scheme "can" be represented. See '972 Patent, at 7:39. Again, the defendants are impermissibly trying to limit the claim language to an example given in the specification. See Comun., 156 F.3d at 1186-87. For the sake of extra clarity, the Court will adopt the plaintiff's proposed definition for this term.

VL "process data in the buffer"

This phrase is used in claims 1 and 10 of the '972 patent. The plaintiff argues the phrase is adequately defined on its own and by the surrounding claim language. The defendants contend the phrase should be defined as "to manipulate data in the buffer in a manner to (a) achieve mapping between Fibre Channel and SCSI devices, and (b) apply access controls and routing functions." See Defendants' Brief, Ex. 2.

The plain language of claims 1 and 10 disclose that the supervisor unit (the microprocessor) processes data in the buffer "to interface between the Fibre Channel controller and the SCSI controller to allow access from Fibre Channel initiator devices to SCSI storage devices using the native low level, block protocol in accordance with the configuration." See '972 Patent, at Claims 1 and 10. This language adequately describes what it means to "process data in the buffer" for these

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claims. Simply because the specification may use slightly different language to describe this "processing," see *id.* at 5:18 - 5:20, does not entitle the defendants to adopt the specification language over the plain language of the claims. The Court will not further define this phrase.

#### VII. "storage router"

This term is used in claims 1-7 and 10 of the '972 patent. The plaintiff argues the term needs no further definition for claims 1-6, and for claim 7 it should be defined as "a device which provides virtual local storage, maps, implements access controls, and allows access using native low level block protocols." See Plaintiff's Brief, at 27. The defendants contend the term should mean "a bridge device that connects a Fibre Channel link directly to a SCSI bus and enables the exchange of SCSI command set information between application clients on SCSI bus devices and the Fibre Channel links." See Defendants' Brief, Ex. 2.

The defendants do not make any argument for their proposed definition in their brief, and did not discuss the term at the July 25 hearing. In their notebook of exhibits presented at the hearing, the defendants include one page which supports their definition with a quote from the specification. *See* Defendants' *Markman* Exhibits, "Markman Presentation" Tab, at 22. This argument is disingennous. The specification language quoted by the defendants is immediately followed by several sentences finther defining "storage router." Indeed, the next sentence begins "Further, the storage router applies access controls . . . ." *See* '972 Patent, at 5:30. The defendants' attempt to limit the term "storage router" to one of several descriptive sentences in the specification is not welltaken. In addition, the Court finds the term "storage router," as used in all claims of the '972 patent, isadequately described by the additional language of the claims, which discloses in detail the various functions and/or qualities of the storage router. The Court will not further define this term.

### VIII. "map"

This term is used in claims 1, 7, 10 and 11 of the '972 patent. The plaintiff contends the term means "to create a path from a device on one side of the storage router to a device on the other side of the router, *i.e.* from a Fibre Channel device to a SCSI device (or vice-versa). A 'map' contains a representation of devices on each side of the storage router, so that when a device on one side of the storage router wants to communicate to a device on the other side of the storage router, the storage router can connect the devices." *See* Plaintiff's Brief, at 22. The defendants argue the term means "to translate addresses." *See* Defendants' Brief, Ex. 2.

In support of their definition, the defendants point only to a dictionary definition of "map." See Defendants' Brief, at 13 and Ex. 4. The plaintiff, on the other hand, cites to specific portions of the specification that support its definitions of map (both as a verb and a noum) as used in the claims of the '972 patent. See Plaintiff's Brief, at 22 (citing '972 Patent, at 1:66-2:5 and 6:65 - 7:6). Because intrinsic-evidence is far more salient than a dictionary definition, and because the Court agrees that the specification language cited by the plaintiff supports its construction of the term "map," the Court will adopt the plaintiff's proposed definition of this term.

IX. "Fibre Channel protocol unit" and "SCSI protocol unit"

These terms are used in claims 5 and 6 of the '972 patent. The plaintiff contends these phrases should be defined as "a portion of the Fibre Channel controller which connects to the Fibre Channel transport medium" and "a portion of the SCSI controller which interfaces to the SCSI bus." See Plaintiff's Brief, at 27. The defendants say the terms mean "block and equivalents thereof that connects to the Fibre Channel transport medium" and "block and equivalents thereof that connects to the SCSI bus transport medium." See Defendants' Brief, Ex. 2.

- 12 -

The defendants argue the means-plus-function analysis of § 112(6) should apply here because the terms are well-known and are not defined in two dictionaries cited by the defendants. See Defendants' Brief, at 7-8, 14-15, Ex. 4 and Ex. 5. However, the defendants do not indicate how the term should be defined in reference to the specification, and in fact contend "the '972 specification fails to reveal any structure corresponding to the claimed function." See id. at 8 and 15. The defendants then propose the word "block" should be used to describe these terms because the "protocol units" are "simply depicted as a block within the diagram of Figure 5" of the '972 patent. See id. This reasoning is wholly impersuasive. Simply because a figure in the patent physically depicts the protocol units in a block-like shape, it does not follow that the units should be defined as "blocks or equivalents thereof." Under that reasoning, the SCSI storage devices, which are physically depicted as cylinders in the '972 patent, could be defined simply as "cylinders, oil drums or monkey barrels, or equivalents thereof." As the plaintiff correctly points out, the language of claims 5 and 6 plainly states that the "protocol units" for both devices are part of the "controllers" for the devices, and are intended to "connect" the devices to various "transport media" (i.e., to various cables). See '972 Patent, at Claims 5 and 6. Accordingly, the Court adopts the plaintiff's definitions for these terms, and will construe the terms to mean "a portion of the Fibre Channel controller which connects to the Fibre Channel transport medium" and "a portion of the SCSI controller which interfaces to the SCSI bus."

X. "interface"

In their Joint Stipulation of Claim Construction, the parties claim the meaning of the term "interface" is in dispute. However, this phrase is not discussed in any of the parties' briefs; and neither side presented an argument at the July 25 hearing as to why the term is disputed. This term

#### Case 1:13-cv-00895-SS, Document 31-16 Filed 04/09/14 Page 141 of 324 Received 07/27/2000 12: 49:26 on Line 17] for DB01961 printed 07 100 12:13 * Pg 15/17

has a standard and ordinary meaning -even to a federal judge - and the Court will not further define

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## XL Undisputed Terms

Finally, in their Joint Stipulation of Claim Construction, the parties have stipulated to the construction of 17 other terms in the '972 patent. The Court will therefore adopt these stipulated constructions, solely for the purpose of this lawsuit.

Accordingly, the Court enters the following order:

IT IS ORDERED that the attached construction of the patent claims will be incorporated into any jury instructions given in this cause and will be applied by the Court in ruling on the issues raised in summary judgment.

A 00486

SIGNED on this 22 day of July 2000.

UNTED STATES TO IS TRICT JUDGE

Oracle-Huawei-NetApp Ex. 1009, pg. 766

## CONSTRUCTION OF CLAIMS U.S. PATENT NO. 5,941,972

#### Disputed Terms

The phrase "implements access controls for storage space on the SCSI storage devices" means provides controls which limit a computer's access to a specific subset of storage devices or sections of a single storage device.

The phrase "allocation of subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device" means subsets of storage space are allocated to specific Fibre Channel devices.

A "supervisor unit" is a microprocessor programmed to process data in a buffer in order to map between Fibre Channel devices and SCSI devices and which implements access controls.

A "SCSI storage device" is any storage device including, for example, a tape drive, CD-ROM drive, or a hard disk drive that understands the SCSI protocol and can communicate using the SCSI protocol.

The term "map" means to create a path from a device on one side of the storage router to a device on the other side of the router, *i.e.* from a Fibre Channel device to a SCSI device (or vice-versa). A "map" contains a representation of devices on each side of the storage router, so that when a device on one side of the storage router wants to communicate with a device on the other side of the storage router, the storage router can connect the devices.

A "Fibre Channel protocol unit" is a portion of the Fibre Channel controller which connects to the Fibre Channel transport medium.

A "SCSI protocol unit" is a portion of the SCSI controller which interfaces to the SCSI bus.

Stipulated / Undisputed Terms

A "buffer" is a memory device that is utilized to temporarily hold data.

A "direct memory access (DMA) interface" is a device that acts under little or no microprocessor control to access memory for data transfer.

A "Fibre Channel" is a known high-speed serial interconnect, the structure and operation of which is described, for example, in Fibre Channel Physical and Signaling Interface (FC-PH), ANSI X3.230 Fibre Channel Arbitrated Loop (FC-AL), and ANSI X3.272 Fibre Channel Private Loop Direct Attach (FC-PLDA).

A "Fibre Channel controller" is a device that interfaces with a Fibre Channel transport medium.

A "Fibre Channel device" is any device, such as a computer, that understands Fibre Channel protocol and can communicate using Fibre Channel protocol.

"Fibre Channel protocol" is a set of rules that apply to Fibre Channel.

A "Fibre Channel transport medium" is a serial optical or electrical communications link that connects devices using Fibre Channel protocol.

A "first-in-first-out queue" is a multi-element data structure from which elements can be removed only in the same order in which they were inserted; that is, it follows a first in, first out (FIFO) constraint.

A "hard disk drive" is a well known magnetic storage media, and includes a SCSI hard disk drive.

An "initiator device" is a device that issues requests for data or storage.

"Maintain(ing) a configuration" means keep(ing) a modifiable setting of information.

A "native low level, block protocol" is a set of rules or standards that enable computers to exchange information and do not involve the overhead of high level protocols and file systems typically required by network servers.

A "SCSI" (Small Computer System Interface) is a high speed parallel interface that may be used to connect components of a computer system.

A "SCSI bus transport medium" is a cable consisting of a group of parallel wires (normally 68) that forms a communications path between a SCSI storage device and another device, such as a computer.

A "SCSI controller" is a device that interfaces with the SCSI bus transport medium.

"Virtual local storage" is a specific subset of overall data stored in storage devices that has the appearance and characteristics of local storage.

A "workstation" is a remote computing device that connects to the Fibre Channel, and may consist of a personal computer.

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Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 144 of 324

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### EXHIBIT D

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#### Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 146 of 324

NOTE: Pursuant to Fed. Cir. R. 47.6, this disposition is not citable as precedent. It is a public record. This disposition will appear in tables published periodically.

## 

02-1158

MAR 1 0 2003 CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS BY _______ DEPUTY CLERK

CROSSROADS SYSTEMS, (TEXAS), INC.,

Plaintiff-Appellee,

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#### CHAPARRAL NETWORK STORAGE, INC.,

Defendant-Appellant.

FILED U.S. COUNT OF APPEALS FOR THE FEDERAL CIRCUIT

FEB 1 2 2003

(FIED COP)

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### JUDGMENT

JAN HORBALY CLERK

ON APPEAL from the

United States District Court for the Western District of Texas

In CASE NO(S).

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MAR 1 0 2003

00-CV-217 and 00-CV-621

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

AFFIRMED. See Fed. Cir. R. 36

Per Curiam (NEWMAN, SCHALL, and DYK, Circuit Judges).

ENTERED BY ORDER OF THE COURT

FEB 1 2 2003 DATED Jan Horbely, Clerk ISSUED AS A MANDATE: MARCH 5, 2003 Costs Against Appellant: Total \$97.35 g 6 03/17/2003 MON 12.47 TTY / RY NA 69791

Oracle-Huawei-NetApp Ex. 1009, pg. 771

### Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 147 of 324



## United States Patent and Trademark Office

			UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandra. Virginia 223 www.uspto.gov	TMENT OF COMMERCE Trademark Office OR PATENTS 113-1450
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,317 96/007,125	11/23/2004	6425035	HOESE1/WAB	1634
44654 7	05/24/2005		EXAM	INER
SPRINKLE I 1301 W. 25TH	P LAW GROUP		Fleming, F	eitz
SUITE 408			ART UNIT	PAPER NUMBER
AUSTIN, TX	78705		2182	
			DATE MAILED: 05/24/2005	5

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)



### Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
90/007,317	11/23/2004	6425035	HOESE1/WAB
		Γ	EXAMINER

Larry E. Severin Wang, Hartman & Gibbs, PC 1301 Dove Street Suite 1050 Newport Beach, CA 92660

,,

Fleming, Fritz

ART UNIT PAPER

2182

DATE MAILED: 05/24/05

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**Commissioner of Patents and Trademarks** 

CC: SPRINKLE IP LAW GROUP 1301 W. 25th Street Suite 408 Austin, TX 78705

PTO-90C (Rev.3-98)

#### Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 149 of 324



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### EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. <u>90/007,125</u>. merged with 7, 317.

PATENT NO. <u>6425035</u>.

ART UNIT <u>2182</u>.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

PTOL-465 (Rev.07-04)

		Control No. 90/007,125 maried with 7,317	Patent Under Reexamination 6425035						
Office Act	tion in Ex Parte Reexamination	<b>Examiner</b> Fritz M. Fleming	Art Unit 2182						
The	MAILING DATE of this communication appe	ears on the cover sheet with the co	rrespondence address						
a⊠ Responsiv c⊠ A stateme	e to the communication(s) filed on <u>06 April 200</u> nt under 37 CFR 1.530 has not been received t	<u>b</u> This action is made from the patent owner.	FINAL.						
A shortened sta Failure to respo certificate in acc If the period for will be consider	tutory period for response to this action is set in nd within the period for response will result in it cordance with this action. 37 CFR 1.550(d). Et response specified above is less than thirty (3) ed timely.	to expire <u>2</u> month(s) from the mailing termination of the proceeding and iss <b>XTENSIONS OF TIME ARE GOVER</b> 0) days, a response within the statute	date of this letter. uance of an <i>ex parte</i> reexamination NED BY 37 CFR 1.550(c). ory minimum of thirty (30) days						
Part I THE F	OLLOWING ATTACHMENT(S) ARE PART OF	THIS ACTION:							
1. 🛛 No	otice of References Cited by Examiner, PTO-8	92. 3. 🗌 Interview Summa	ary, PTO-474.						
2. 🛛 Inf	formation Disclosure Statement, PTO-1449.	<b>4</b> . 🔲·							
Part II SUMM	IARY OF ACTION								
1a. 🛛 CI	aims <u>1-14</u> are subject to reexamination.								
1b. 🗌 CI	aims are not subject to reexamination.								
2. 🔲 CI	aims have been canceled in the presen	t reexamination proceeding.							
3. 🗌 CI	aims are patentable and/or confirmed.								
4. 🖾 CI	laims <u>1-14</u> are rejected.								
5. 🗌 CI	aims are objected to.								
6. 🖾 TI	ne drawings, filed on <u>7/19/2004</u> are acceptable	9.							
7. 🗆 TH	ne proposed drawing correction, filed on	has been (7a) approved (7b)	disapproved.						
8. 🗆 Ad	cknowledgment is made of the priority claim u	nder 35 U.S.C. § 119(a)-(d) or (f).							
a)[	☐ All b)  Some* c)  None of the cer	tified copies have							
1[	been received.								
2[	not been received.		• .						
3[	been filed in Application No								
4[	been filed in reexamination Control No.								
5[	been received by the International Bureau	in PCT application No							
*s	See the attached detailed Office action for a list	t of the certified copies not received.							
9. 🗌 S n 1	9. Since the proceeding appears to be in condition for issuance of an <i>ex parte</i> reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte</i> Quayle, 1935 C,D. 11, 453 O.G. 213.								
10. 🗌 C	Other:		Production of the control of the con						
cc: Requester (if	third party requester)								
U.S. Patent and Tradema PTOL-466 (Rev. 04	ark Office Action in 4-01) Office Action in	n Ex Parte Reexamination	Part of Paper No. 20050523						

Application/Control Number: 90/007,125 Marged with 7,317 Page 2 Art Unit: 2182

#### Reexamination

 In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, which will be strictly enforced.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

2. A shortened statutory period for response to this action is set to expire 2 months from the mailing date of this letter.

1. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,425,035 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

2. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

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It is to be noted that each independent claim (i.e. 1,7,11) has the phrase "using native low level, block protocols", which per the interview for 90/007127, distinguishes over the art of record used in the first office action. However, instead of being able to close out prosecution with this action, a new non-final action is being issued. This is due to the filing of the IDS after the mailing date of the first office action. Had this information, namely the Spring (UK GB 2297636), been filed prior to the first office action. Since there was no statement similar to that of 37 CFR 1.97(e), an action based solely upon art cited by the patent owner could have been made final, even when the claims are not amended (see below). Since the art cited by the patent owner led to the discovery of other references used in this rejection, this action cannot be made final, but does certainly delay a final action on the claimed subject matter.

#### MPEP 2171:

#### **III. ART CITED BY PATENT OWNER DURING PROSECUTION**

Where art is submitted in a prior art citation under 37 CFR 1.501 and/or 37 CFR 1.555 (an IDS filed in a reexamination is construed as a prior art citation) and the submission is not accompanied by a statement similar to that of 37 CFR 1.97(e), the examiner may use the art submitted and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection is introduced by the examiner based on the new art not cited in the prior art citation. See MPEP § 706.07(a).

#### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Application/Control Number: 90/007,125 المعنى الله 7،317 Art Unit: 2182

Page 4

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 7-9,11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Spring (UK GB 2297636—Spring) in view of Oeda et al. (Oeda).

Starting with the independent claim 7, one finds an apparatus per Figure 1 comprising a plurality of user workstations (USER 1-4 each having15-18), a corresponding plurality of first transport medium (un-numbered) connecting the USERS to the storage router (server 20), which in turn is connected to a plurality of storage Application/Control Number: 90/007,125 Maryid with 7.317 Page 5 Art Unit: 2182

devices in the form of drives 1-5 (21-25) via a corresponding set of second transport medium (again un-numbered). Thus the storage router (server 20) interfaces between the workstations and the storage devices, as shown in detail in Figure 2, wherein the processor 28 controls the USER interface circuits 26 and the disk drive interface circuits 27. The internal memory 29 provides programmed instructions for the processor 28. The storage router (server 20) is connected to each USER via a SCSI interface, and in turn to the emulated SCSI drive (drives 21-25). See for example, pages 5-7. Thus, an apparatus for providing virtual local storage (at drives 21-25) on remote storage devices (21-25 are remote from workstations 15/16) connected to one transport medium (the non-numbered connections from the shared file server 20 to the drives 21-25) to devices (workstations 15/16, of which 4 are shown) connected to another transport medium (the un-numbered connections between the workstations 15/16 and the file server 20) is shown in Figure 1. The method of providing virtual local storage is set forth at page 3, wherein it is disclosed that a method of storing data at a large storage volume which emulates (hence makes virtual) a plurality of removable disc drives (the local storage). See also page 10, lines 1-3, wherein step 34 describes a data transfer in which the local operating software may read and write to logical drives as if they were local removable disc drives, thereby anticipating the virtual local storage, as the drives themselves are remote to the users, but appear to the user's as the conventional local removable disc drives, and hence virtual local storage as logical drives emulate (i.e. virtual) the removable disc drives (the local storage). Thus the storage router (server 20) interfaces with the first and second transport medium and provides the

Application/Control Number: 90/007,125 Maried with 7,317 Page 6 Art Unit: 2182

virtual local storage to the USERS. There is a mention of a look up table (68) for each logical drive, but such is not the mapping between the workstations and storage devices as claimed, noting that USERS access logical drives. The implementing of access controls is clearly described throughout the disclosure, especially noting that each USER has access to a large number of removable disc drives (see page 7, lines 18-27), thereby teaching the implementation of some sort of access controls, with the storage router (server 20) determining if the requested drive is available, and if so, granting access to the requesting workstation (see page 8, lines 10-17). Thus the access is ultimately controlled and allowed by the storage router (server 20). All of this is done by native low level, block protocol (NLLBP), as the only protocol used from the USERs to the storage router and by the storage router (server 20) is that of the SCSI protocol, such being selected so that the storage router (server 20) will return data back to the USER via the SCSI protocol (page 8, lines 10-17), as the processor 15 (of a USER) issues commands over the SCSI interface (page 8 lines 4-9). Per page 12, lines 14-26, the local operating system of the USER (62) thinks it is accessing a conventional SCSI drive via communications over a conventional SCSI interface to the storage router SCSI interface (65), wherein the communication conforms to establish SCSI protocols without having to embed network software within the workstations. Furthermore, the server operating system (66) converts the SCSI sector definitions into physical data blocks for each logical drive, such that the server operating system (60) emulates an SCSI disc drive per Figure 5. Finally note that the storage router (server 20) grants access to an emulated logical disc drive (page 9, lines 17-19) via mount and dismount commands

Application/Control Number: 90/007,125 Marged with 7,317 Page 7 Art Unit: 2182

(pages 9 and 10) and that the storage router (server 20) has to keep track of user created blocks, such that the USER is presented with a user interface allowing existing logical drives to be selected as well as new logical drives to be defined (page 12, lines 9-13), all via the use of the SCSI NLLBP. Communications between the USERS and the storage router (server 20) is implemented using established protocols, preferred to be SCSI, which is in turn, the claimed use of the NLLBP, as this is used from the USER to the storage router to the disc drives. While look up tables and keeping track of USER blocks is mentioned, this does not set forth a mapping between the workstations and the storage devices, noting that Spring is using logical drives for the USERs.

In the same field of endeavor, Oeda et al. (Oeda) teaches that it is old and well known per Figure 4 to have a plurality of HOSTs (i.e. 1A,B) connected to a SCSI bus (2), which is then in turn connected to a disk controller (5) and a disk drive unit (4). Per Figure 4, it is clearly shown that the disk drive (4) is divided into subsets mapped to the HOSTs, wherein HOST 1A is only allowed to access its partition (41), HOST 1B is only allowed to access its partition (41), HOST 1B is only allowed to access to the shared partition (42), and either HOST is granted a shared read only access to the shared partition (43). The partitions (41-43) are assigned to the HOSTs as is shown, with the purpose of the assigned partitions avoiding erroneous partition access and data destruction (column 7, line 53-column 8, line 30). Thus a mapping between workstations (in the form of HOSTs) and the assigned partitions (41-43) is clearly shown, such that a HOST 1A can only request partitions 41 and 43 (the implementing of storage area access controls), and is prevented from erroneously accessing the Host 1B partition 42 (see column 8, lines 13-16), which is the ultimate

Application/Control Number: 90/007,125 、ハッイマンタ いんチュスパチ Page 8 Art Unit: 2182

allowing of access to only those partitions of the storage area for which access control has been mapped. Furthermore, the disk controller (5 and functioning as a storage router) performs exclusive control between the HOSTs and the drive per Figure 2, wherein the SCSI CONTROL LSI has the ID REGISTERS (71-73) which contains the DEVICE IDs and thus compares the requested device ID by a HOST to the stored IDs and grants or denies access based upon the mapping of Figure 4. Since each partition has a SCSI ID, each partition is a seen as a logical drive (and can be assigned different logical unit numbers – LUNs – column 6, lines 34-37), as the HOST sees three separate disk storage devices. The protocol used is that of the SCSI standard, with the 7 phases set forth at column 5, again showing that access from the HOSTs to the storage router (i.e. the disk controller 5 as it performs the mapping, access controls, and granting of access) to the disk drive unit (4) is exclusively SCSI, thus exhibiting the use of a NLLBP as claimed.

Therefore it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify Spring 636 in view of Oeda for the express purpose of providing a plurality of USERs/HOSTs mapped and controlled access to assigned partitions in order to avoid erroneous disk access and data destruction. In combination, each USER/HOST is granted access to only its subset partition (i.e. logical disk) to which it is mapped. The USERs are a plurality of workstations, and the storage devices are a plurality of disc drives, noting that Oeda supports an array of drives (17) divided into partitions (171-173) such that it performs as a RAID, as does SPRING '636, with each device seen by a HOST independent from one another (Oeda columns 6 and

Application/Control Number: 90/007,125  $M^{\eta}$   $\omega_i \mathcal{H} = 1,3|7$  Page 9 Art Unit: 2182

7). Thus when combined, the plurality of disc drives are divided into partitions mapped to specific USERs/HOSTs, so that access is controlled and granted via the mapping, performed by the storage router (the combined server 20 and disk controller 5).

As far as claims 11-14 are concerned, the method limitations are rendered obvious by the combined teachings of Spring '636 in view of Oeda. For example, the preamble to claim 11 sets forth "one" and "another" transport medium, while the body of the claim only refers to "first" and "second" medium, which only enumerates the medium, but does not require them as being different. Combined, Spring '636 in view of Oeda sets forth the method by which the USERs/HOSTs are interfaced with the disk drives (storage) such that the storage router (the combined teachings of the server 20 and the disk controller 5) provides the claimed mapping, implementing of the access controls, and the allowing access using only the SCSI protocol, which is a NLLBP.

7. Claims 1-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spring '636 in view of Oeda as applied to claims 7-9 and 11-14 above, and further in view of Jibbe et al. (Jibbe).

Spring '636 in view of Oeda set forth the use of a storage router to provide mapping, access control and access granting of USER/HOST requests to the storage disks. Per Spring '636, the server (20) has interfaces (26,27), a CPU (28) connected to the interfaces, and a memory for CPU instructions (29), using SCSI protocol (a NLLBP) end to end. See Figure 2. Per Oeda, the disk controller (5) provides mapping and access control and granting based upon the SCSI CONTROL LSI (6) and the ID REGISTERS (71-73) from the HOSTs (1A,B) to the disk(s) (either 4 or the array17) Application/Control Number: 90/007,125 Margad w. K. 7,317 Page 10 Art Unit: 2182

using the SCSI protocol (a NLLBP) end to end. What is lacking is the specific detail of the SCSI HOST to SCSI DISK controller.

In the same field of endeavor, Jibbe teaches that it is old and well known to use a SCSI-SCSI controller for HOST to disk array access. See for example, Figure 1, which sets forth the use of a microprocessor (51) coupled to the HOST SCSI interface controller 14 and the SCSI disk drive interface controllers (31-35), such that the microprocessor controls the interfaces (column 4, lines 1-9). The SCSI Array Data Path Chip (ADP 10) interconnects the SCSI data bus (16) with the SCSI data busses (21-25), and is also under the control of the microprocessor controller (51). The DMA FIFO BLOCK 70 holds data received from the host until the array is ready to accept it and to hold data from the disk array until the host is ready to accept it (column 5, lines 14-21). The DMA interface (14) is coupled to the FIFO (70) as well as the first protocol unit (SCSI adapter 14), such that the HOST SCSI adapter (i.e. a first controller) is operable to pull data from and place data into the FIFO (70), with the second controllers (SCSI interfaces 31-35) operable to pull data from and place data into the FIFO (70), under the control of the supervisory unit (microprocessor 51) and its bus (53) that couples it to the interface controllers (14 and 31-35). The memory (36) is a 64kByte SRAM that provides memory workspace during read/modify/write operations of RAID 5 and is also coupled to the microprocessor/supervisor (51) via the ADP (10). Thus the memory (36) and the FIFO (70) provide memory work space for the array controller and allows the microprocessor/supervisor (51) to process data stored therein to allow a HOST to interface with the disk storage. It is also expressly taught that the data path architecture Application/Control Number: 90/007,125 Marged with 7,317 Page 11 Art Unit: 2182

can be constructed with ESDI, IPI or EISA devices rather than with SCSI devices (column 11, lines 40-43). In summary, Jibbe teaches a supervisor unit 51 coupled to first and second controllers (14 and 31-35), an ADP (10) and buffers (36 and 70), such that the supervisory unit controls the controllers and buffers and the ADP for the express purpose of configurability between RAID 1,3-5 levels, as well as the use of the FIFO buffers for holding data until the host/disk drives are ready. The Host DMA interface (14) is coupled to the SCSI controller (14) and the FIFO buffers/queues (70/101-105) and the buffer (36—internal to the Figure 1 disk array controller).

Therefore it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify Spring '636 in view of Oeda by the teachings of Jibbe in order to provide for increased RAID functionality via the SCSI disk array controller details, which in turn provide for configurability between various RAID levels (certainly desirable as both Spring '636 and Oeda are concerned with various RAID levels), as well as the ability to buffer data until the host/disks are ready. The combination is proper as Spring '636 and Oeda use SCSI controllers between the host and disk(s) and RAID configurations. Spring '636 even lays out the same basic functionality as Jibbe's array controller in the storage router (server 20), with the required ability to interface with the host and disks via the SCSI protocol. Oeda also provides host to disk interfacing with mapping, access control and access granting in a SCSI protocol environment. It is also to be noted that claims 5 and 6 each depend from claim 1, and thus the single DMA interface of Jibbe that is coupled to the SCSI controller (14) and the disk drive controllers (31-35) meets the claims, because at most,

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only one DMA interface is needed at a time via the claim structure. Thus Jibbe provides the details of a SCSI disk array controller needed by Spring '636 and Oeda, and the combined teachings of Spring '636 and Oeda and Jibbe render the claims obvious per the above analysis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz M. Fleming whose telephone number is 571-272-4145. The examiner can normally be reached on M-F, 0600-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any fax should be sent to the CRU at 571-273-0100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Fritz M Fleming Primary Examiner Art Unit 2182

UPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100

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Oracle-Huawei-NetApp Ex. 1009, pg. 786

IN THE UNITED STATES P	ATENT AND TRADEMARK	OFFICE		
WAR 2 5 200 - 5.		Atty. Docket No. (Opt.)		
SFORMATION DISCLOSURE STATE	MENT BY APPLICANTS	CROSS1123-17		
		CROSS1123-19		
& TRADEWIL	Applicants			
	Geoffrey B. Hoese et al.			
•	Application Number	Filed		
	90/007,125	07/19/2004		
	90/007,317	07/19/2004		
	For			
	Storage Router and Meth	er and Method for Providing		
	Virtual Local Storage			
· · ·	Group Art Unit	Examiner		
	2182	Fleming, Fritz M.		
Commissioner for Patents	Certification Unde	ar 37 C.F.R. §1.8		
P.O. Box 1450	I hereby certify that this document is being deposited with the United States Postal Service as First Class Mail in ar envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandna, VA 22313 on March 2, 2005.			
Alexandria, VA 22313				

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.555, 1.56, 1.97 and 1.98, that the art listed on the attached SBO8-A and SBO8-B forms be considered and cited in the examination of the above-identified reexamination application. Since the present Application was filed after June 30, 2003, a copy of any U.S. Patent and any U.S. Patent Application Publications cited on the attached SBO8-A form is not being submitted with this Information Disclosure Statement pursuant to the waiver of 37 C.F.R. S 1.98(a)(2)(i) by the U.S. Patent and Trademark Office. Several documents are included on the enclosed CD-Rom for the convenience of the Examiner. If the Examiner would like hard copies of these documents, we will gladly provide them.

Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that a search has been made or that this art is material to patentability of the present application. Applicants respectfully submit that the claims of Applicants' above-referenced patent is patentably distinguishable from these references. Applicants respectfully request consideration of these references. The Commissioner is hereby authorized to charge any fees due, or refund any credit, to Deposit Account No. 50-3183 of Sprinkle IP Law Group for any fee under 37 C.F.R. §1.17.

Respectfully submitted, Sprinkle IP Law Group Attomeys for Applicants

Dated: March 23, 2005 1301 W. 25th Street, Suite 408

1301 W. 25th Street, Suite 408 Austin, TX 78705 T. 512-637-9220 / F. 512-371-9088 John L. Adair Reg. No. 48,828

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INFO	RMAT		SCI (	OSURE	Application Number	er	90/007,123 & 50/00	
					Filing Date		07/19/2004	<u> </u>
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					Group Art Unit		2182	
			·		Examiner Name		Fleming, Fritz M.	
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			Group Art Unit	2182					
			Examiner Name	Fleming, Fritz M.					
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1212	C93	Letter dated 7/12/96 from J. Boykin to B. Smith re: Purchase Order for Evaluation Units from Crossroads (Smith Ex 24) CRDS 8556-57) (CD-	7/12/1996

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					Fritz M. Fleming	2182	Page 1 of 1
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Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 170 of 324

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A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 171 of 324

Search Notes								

Application No.	7,317 Applicant(s)
90/007,125 Mirry	with 6425035
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Case	1:13-cv-00895-SS	Document 31-16 Fi	led 04/09/14	Page 173 of 324	an
	IN THE UNITED S	TATES PATENT AND	TRADEMA	RK OFFICE]
OTP CHAN	IGE OF POWER	R OF ATTORNEY A	AND	Atty. Docket No. CROSS1123-19	
APR 1 4 2000 0		Applicant Geoffrey B. H	loese, et al.]
RECEADEMARKS		Application NL 90/007,317	umber D	ate Filed 1. 03-0004	
		Title Storage Rout Local Storage	er and Metho	d for Providing Virtual	
		Group Art Unit	t E	xaminer Jeming, Fritz	

Applicant hereby served the attached Revocation and Power of Attorney and Change of Mailing Address on Third Party Requesters at the address listed below:

Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

And

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA 22202

As per 35 U.S.C. §1.248 service was made via first class mail on April 8, 2005.

Respectfully submitted,

Sprinkle IP Law Group

John L. Ádair

Reg. No. 48,828

Dated: April <u></u>, 2005

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 371-9088

Enclosures

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Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 174 of 324

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE						
REVOCATION AND POW CHANGE OF MAI	ER OF ATTORNEY AND LING ADDRESS	Atty. Docket No. CROSS1123-19				
OIPE Co	Applicants Geoffrey B. Hoese. et al. Application No.					
APR 1 4 2005 4	90/007,317 For Storage Router and Mer Local Storage	11/23/2004				
BADEMAL	Group Art Unit 2182 Confirmation No.	Examiner Fleming, Fritz				
	<u>Certification U</u>	nder 37 C.F.R. §1.8				
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Dear Sir	I hereby certify that this documer Patent Office, COMMISSIONER <u>4-</u> 8- <u></u> , 2005. <u>Janu</u> Janic	nt is being transmitted to the U.S. FOR PATENTS via facsimile on Pamyoll se Pampell				

Crossroads Systems, Inc., 100% owner of the above-identified patent application, as evidenced by the Assignment recorded in the parent application on December 31, 1997 on Reel/Frame: 8929/0290, hereby revokes all previous Powers of Attorney and appoints the following attorneys under Customer No. 44654, all of the firm of SPRINKLE IP LAW GROUP, to prosecute the aboveidentified Patent and to transact all business in the Patent and Trademark Office connected therewith.

> STEVEN R. SPRINKLE JOHN ADAIR ARI AKMAL

Registration No. 40,825 Registration No. 48,828 Registration No. 51,388

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I hereby state I am authorized to act on behalf of Crossroads Systems, Inc.

Respectfully submitted,

Crossroads Systems, Inc.

Dated: April 7 2005

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Robert Sims, President & CEO

Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 175 of 324

APR-08-2005 FRI 11:45 AM Sprinkle IP Law Group

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FAX NO. 5123719088

P. 01



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P.O. Box 684767 Austin, Texas 78768-4767 [0] 512.637.9220 [1] 512.371.9088

FAX COVER SHEET

TO:	U.S. Patent Office	Fax#:	703-872-9306
FROM:	Steve Sprinkle	Client Matter #:	CROSS1123-19
DATE:	09/27/04	# of Pages:	2

Revocations and Power of Attorney RE:

Please contact 512.637.9225 if there is a problem with this transmission.

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PAGE 1/2 * RCVD AT 4/8/2005 1:45:40 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/2 * DNIS:8729306 * CSID:5123719088 * DURATION (mm-ss):01-00

APR-08-2005 FRI 11:45 AM Sprinkle IP Law Group

FAX NO. 5123719088

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IN THE UNITED STAT	TES PATENT AND TRADEMA		
REVOCATION AND POWER OF ATTORNEY AND		Atty. Docket No. CROSS1123-19	
	Applicants Geoffrey B. Hoese. et al		
	Application No. 90/007.317	Filing Date 11/23/2004	
	For Storage Router and Me Local Storage	thod for Providing Virtual	
	Group Art Unit 2182	Examiner Fleming, Fritz	
	Confirmation No.		
	Certification	Inder 37 C.F.R. §1.8	
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	I hereby certify that this docume Patent Office, COMMISSIONEF <u>1-</u> <u>8-</u> , 2005. <u>Janil</u>	I hereby certify that this document is being transmitted to the U.S. Patent Office, COMMISSIONER FOR PATENTS via facsimile on $\underline{4-8}$, 2005. Janie Pampell	
Dear Sir:			

Crossroads Systems, Inc., 100% owner of the above-identified patent application, as evidenced by the Assignment recorded in the parent application on December 31, 1997 on Reel/Frame: 8929/0290, hereby revokes all previous Powers of Attorney and appoints the following attorneys under Customer No. 44654, all of the firm of SPRINKLE IP LAW GROUP, to prosecute the aboveidentified Patent and to transact all business in the Patent and Trademark Office connected therewith.

> STEVEN R. SPRINKLE JOHN ADAIR ARI AKMAL

Registration No. 40,825 Registration No. 48,828 Registration No. 51,388

Direct all telephone calls and correspondence to:

Customer No. 44654 SPRINKLE IP LAW GROUP 1301 W. 25th Street, Suite 408 Austin, Texas 78705 Attn: Steven Sprinkle Tel. (512) 637.9220 / Fax (512) 371.9088

I hereby state I am authorized to act on behalf of Crossroads Systems, Inc.

Respectfully submitted,

Crossroads Systems, Inc.

tobert Sims, President & CEO

Dated: April 7 ____, 2005

"PAGE 2/2 * RCVD AT 4/8/2005 1:45:40 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/2 * DNIS:8729306 * CSID:5123719088 * DURATION (mm-ss):01-00

IN THE UNITED STATES	S PATENT AND TRAD	EMARK OFFICE
CERTIFICATE OF SERVICE UNDER 37 C.F.R. 1.248		Atty. Docket No. CROSS1123-17 CROSS1123-19
	Applicant Geoffrey B. Hoese, et al.	
	Reexamination Control No. 90/007,125 90/007,317	Date Filed 07/19/2004 11/23/2004
	Title Storage Router and Method for Providing Virtual Local Storage	
	Group Art Unit 2182	Examiner Fleming, Fritz

Applicant hereby serves the Reply to Office Action Under *Ex Parte* Reexamination Dated 02/07/05 in the above referenced case to:

Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA 22202

As per 35 U.S.C. §1.248 service is made via first class mail on April 6, 2005.

Respectfully submitted,

Sprinkle IP, Law Group

John L. Adair Reg. No. 48,828

Dated: April 6, 2005

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 371-9088

Enclosures

IN THE U	NITED STATES PATENT AND TRAD	DEMARK OFFICE		
REPLY TO OFFIC REEXAMIN	REPLY TO OFFICE ACTION UNDER EX PARTE REEXAMINATION DATED 02/07/05			
<u> </u>	Applicants Geoffrey B. Hoese,	Applicants Geoffrey B. Hoese, et al.		
•	Reexamination Cont Number	rol Date Filed		
6548 U.S. PTO	90/007,125	07/19/2004		
	Title Storage Router and Local Storage	Title Storage Router and Method for Providing Virtual Local Storage		
	Group Art Unit 2182	Examiner Fleming, Fritz		
	Confirmation Numbe 2298	er: Patent Ño. 6,425,035		
	Certificate of I	Certificate of Mailing Under 37 C.F.R. §1.10		
Commissioner for Patent	S I hereby certify that this c	I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV616964321US in an envelope addressed to Commissioner for Patents, P. D. Box 1450, Alexandria, VA 22312-1450 on <i>Capule J. 2005</i> Signature <u>Julie H. Rincrae</u> Printed Name		
P.O. Box 1450	EV616964321US in an e			
Alexandria, VA 22313-14	50 $\begin{array}{c} \text{Patents, P.O. Box 1450,} \\ \underline{april 4, 2005} \\ april 4, 2$			
Dear Sir:	Ju			

In response to the Official Action mailed February 7, 2005, Applicant respectfully requests the Examiner reconsider the rejections of the Claims in the Re-Examination of U.S. Patent 6,425,035 (the "035 Patent") in view of the this reply.

Attorney Docket No. CROSS1123-17 CROSS1123-19 Customer ID: 44654 90/007,125 90/007,317

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IN THE CLAIMS:

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1. A storage router for providing virtual local storage on remote storage devices to devices, comprising:

a buffer providing memory work space for the storage router;

a first controller operable to connect to and interface with a first transport medium;

a second controller operable to connect to and interface with a second transport medium; and a supervisor unit coupled to the first controller, the second controller and the buffer, the

supervisor unit operable to map between devices connected to the first transport medium and the storage devices, to implement access controls for storage space on the storage devices and to process data in the buffer to interface between the first controller and the second controller to allow access from devices connected to the first transport medium to the storage devices using native low level, block protocols.

2. The storage router of claim 1, wherein the supervisor unit maintains an allocation of subsets of storage space to associated devices connected to the first transport medium, wherein each subset is only accessible by the associated device connected to the first transport medium.

3. The storage router of claim 2, wherein the devices connected to the first transport medium comprise workstations.

The storage router of claim 2, wherein the storage devices comprise hard disk drives.

5. The storage router of claim 1, wherein the first controller comprises:

a first protocol unit operable to connect to the first transport medium;

a first-in-first-out queue coupled to the first protocol unit; and

a direct memory access (DMA) interface coupled to the first-in-first-out queue and to the buffer.

6. The storage router of claim 1, wherein the second controller comprises: a second protocol unit operable to connect to the second transport medium; an internal buffer coupled to the second protocol unit; and
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a direct memory access (DMA) interface coupled to the internal buffer and to the buffer of the storage router.

A storage network, comprising:

a first transport medium;

a second transport medium;

a plurality of workstations connected to the first transport medium;

a plurality of storage devices connected to the second transport medium; and

a storage router interfacing between the first transport medium and the second transport

medium, the storage router providing virtual local storage on the storage devices to the workstations and operable:

to map between the workstations and the storage devices;

to implement access controls for storage space on the storage devices; and

to allow access from the workstations to the storage devices using native low level, block protocol in accordance with the mapping and access controls.

8. The storage network of claim 7, wherein the access controls include an allocation of subsets of storage space to associated workstations, wherein each subset is only accessible by the associated workstation.

9. The storage network of claim 7, wherein the storage devices comprise hard disk drives.

10. The storage network of claim 7, wherein the storage router comprises:

a buffer providing memory work space for the storage router;

a first controller operable to connect to and interface with the first transport medium, the first controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer;

a second controller operable to connect to and interface with the second transport medium, the second controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer; and

a supervisor unit coupled to the first controller, the second controller and the buffer, the supervisor unit operable:

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to map between devices connected to the first transport medium and the storage devices, to

implement the access controls for storage space on the storage devices and to process data in the buffer to interface between the first controller and the second controller to allow access from workstations to storage devices.

11. A method for providing virtual local storage on remote storage devices connected to one transport medium to devices connected to another transport medium, comprising:

interfacing with a first transport medium;

interfacing with a second transport medium;

mapping between devices connected to the first transport medium and the storage devices and implementing access controls for storage space on the storage devices; and

allowing access from devices connected to the first transport medium to the storage devices using native low level, block protocols.

12. The method of claim 11, wherein mapping between devices connected to the first transport medium and the storage devices includes allocating subsets of storage space to associated devices connected to the first transport medium, wherein each subset is only accessible by the associated device connected to the first transport medium.

13. The method of claim 12, wherein the devices connected to the first transport medium comprise workstations.

14. The method of claim 12, wherein the storage devices comprise hard disk drives.

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2. Petal Does Not Disclose "Allow[ing] Access" From A Workstation

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REMARKS

Applicants appreciate the time taken by the Examiner to review the claims under reexamination and the thoroughness of the remarks provided by the Examiner in the Office Action mailed February 7, 2005. The '035 Patent has been carefully reviewed in light of that Office Action. Based on that review and the remarks made below, Applicants respectfully request reconsideration and favorable action in this case.

I. Rejections Under 35 U.S.C. §102(b)

A. Introduction

Claims 7-9 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by "Petal: Distributed Virtual Disks" ("Petal").

Anticipation under § 102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." See, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 621, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown and the elements must be arranged as required by the claim. *See, Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989) and *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). *See also*, MPEP 2131. However, a reference must be enabling to be anticipatory. *See, Amgen, Inc. v. Hoechst Marion Roussel, Inc.*, 314 F.3d 1313, 1354, 65 USPQ2d 1385, 1416 (Fed. Cir. 2003) ("A claimed invention cannot be anticipated by a prior art reference if the allegedly anticipatory disclosures cited as prior art are not enabled").

As detailed more fully below, Applicants respectfully submit that neither independent Claim 7 nor independent Claim 11 is anticipated (or rendered obvious) by Petal, as Petal does not disclose, teach or suggest certain limitations of these claims, including: i) allowing devices (e.g., workstations) connected to a first data transport medium to access storage devices using native low level block protocols, ii) mapping between devices (e.g., workstations) connected to the first transport medium and the storage devices and iii) implementing access controls.

B. Claims 11-14

The Examiner devoted a large portion of the Office Action to Claim 11. Accordingly, Applicants will first show how Claim 11 differs from the Petal reference cited by the Examiner, and then address the other Claims.

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1. Overview of Claim 11

Claim 11 recites:

A method for providing virtual local storage on remote storage devices connected to one transport medium to devices connected to another transport medium, comprising: interfacing with a first transport medium; mapping between devices connected to the first transport medium and the storage devices and that implements access controls for storage space on the storage devices; and allowing access from devices connected to the first transport medium to the storage devices using native low level, block protocols. [emphasis added].

Claim 11 includes the limitations of (i) "mapping between devices connected to a first transport medium and storage devices", (ii) "implement[ing] access controls" and (iii) "allowing access from devices connected to the first transport medium to the storage devices using native low level block protocols". These features of the present invention allow a host (e.g., workstation) connected to the first transport medium (e.g., Fibre Channel (FC)) to access only that portion (or portions) of the storage devices associated with that particular host. These features also allow a host (or hosts) to communicate with storage devices using <u>only</u> native low level block protocols ("NLLBPs").

2. Petal Does Not Disclose "Allowing Access" From A Workstation Using NLLBP

Claim 11, as discussed above, recites "allowing access from devices connected to the first transport medium to the storage device using native low level block protocols." The "devices connected to the first transport medium" may comprise computer workstations in one exemplary embodiment of the present invention. A NLLBP is a protocol that enables workstations and network servers to exchange information with storage devices without the overhead of high-level protocols and file systems typically required by network servers. As explained below, this definition for NLLBP is supported by both the Specification of the '035 Patent, and the judicial interpretation of a similar limitation by Judge Sparks of the U.S. District Court for the Western District of Texas (an interpretation upheld on appeal by the Court of Appeals for the Federal Circuit).

In systems prior to the present invention, when a computer workstation would make a storage request to a storage device (e.g., disk drive) through a network server, the workstation

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first had to translate the request from its file system protocols to higher level network protocols to communicate with the network server. The network server then would translate these high level protocols into low level requests to the storage device(s). See '035 Patent Specification, col. 1, lines 50-60 and col. 3, lines 14-15 (distinguishing an NLLBP from higher-level protocols by contrasting the present invention to prior art solutions). This high level to low level translation wastes valuable time and makes the access of information occur at a much slower rate. See '035 Patent Specification, col. 1, lines 50-60.

Further, in *Crossroads v. Chaparral Network Storage, Inc.*, Western District of Texas, Civil Action No. A-00-CA-217-SS and *Crossroads Systems (Texas), Inc., v. Pathlight Technology, Inc.*, Western District of Texas, Civil Action No. A-00CA-248-JN (collectively, the "Chaparral Litigation"), the U.S. District Court for the Western District of Texas issued a Joint Markman Order (the "Markman Order") interpreting the term NLLBP for the purposes of United States Patent No. 5,941,972 (the "'972 Patent"), the parent of the '035 Patent, as follows:

> a set of rules or standards that enable computers to exchange information and do not involve the overhead of high level protocols and file systems typically required by network servers.

A copy of the Markman Order is attached hereto as Exhibit A. This construction, and the validity of the '972 Patent, was upheld by the Federal Circuit on appeal. A copy of the Federal Circuit decision affirming the decision of the lower court is attached hereto as Exhibit B. Thus, based on the Markman Order, an NLLBP is a protocol that enables computers to exchange information without the overhead of high-level protocols and file systems typically required by network servers.

As discussed in the '035 Patent, allowing access from host devices (e.g., workstations) to storage devices is done using NLLBPs in the present invention. Using the example of a first transport medium of Fibre Channel ("FC") and second transport medium of Small Computer System Interface ("SCSI"), a FC-connected workstation can communicate low level SCSI commands directly to a storage device using NLLBPs. For this example, the present invention accomplishes this by encapsulating the low level SCSI commands in an FC 'wrapper' or 'layer.' The specification of the '035 Patent discusses an exemplary embodiment where a Fibre Channel attached initiator (e.g., a workstation) issues SCSI-3 FCP commands, and an associated SCSI target storage device operates on a SCSI-2 protocol (See '753, col. 6, lines 33-45). In this case, a storage router connected between the host device and the storage device receives the FC-encapsulated low level SCSI commands, removes the FC

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encapsulation, and forwards the low level SCSI commands to the storage devices (provided the workstation is allowed to have such access, as will be discussed more fully below). In this example, there is no translation of the commands from a higher level protocol to a low level protocol. In other words, the storage router is not required to translate some high level command from the workstation (e.g., a file system command, or function call with arguments) into a low level SCSI command. Rather, the storage router simply strips the FC 'layer' off of the existing SCSI command, and forwards the SCSI command to the storage device without any high-to-low level translation (because no such high level to low level translation is needed). Thus, when a host workstation is allowed to have access to a storage device, that access is accomplished using only NLLBPs.

Petal, on the other hand, discloses a system in which Petal clients (i.e., workstations) send higher-level protocol commands to the Petal Server that, in turn, transforms these higherlevel, higher overhead commands into low-level SCSI commands that are forwarded to the storage devices (i.e., at least one high level to low level translation takes place between the workstation and the storage device). Petal clients are configured with a Petal device driver in the kernel layer of the Petal client. See, Petal page 88, col. 2, section 3. Higher level applications (i.e., user space applications) see virtual disks (representations of the storage devices) through the Unix File System. See Petal, page 90, col. 1, section 3.2. When a Petal client wishes to access a storage device behind the Petal server, the client issues a file system command to the virtual disk which is passed through the class layer to the Petal device driver (i.e., the kernel layer process for accessing the virtual disk). The Petal device driver then issues a remote procedure call ("RPC") using the User Datagram Protocol ("UDP") to the Petal server to read or write data. See, Id at page 88, col. 2, section 3 (describing the RPC interface) and page 89, col. 1, section 3.1 (describing handling read and write requests). The Petal device driver acts as a filter driver to translate the command to the virtual disk seen by the user space application into an RPC that is sent out in UDP packets.

An RPC is a well known mechanism in networked operating systems and is essentially a function call to the Petal Server. In issuing an RPC, a client will provide a server with the appropriate arguments in a UDP packet so that the server can perform some process. The Petal Server performs a transformation when receiving the RPC in the UDP packet by processing the RPC in the UDP packet to execute the called process and generate the appropriate low level SCSI READ and WRITE commands. Thus, the Petal client uses the traditional network mechanism of issuing a higher level command (e.g., an RPC in a UDP).

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packet) to the network server that the network server processes to call a function. The Petal server must execute the appropriate function to transform the information in the UDP packets to the appropriate low level SCSI command.

Thus, the Petal system <u>does not</u> allow the client (i.e., workstation) to access the storage devices using an NLLBP. Instead, the Petal client uses a scheme in which high level file system commands to virtual disks are translated into RPCs which are packaged in UDP packets and transported to the Petal server for transformation into low level commands. Unlike the NLLBP commands described and claimed in the '035 Patent, these RPC in UDP packets contain additional higher level overhead and require transformation to low level SCSI commands at the Petal Server. As noted above, the Petal server executes the called procedure to translate the RPC in UDP to the appropriate low level SCSI command.

The process of Petal therefore requires first creating an RPC, and then encapsulating the RPC in UDP at the Petal client, and further executing a procedure to transform the RPC in UDP to a low level SCSI command. Consequently, while the Examiner has pointed out various portions of Petal that discuss using block-level (i.e., low level) storage protocols (e.g., SCSI commands), it is only in the context of the time period after high level RPCs have been transformed to low level SCSI commands. The system of Petal is the type of system that the present invention was designed to overcome, because the system of Petal <u>does</u> involve the overhead of high level protocols (i.e., RPCs) typically required by network servers (i.e., RPCs), and requires a transformation of the high level protocols into low level SCSI commands at the Petal server.

Therefore, Petal does not disclose, teach or suggest a system for "allowing access from devices connected to the first transport medium to the storage devices <u>using native low level</u>, <u>block protocols</u>," as recited in independent Claim 11.

3. Petal Does Not Disclose "Mapping Between Devices Connected To The First Transport Medium And The Storage Devices"

Claim 11 also recites "mapping between devices connected to the first transport medium and the storage devices." Mapping between devices connected to the first transport medium and storage devices in the present invention refers to a mapping between the workstations and storage devices such that a particular workstation on the first transport medium is associated with a storage device, storage devices, or portions thereof, on the second transport medium. As discussed in the '035 Patent Specification, the mapping provides a correlation between Attorney Docket No. CROSS1123-17

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devices on the first data transport medium (e.g., workstations) and the storage devices through one or more steps. See, '035 Patent col. 1, lines 6 through col. 2, line 5 and col. 8, lines 67 – col. 9, line 5.

In the Chaparral Litigation, the U.S. District Court for the Western District of Texas adopted the definition that a "map" contains a representation of a device on one side of the storage router to a storage device on the other side (e.g., from a Fibre Channel host device to a SCSI storage device). *See*, Markman Order, Exhibit A, page 12. The mapping of the '035 Patent associates the host device(s) on the first transport medium (e.g., workstations) with storage devices on the second transport medium. Thus, the mapping can include mapping from a host workstation identifier (e.g., address or other identifier) to a virtual representation of a storage device (e.g., a virtual Logical Unit Number (LUN)), and potentially even further from the virtual representation of the storage device to a physical representation of the storage device (e.g., a physical LUN).

It should be expressly understood that the 'mapping' of the present invention is not identical to the concept of "virtualization." In virtualization, a storage device (or portion thereof) is presented with a particular logical address to the hosts or workstations. While it is clear that the present invention can include virtualization as part of the mapping (e.g., the map can include the mapping from a virtual representation of the storage (virtual LUN) to a physical representation of the storage (physical LUN)), such virtualization is not, in and of itself, a mapping between devices on the first and second data transport media as defined in the '035 Patent. See, '035 Patent, col. 8, line 65-67. In fact, this type of virtualization was available in a number of RAID systems at the time Petal was written. Virtualization does not require that representations of workstations on one side of the storage router be mapped to a storage device(s) on the other side of the storage router.

Petal does not disclose, teach or suggest a map that maps between devices connected to the first transport medium (e.g., workstations) and storage devices connected to the second transport medium as recited in Claim 11 of the '035 Patent. In Petal there is simply no map that associates host devices (i.e., the Petal clients) with the storage devices or representations of the storage devices. At best, Petal teaches "virtualization" of storage devices. In other words, Petal discusses a virtual to physical mapping of the storage devices rather than a mapping from the device making a request (e.g., workstation) to the storage device for which the request is intended. Petal states:

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The basic problem is to translate virtual addresses of the form <virtual-disk-identifier, offset> to physical addresses of the form <server-identifier, disk-identifier, disk-offset>.

See Petal, page 85-86, sections 2.1-2.3 and Figure 4 (entitled "Virtual to Physical Mapping").

In Petal, a virtual disk directory of virtual disks is mapped to a global directory which is mapped to physical disks. *Id.* A client workstation provides a virtual disk identity which is translated into a global map identifier. *Id.* The global map determines the server responsible for translating the given offset. *Id.* The physical map of the specified server translates the global map identifier and offset to a physical disk and an offset within that disk. *See Id.*, page 86, col. 1, section 2.1. Thus, the mapping of Petal only represents the virtualization mapping of storage devices and does not correlate or associate the storage devices (either virtual or physical) to particular Petal clients (e.g., workstations) on the other side of the Petal server. In fact, the virtualization-type mapping described in Petal is simply a description of the virtualization technique generally used in RAID systems at the time of Petal.

The Examiner correctly points out that, in Petal, a disk identifier used by clients to reference a particular virtual disk is "mapped" to a physical identifier. However, this is simply virtualization-type mapping. There is no correspondence (or map) made from the Petal clients to the storage devices (or portions thereof) behind the Petal Server. Put another way, there is no mechanism disclosed in Petal to perform the function of mapping a particular client workstation to a particular storage device (or portion). Consequently, Petal teaches a virtualization scheme, <u>not</u> a "mapping between devices connected to the first transport medium and storage devices" as recited in Claim 11 of the '035 Patent.

4. Petal Does Not Disclose Implementing "Access Controls"

a. Implementing Access Controls Requires Allowing Access Using

NLLBPs

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Claim 11 recites "implementing access controls" which requires allowing access using NLLBPs. As described in the '035 Patent, "access controls" are a particular form of security measure designed to prevent unauthorized access to particular storage devices or portions of storage devices by certain workstations. When "access controls" are implemented, particular workstations may be permitted access to particular storage devices or subsets of storage devices. *See, e.g.,* FIGURE 3 of the '035 Patent (permitting access from particular workstations to undivided storage devices as well as divided subsections within a single storage

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device). According to the previously mentioned Markman Order, "access controls" means "providing controls which limit a computer's access to specific subset of storage devices or sections of a single storage device." *See*, Markman Order, Exhibit A, page 6.

The "access controls" of the '035 Patent allow access using a NLLBP such that requests from devices connected to the first transport medium (e.g., workstations) are directed to assigned virtual local storage on the storage devices. *See*, col. 8, lines 61-65. The '035 Patent recites:

The router can...map, for each initiator, what storage access is available and what partition is being addressed by a particular request. In this manner, the storage space provided by [storage devices] can be allocated to [devices connected to the first transport medium] to provide virtual local storage...

See '035 Patent, col. 8, lines 67 – col. 9, line 5.

Thus, the "access controls" described in the '035 Patent are device-centric in that they permit or deny access from particular devices connected to the first data transport medium (e.g., workstations) to particular storage devices (or subsets thereof) according to the map. The access controls are thus part of the configuration for routing commands from a device connected to the first transport medium to *defined* storage location(s) using NLLBPs (i.e., without requiring the overhead of high level protocols typically required by network servers) according to the map.

b. Petal Is Not an Anticipatory Reference Because Petal Does Not Enable Access Controls

In rejecting the limitation of "implementing access controls" the Examiner points to Petal, page 90, col. 2, section 4, which states in pertinent part:

...currently we do not provide any special support for protecting a client's data from other clients; however, it would not be difficult to provide security on a per virtual disk basis.

Applicants submit, however, that the statement "it would not be difficult to provide security on a per virtual disk basis," without more, does not enable security on per virtual disk basis in the UDP environment of Petal. UDP is primarily a broadcast protocol in which the computer issuing a UDP communication typically places UDP packets on a network without regard to the device that receives the packets.

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Petal provides no support as to how to implement its "security on a per virtual disk basis" for UDP broadcast packets communicated over an ATM transport medium. For example, a common security method in packet based networks is the use of access control lists ("ACLs"). While ACLs may be used to entirely block UDP communications (e.g., as in a firewall), Petal provides no suggestions on how to implement ACLs in a UDP environment to limit access to a portion of a server file system (e.g., a particular virtual disk). As Petal provides no support for providing security in the UDP/ATM environment, Applicants respectfully submit that Petal does not enable security and therefore cannot anticipate the limitation of "access controls" recited in Claim 11.

c. There Is No Disclosure or Teaching In Petal That The 'Security' Referenced Therein Would Allow Access Using NLLBP

Even though the Petal article states that "it would not be difficult to provide security on a per virtual disk basis" there is no teaching or suggestion as to how such security would be provided. Certainly, there is no teaching or suggestion in Petal that a 'security' feature could be implemented to allow access using an NLLBP. It simply is unclear what type or manner of 'security' Petal references. For example, security can be a simple password-based security scheme, or something much more complex.

Moreover, even if security were implemented in Petal, there is no teaching or suggestion that such security would be implemented to allow access using a NLLBP. It would appear that any security implemented would be on top of the high level RPC over UDP scheme of Petal. Again, this would appear to require the high-level protocols and would not provide access using an NLLBP. Thus, even if security were applied to the system of Petal, this does not suggest access controls that allow access using an NLLBP.

d. Petal Does Not Render The Access Controls Limitation Of Claim 11

Obvious

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Applicants note that that a non-enabling reference may qualify as prior art for the purpose of obviousness under 35 U.S.C. §103. *See, Symbol Technologies, Inc. v. Opticon*, 935 F.2d. 1569, 1578 (Fed. Cir. 1991) ("while a reference must enable someone to practice the invention in order to anticipate under §102(b), a non-enabling reference may qualify as prior art for the purpose of determining obviousness under §103(a)"). However, even if the rejection of "implementing access controls" is read as an obviousness type rejection under 35 U.S.C. §103,

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Applicants assert that the rejection must fail because Petal, at best, only makes it 'obvious to try' some unspecified form of security.

"An 'obvious-to-try' situation exists when a general disclosure may pique the scientist's curiosity, such that further investigation might be done as the result of the disclosure, but the disclosure itself does not contain a sufficient teaching of how to obtain the desired result, or that the claimed result would be obtained if certain direction were followed." *In re Eli Lilly & Company*, 902 F.2d 943, 945, 14 USPQ.2d 1741 (Fed Cir. 1990). "Obvious-to-try", however, is not the standard for obviousness under §103. *See, In Re O'Farrell*, 853 F.2d 894, 902, 7 USPQ.2d 1673 (Fed. Cir. 1988). For example, the statement in a patent that "the user of the external field canceling method . . . can allow for gradient fields to be produced with greatly reduced problems" provided only general guidance as to the form of the claimed invention and how to achieve it but did not provide sufficient guidance to render the claimed invention obvious. *See, In Re Roemer*, 258 F.3d, 1303, 1309-10, 59 USPQ.2d 1527 (Fed. Cir. 2001). Similarly, the Petal reference does not provide sufficient guidance as to what is meant by "security" or how to implement such a "security" feature; and certainly does not provide any guidance on how to implement "access controls" as recited in Claim 11 of the '035 Patent.

At best, the statement in Petal that "currently we do not provide any special support for protecting a client's data from other clients; however, it would not be difficult to provide security on a per virtual disk basis" is an invitation-to-try to implement some unspecified security feature on a per virtual disk basis. The statement does not provide any teaching or suggestion as to how the security feature would be achieved, much less how "access controls" to allow access using NLLBPs would be achieved. Thus, while it may be 'obvious-to-try' some unspecified security feature based on the above-cited statement, one is left completely in the dark as to how such security would be achieved.

Moreover, the Examiner has not pointed to any art or other evidence in the record such that one of ordinary skill in the art would have a reasonable expectation of success in implementing the claimed "access controls" to allow access using an NLLBP in a UDP/ATM environment to limit access to a particular virtual disk. If the Examiner is relying on his own knowledge that one of skill in the art would know how to implement "access controls" to allow access using an NLLBP on a per virtual disk basis in the Petal environment, then Applicants respectfully request that the Examiner provide an affidavit detailing the data on which the Examiner relies for this position, or alternatively allow Claim 11. See 37 CFR 1.107(b) and MPEP 707.05.

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5. Claim 12

Claim 12 depends from Claim 11 and recites that "the mapping between devices connected to the first transport medium and the storage devices includes allocating subsets of storage space to associated devices connected to the first transport medium, wherein each subset is only accessible by the associated device connected to the first transport medium."

Thus, in Claim 12, hosts on the first transport medium are allocated storage devices (or subsets of storage devices) in the mapping such that the allocated storage only is accessible by those associated hosts on the first transport medium. In other words, storage is allocated to specific hosts on the first transport medium. This is supported by the Markman Order in which the court adopted the construction that "allocation of subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device" means that subsets of storage are allocated to specific fibre channel devices for purposes of the '972 Patent. See, Markman Order, Exhibit A, pages 6-7.

As discussed above in more detail, the mapping of Petal does not allocate storage to particular Petal clients, but simply provides a mapping between a virtual disk identification and physical disk identification. Consequently, Petal does not anticipate Claim 12.

6. Summary

In sum, Petal fails to teach: (1) "allowing access from devices connected to the first transport medium to the storage device using native low level block protocols," (2) "mapping between devices connected to the first transport medium and the storage devices" and (3) "implementing access controls."

Instead, Petal teaches a system in which <u>high level</u> RPC calls in UDP packets must be transformed into <u>low-level</u> SCSI commands by the Petal server. Further, there is no disclosure, teaching or suggestion in Petal that clients on one side of the Petal server should be mapped to storage devices on the other side of the Petal server. Moreover, access controls to allow access using NLLBPs are not disclosed, taught or suggested in Petal nor is any other security method. At most, Petal suggests that it would be 'obvious-to-try' adding an undefined security measure, without providing any direction as to how to do so with a reasonable expectation of success. Therefore, Applicants submit that Petal does not anticipate (or render obvious) the

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present invention as recited in Claim 11, and respectfully requests allowance of such claim. Applicants also respectfully request allowance of Claims 12-14 as representing further limitations on Claim 11.

C. Claims 7-10

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Applicants respectfully submit that independent Claim 7 is distinguishable from Petal for similar reasons as discussed above with reference to Claim 11, as well as additional reasons. For completeness, the Applicants will review the differences discussed above with respect to Claim 11, but for the sake of brevity will summarize the explanations of these differences rather than repeating entire arguments already presented.

1. Overview of Claim 7

Claim 7 recites:

A storage network, comprising:

a first transport medium;

a second transport medium;

a plurality of workstations connected to the first transport medium;

a plurality of storage devices connected to the second transport medium; and

a storage router interfacing between the first transport medium and the second transport medium, the storage router providing virtual local storage on the storage devices to the workstations and operable:

to map between the workstations and the storage devices;

to implement access controls for storage space on the storage devices; and

to allow access from the workstations to the storage devices using native low level, block protocol in accordance with the mapping and access controls.

Claim 7, thus, specifies a "storage router" that maps between workstations and storage devices, implements access controls and allows access from workstations to the storage devices using NLLBP in accordance with the mapping and access controls. As with Claim 11, Applicants submit that the system of Petal does not disclose, teach or suggest i) "allow[ing] access from the workstations to the storage devices" using NLLBP, ii) "map[ping] between the workstations and the storage devices, and iii) "implement[ing] access controls".

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2. Petal Does Not Disclose "Allow[ing] Access" From A Workstation Using NLLBP

The present invention, in accordance with Claim 7, allows workstations to access storage devices using a NLLBP. A NLLBP, as discussed above, is a set of rules or standards that enable computers to exchange information and do not involve the overhead of high level protocols and file systems typically required by network servers. Thus, the workstations described in Claim 7 can access the claimed storage devices using low level NLLBP commands which have not been translated from high level commands.

Petal, on the other hand, teaches a system in which a Petal client issues high level commands as RPCs in UDP packets, where the RPC calls a function of the Petal server Unix operating system. The Petal server must transform the high level RPC in UDP into a low level SCSI command by implementing the called procedure to generate the appropriate SCSI command(s). Petal, thus, uses a traditional RPC scheme that involves the overhead of high level protocols typically required by traditional network servers. Consequently, the Petal server does not allow the Petal clients to access the storage devices using an NLLBP.

3. Petal Does Not Disclose a "Map" Between Workstations And Storage Devices

The storage router of Claim 7 maps between workstations connected to the first transport medium on one side of the storage router and the storage devices located on the other side of the storage router. This mapping is more than mere virtualization as the storage router associates workstations with particular storage devices or subsets of storage devices.

Petal does not disclose, teach or suggest a map that associates particular devices connected to the first transport medium with particular storage devices (or subsets thereof). Rather, Petal teaches that a virtual to physical mapping (i.e., virtualization of the storage device) takes place. There is, however, no correspondence made between the clients and storage devices (or portions thereof) in the mapping of Petal; i.e., there is no mechanism disclosed to say "this client maps to that storage device" on the other side of the Petal server. Consequently, Petal teaches a virtualization scheme <u>not</u> a "mapping" between workstations and storage devices.

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4. Petal Does Not Provide Access Through "Access Controls"

As discussed above with respect to Claim 11, the sole statement in Petal relevant to access controls is "currently we do not provide any special support for protecting a client's data from other clients; however, it would not be difficult to provide security on a per virtual disk basis," does not in fact disclose or teach "access controls" in any anticipatory manner. This statement provides, at best, a suggestion that it is 'obvious-to-try' an undefined security measure in the UDP/ATM system of Petal. Applicants therefore submit that Petal does not disclose, teach or suggest a supervisor unit that implements "access controls."

5. Claim 8

Claim 8 depends from Claim 7 and recites that the access controls "include an allocation of subsets of storage space to associated workstations, wherein each subset is only accessible by the associated workstation." Thus, the claimed access controls allocate subsets of storage to particular workstations. Applicants respectfully submit that Petal does not teach this feature of Claim 8 as Petal does not describe or suggest allocating storage or subsets of storage to particular clients.

6. Summary

Petal fails to disclose, teach or suggest a storage router which performs the functions of i) "allow[ing] access from the workstations to the storage devices" using NLLBP, ii) "map[ping] between the workstations and the storage devices, and iii) "implement[ing] access controls."

Instead, Petal teaches a Petal server that transforms higher level RPC calls in UDP packets to generate low-level SCSI commands for communicating with storage devices. Also, there is no disclosure, teaching or suggestion that the Petal server should map clients on one side of the Petal server to storage devices on the other side of the Petal server. Moreover, Petal does not disclose or suggest providing "access controls" as claimed, nor any other security method. At most, it is suggested that it would be 'obvious-to-try' adding security without providing any direction as to how to do so with a reasonable expectation of success. Therefore, Applicants submit that Petal does not anticipate or render obvious the present invention as recited in Claim 7, and respectfully requests allowance of Claim 7. Applicants also respectfully request allowance of Claim 8-10 as representing further limitations on Claim 7.

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II. Rejections Under 35 U.S.C. §103

A. Introduction

Claims 1-6 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Petal in view of Quam, Cummings, Crouse et al., and Pisello et al.

As discussed above, with reference to independent Claims 7 and 11, Petal fails to disclose, teach or suggest i) "allow[ing] access from the workstations to the storage devices" using NLLBP, ii) "map[ping] between the workstations and the storage devices, and iii) "implement[ing] access controls."

In order to establish a *prima facie* case of obviousness, the Examiner must show: that (1) the prior art references teach or suggest all of the claim limitations, (2) that there is some suggestion or motivation in the references (or within the knowledge of one of ordinary skill in the art) to modify or combine the references and (3) that there is a reasonable expectation of success. M.P.E.P. 2142, 2143; <u>In re Vaeck</u>, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). The Examiner must explain with reasonable specificity at least one rejection – otherwise, the Examiner has failed procedurally to establish a *prima facie* case of obviousness. M.P.E.P. 2142; <u>Ex parte Blanc</u>, 13 U.S.P.Q.2d 1383 (Bd. Pat Application. & Inter. 1989). When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper. <u>Ex parte Skinner</u>, 2 U.S.P.Q.2d 1788, 1790 (Bd. Pat. App. & Inter. 1986).

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness as the references do not disclose, teach or suggest all of the claim limitations of Claims 1-6 and 10. More particularly, the references do not disclose, teach or suggest a "supervisor unit" operable to i) "map between devices connected to the first transport medium and the storage devices," ii) "implement access controls for the storage space on the storage devices" and iii) "allow access from devices connected to the first transport medium to the storage devices using a NLLBP." Furthermore, Applicants submit that one of ordinary skill in the art would not be motivated to combine Petal with Quam, Cummings, Crouse or Pisello.

B. Claim 1

In rejecting Claim 1, the Examiner relies on the previously discussed rejections under 35 U.S.C. §102(b) to identify where various features of Claim 1 are found in the Petal reference. Applicants respectfully submit, however, that several of the features of Claim 1 which are

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rejected under Petal are not disclosed, taught or suggested by the reference, as discussed above with respect to Claims 7 and 11. Again, for the sake of brevity the Applicants will summarize the previously presented arguments rather than repeating them in their entirety.

1. Overview of Claim 1

Claim 1 recites:

A storage router for providing virtual local storage on remote storage devices to devices, comprising:

a buffer providing memory work space for the storage router; a first controller operable to connect to and interface with a first transport medium;

a second controller operable to connect to and interface with a second transport medium; and

a supervisor unit coupled to the first controller, the second controller and the buffer, the supervisor unit operable to map between devices connected to the first transport medium and the storage devices, to implement access controls for storage space on the storage devices and to process data in the buffer to interface between the first controller and the second controller to allow access from devices connected to the first transport medium to the storage devices using native low level, block protocols.

Thus, Claim 1 recites a "storage router" with a "supervisor unit" operable to i) "map between devices connected to the first transport medium and the storage devices," ii) "implement access controls for storage space on the storage devices," and iii) "allow access from devices connected to the first transport medium the storage devices using NLLBP." As discussed above, these claimed features of the present invention allow each host connected to the first transport medium to access some portion of storage on the storage devices associated with that host using an NLLBP.

2. Petal Does Not Disclose "Allow[ing] Access" From A Workstation Using NLLBP

The present invention, in accordance with Claim 1, allows workstations (or other host devices) to access storage devices using an NLLBP. An NLLBP, as discussed above is a set of rules or standards that enable computers to exchange information and do not involve the overhead of high level protocols and file systems typically required by network servers. Thus, the devices of Claim 1 connected to the first data transport protocol can access the storage devices using commands that do not require translation from a high level protocol to a low-level protocol.

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The Examiner again relies on Petal for the rejection of this limitation of Claim 1. Petal, however, teaches a system in which a Petal client issues high level commands as an RPC in UDP packets. The RPC subsequently calls a function of the Petal server Unix operating system. The Petal server must then transform the RPC in UDP to generate the appropriate SCSI READ/WRITE commands. Thus, Petal uses a traditional RPC scheme that, like the prior art systems the invention of the '035 Patent was designed to overcome, involves the overhead of high level protocols typically used by traditional network servers. Consequently, the Petal server does not allow the Petal clients to access the storage devices using an NLLBP. Thus, Petal does not (and cannot) show a "supervisor unit" operable to "allow access from devices connected to the first transport medium the storage devices" using NLLBPs.

Moreover, the Examiner does not particularly point out where this feature of the present invention can be found in the other references. Therefore, Applicants respectfully request that the Examiner allow Claim 1.

3. Petal Does Not Disclose a "Map" Between Devices On The First Transport Medium and Storage Devices

The "supervisor unit" of Claim 1 maps between devices located on one side of the storage router and the storage devices located on the other side of the storage router. This mapping is more than mere virtualization as the supervisor unit associates workstations or other devices on one side of the storage router with particular storage devices.

The Examiner again relies on Petal in rejecting this limitation of Claim 1. Applicants respectfully submit, however, that Petal does not disclose, teach or suggest a unit that maps between devices connected to the first transport medium and storage devices connected to the second transport medium. Rather, Petal teaches that a virtual to physical mapping of the storage itself (i.e., virtualization of the storage devices). There is no association made between the clients and storage devices (or portions thereof) in the mapping of Petal. In other words, there is no mechanism disclosed to say "this client device maps to that storage device" on the other side of the Petal server). Consequently, Petal teaches a virtualization scheme, <u>not</u> a mapping between workstations and storage devices.

Applicants further submit that Examiner has not pointed out where this feature of the present invention can be found in the other references and therefore has not made out a *prima facie* case of obviousness. Therefore, Applicants respectfully request withdrawal of the rejection and allowance of Claim 1.

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4. Petal Does Not Disclose, Teach or Suggest The "Access Controls" Limitation Of Claim 1

As discussed above, the statement in Petal that "currently we do not provide any special support for protecting a client's data from other clients; however, it would not be difficult to provide security on a per virtual disk basis" is, at best, an 'invitation to try' to a security feature, and not necessarily providing "access controls" to allow access using NLLBPs on a per virtual disk basis. The statement does not by itself provide any teaching or suggestion as to how the "access controls" recited in Claim 1 can be achieved.

Thus, while it may have been 'obvious-to-try' a security feature based on the abovecited statement, one of ordinary skill in the art is left completely in the dark as to how such security feature would be achieved, much less how one would achieve "access controls" using NLLBPs as recited in Claim 1. As the cited case law points out, an invitation to try a feature is not enough in an of itself to render a claimed invention obvious.

Moreover, the Examiner has not pointed to any art or other evidence on the record such that one of skill in the art would have a reasonable expectation of success in implementing access controls for a UDP/ATM environment.

5. There Is No Showing That The Remainder Of The References Contain The Limitations Missing From Petal

The Examiner relies on Quam, Cummings, Crouse and Pisello in rejecting protocol and hardware specific features of the claimed invention. Applicants note, however, that the Examiner has not pointed out where these cited references make up for the deficiencies of Petal with respect to allowing access from a device connected to the first transport media to a storage device using a NLLBP, mapping, and access controls. As these features are not disclosed or taught in Petal, as discussed above, and are not pointed to in the other references, the burden of making out a *prima facie* case of obviousness has not been met. Therefore, Applicants respectfully request allowance of Claim 1.

C. Claim 2

Applicants respectfully submit that Claim 2 depends from Claim 1 and represents further limitations thereon. With respect to Claim 2, the claim recites that the "supervisor unit" "maintains and allocation of subsets of storage space to associated devices connected to the

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first transport medium, wherein each subset is only accessible by the associated device connected to the first transport medium." As discussed above in conjunction with Claims 8 and 12, the access controls allocate subsets of storage to particular devices on the first transport medium (e.g., workstations). Applicants respectfully submit that Petal does not disclose, teach or suggest this feature of Claim 2 as Petal does not describe or suggest allocating storage devices or subsets of storage devices to particular clients. Therefore, Applicants respectfully request allowance of Claim 2.

D. Claims 3-6 and 10

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Applicants respectfully submit that Claims 3-6 and 10 depend directly or indirectly from Claims 1 and 7, respectively. Therefore, Applicants respectfully request allowance of these claims as representing further limitations on the respective independent claims and any intervening claims.

E. Summary: There is No Prima Facie Showing of Obviousness

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness for Claims 1-6 and 10 as the prior art references do not disclose, teach or suggest all of the claim limitations. Specifically, the prior art cited by the Examiner does not appear to teach a "supervisor unit" that is operable to i) "map between devices connected to the first transport medium and the storage devices," ii) to "implement access controls for the storage space on the storage devices" and iii) to "allow access from devices connected to the first transport medium to the storage devices using a NLLBP." While the Examiner has provided a detailed discussion of Petal to attempt to show where these features are found, Applicants respectfully submit that Petal does not disclose or teach the claimed limitations, as discussed above in relation to the § 102 rejections. Furthermore, the remaining cited references (Quam, Cummings, Crouse and Pisello) do not make up for the deficiencies in Petal. Accordingly, Applicants respectfully request allowance of Claims 1-6 and 10.

III. Conclusion

Applicants appreciate the Examiner's diligence in issuing thorough office actions in multiple reexamination cases so quickly. Applicants respectfully submit, however, that Claims 7-9 and 11-14 are distinguishable from the prior art Petal reference, and that Claims 1-6 and 10

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are distinguishable from the Petal, Quam, Cummings, Crouse and Pisello references. Therefore, Applicants respectfully request allowance of all claims subject to reexamination.

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action.

For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-14. The Examiner is encouraged to telephone the undersigned at the number listed below for any questions or issues that arise during this procedure, and specifically for discussion and/or prompt action in the event any issues remain.

This Reply was served via First Class Mail on April 6, 2005 to Larry E. Severin, Wang, Hartmann & Gibbs, PC, 1301 Dove Street #1050, Newport Beach, CA 92660 and William A. Blake, Jones, Tullar & Cooper, PC, P.O. Box 2226 EADS Station, Alexandria, VA 22202.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

John L. Adair Reg. No. 48,828

Date: April 6, 2005

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Attorney Docket No.

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CROSS1123-19

1301 W. 25th Street, Suite 408 Austin, TX 78705 Tel. (512) 637-9223 Fax. (512) 371-9088 Case 1:13-cv-00895-S Document 31-16 Filed 04/09/14 Page 204 of 324

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NOTE: Pursuant to Fed. Cir. R. 47.6, this disposition is not citable as precedent. It is a public record. This disposition will appear in tables published periodically.

WESTERN, US DISTRICT COURT WESTERN DISTRICT OF TEXAS BY VUnited States Court of Appeals for the Federal Circuit DEPUTY CLERK FILED

02-1158

MAR 1 0 2003 CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS

CROSSROADS SYSTEMS, (TEXAS), INC.,

Plaintiff-Appellee,

CHAPARRAL NETWORK STORAGE, INC.,

٧.

Defendant-Appellant.

FILED U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

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JUDGMENT

ON APPEAL from the

the Western District of Texas

In CASE NO(S).

00-CV-217 and 00-CV-621 This CAUSE having been heard and considered, it is

United States District Court for

ORDERED and ADJUDGED: AFFIRMED. See Fed. Cir. R. 36

Per Curiam (NEWMAN, SCHALL, and DYK, Circuit Judges).

ENTERED BY ORDER OF THE COURT

DATED: FEB 1 2 2003	Lomionoau Bin		
· · · ·	Jan Horbely, Clerk		
ISSUED AS A MANDATE: MARCH 5, 2003			
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<u>ORDER</u>

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

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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

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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

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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).

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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.

implementing access controls, or a memory buffer.³ At the hearing, the defendants' counsel suggested that Figure 2 of the Lui patent discloses the claimed invention of the '972 patent. However, Figure 2 of the Lui patent is not a part of the Lui invention; rather it is an illustration of a "conventional" network system that the Lui invention allegedly improves upon. *See id* at 3:66. The Court rejects the defendants' argument that "conventional" network systems also read directly upon the '972 claimed invention. The patent examiner may have let one piece of prior art slip by; he or she would not have missed a "conventional" network system directly applicable to the plaintiff's claimed invention.

In sum, the Court will adopt the plaintiff's proposed definition and construe the phrase "implements access controls" in the claims of the '972 patent to mean "provides controls which limit a computer's access to a specific subset of storage devices or sections of a single storage device." III. "allocation of subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device"

The dispute here is essentially the same as in the preceding section. This phrase is used in claims 2, 8 and 12 of the '972 patent. As it did with the "implements access controls . . ." phrase, the plaintiff argues the "allocation . . ." phrase means that specific Fibre Channel devices can be allocated storage space on subsections of a single SCSI storage device and on entire, undivided SCSI storage devices. The defendants stick to their general argument on this issue, and contend the phrase

³ The defendants argue these features are "implicitly" found in the Lui specification and in any event were disclosed in other prior art. See Defendants' Brief, at 12 and n.1. The Court is not persuaded that these features are "implicitly" disclosed by the Lui patent, and the other prior art briefly referenced by the defendants makes no mention of combining that prior art with the invention of the Lui patent, or vice-versa.

means storage space can only be allocated on subsections of a single divided SCSI storage device. Both parties agree this storage space, however it is defined, can only be accessed by the specified Fibre Channel device(s).

The plaintiff's proposed definition is "subsets of storage space are allocated to specific Fibre Channel devices." See Plaintiff's Brief, at 26. The defendants say the phrase should be defined to mean "one or more partitions that are only accessible by a single Fibre Channel device." See Defendants' Brief, Ex. 2. For the reasons discussed in the preceding section, the Court adopts the plaintiff's proposed construction.

IV. "supervisor unit"

This term is used in claims 1, 2 and 10 of the '972 patent. The plaintiff contends this term should be defined as "a microprocessor programmed to process data in a buffer in order to map between Fibre Channel devices and SCSI devices and which implements access controls." See Plaintiff's Brief, at 25. The defendants argue the term should be defined as "an Intel 80960RP processor" with several specific features. See Defendants' Brief, Ex. 2.

The defendants argue their construction is mandated by the means-plus-function analysis of § 112(6) of the Patent Act, because the claims of the '972 patent do not adequately describe the "supervisor unit" to be used. See Defendants' Brief, at 15-17. The plaintiff argues that § 112(6) does not apply because the term "means" is not used with the term "supervisor unit" and because the term "supervisor unit" is adequately described by other claim language in the '972 patent. See Plaintiff's Markman Exhibits, at 35-39.

Section 112(6) of the Patent Act provides that when a claim refers to the "means for" a

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specific act, but fails to adequately describe these means, the means then must be defined by reference to the specification. See 35 U.S.C. § 112(6).4 If the claim language at issue does not include the term "means," there is a presumption that the § 112(6) means-plus-function analysis does not apply. See Al-Site Corp. v. VSI Int'l, Inc., 174 F.3d 1308, 1318 (Fed. Cir. 1999) ("[W]hen an element of a claim does not use the term 'means,' treatment as a means-plus-function claim element is generally not appropriate."). To overcome this presumption, the party seeking to apply \S 112(6) must show the claim language at issue is purely functional and that other claim language does not adequately describe the disputed term. See id. ("[W]hen it is apparent that the element invokes purely functional terms, without the additional recital of specific structure or material for performing that function, the claim element may be a means-plus-function element despite the lack of express means-plus- function language."). From a review of the claim language as a whole, the Court agrees with the plaintiff that the term "supervisor unit" is not purely functional, but refers instead to a device that can perform the tasks specifically listed in the claim language of the '972 patent. Specifically, claims 1, 2 and 10 of the '972 patent describe a "supervisor unit" that can: (1) maintain and map the configuration of networked Fibre Channel and SCSI storage devices; (2) include in this configuration an allocation of specific storage space to specific Fibre Channel devices; (3) implement access controls for the SCSI storage devices; and (4) process data in the storage router's buffer to allow an exchange between the Fibre Channel and SCSI storage devices. See '972 Patent,

⁴ Section 112(6) reads as follows: "An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." 35 U.S.C. § 112(6).

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at Claims 1, 2 and 10. These are the same tasks described in the plaintiff's proposed definition. In addition, the specification expressly defines the "supervisor unit" as "a microprocessor" (a computer chip) and specifically as "a microprocessor for controlling operation of storage router 56 and to handle mapping and security access for requests between Fibre Channel 52 and SCSI bus 54." See id. at 5:7 - 5:10. However, neither the specification (nor the claim language) limits the '972 patent to the specific Intel computer chip referenced by the defendants. Although the defendants correctly point out that the Intel 80960 chip is the only computer chip expressly named in the '972 patent and the specification describes many features this chip, the defendants fail to note that the Intel 80960 chip is listed as only "one implementation" of the claimed invention's microprocessor. See '972 Patent, at 5:63. The defendants are attempting exactly what the Federal Circuit prohibits - to limit the claims to the preferred embodiment and examples of the specification. "This court has cautioned against limiting the claimed invention to preferred embodiments or specific examples in the specification." Comark, 156 F.3d at 1186 (quoting Texas Instruments, Inc. v. United States Int'l Trade Comm'n, 805 F.2d 1558, 1563 (Fed. Cir. 1988)). The Court will not use an example of "one implementation" in the specification to limit the plain language of the claims. Accordingly, the Court adopts the plaintiff's definition of "supervisor unit" and will construe that term as used in the claims of the '972 patent to mean "a microprocessor programmed to process data in a buffer in order to map between Fibre Channel devices and SCSI devices and which implements access controls."

V. "SCSI storage devices"

This term is used in claims 1, 4, 7, 9-11 and 14 of the '972 patent. The plaintiff argues that this term essentially needs no further definition because the term SCSI is so well-known in the industry, but proposes that the term can be further defined as "any storage device including, for

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example, a tape drive, CD-ROM drive, or a hard disk drive that understands the SCSI protocol and can communicate using the SCSI protocol." See Plaintiff's Brief, at 18. The defendants argue the term should be defined as "any storage device that uses a SCSI standard and has a unique BUS:TARGET:LUN address." See Defendants' Brief, Ex. 2.

The Court agrees with the plaintiff. Essentially, the defendants contend their narrow definition should be used because it "comports with '972 specification" and its discussion of SCSI storage devices. See Defendant's Brief, at 14. However, the specification language referred to by the defendants is only one example of how the SCSI storage device addressing scheme "can" be represented. See '972 Patent, at 7:39. Again, the defendants are impermissibly trying to limit the claim language to an example given in the specification. See Comark, 156 F.3d at 1186-87. For the sake of extra clarity, the Court will adopt the plaintiff's proposed definition for this term.

VI. "process data in the buffer"

This phrase is used in claims 1 and 10 of the '972 patent. The plaintiff argues the phrase is adequately defined on its own and by the surrounding claim language. The defendants contend the phrase should be defined as "to manipulate data in the buffer in a manner to (a) achieve mapping between Fibre Channel and SCSI devices, and (b) apply access controls and routing functions." See Defendants' Brief, Ex. 2.

The plain language of claims 1 and 10 disclose that the supervisor unit (the microprocessor) processes data in the buffer "to interface between the Fibre Channel controller and the SCSI controller to allow access from Fibre Channel initiator devices to SCSI storage devices using the native low level, block protocol in accordance with the configuration." *See* '972 Patent, at Claims 1 and 10. This language adequately describes what it means to "process data in the buffer" for these

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claims. Simply because the specification may use slightly different language to describe this "processing," *see id.* at 5:18 - 5:20, does not entitle the defendants to adopt the specification language over the plain language of the claims. The Court will not further define this phrase.

VII. "storage router"

This term is used in claims 1-7 and 10 of the '972 patent. The plaintiff argues the term needs no further definition for claims 1-6, and for claim 7 it should be defined as "a device which provides virtual local storage, maps, implements access controls, and allows access using native low level block protocols." See Plaintiff's Brief, at 27. The defendants contend the term should mean "a bridge device that connects a Fibre Channel link directly to a SCSI bus and enables the exchange of SCSI command set information between application clients on SCSI bus devices and the Fibre Channel links." See Defendants' Brief, Ex. 2.

The defendants do not make any argument for their proposed definition in their brief, and did not discuss the term at the July 25 hearing. In their notebook of exhibits presented at the hearing, the defendants include one page which supports their definition with a quote from the specification. *See* Defendants' *Markman* Exhibits, "Markman Presentation" Tab, at 22. This argument is disingenuous. The specification language quoted by the defendants is immediately followed by several sentences further defining "storage router." Indeed, the next sentence begins "Further, the storage router applies access controls" *See* '972 Patent, at 5:30. The defendants' attempt to limit the term "storage router" to one of several descriptive sentences in the specification is not welltaken. In addition, the Court finds the term "storage router," as used in all claims of the '972 patent, isadequately described by the additional language of the claims, which discloses in detail the various functions and/or qualities of the storage router. The Court will not further define this term.
Case 1:13-ry-00895-SS: Document 31-16 Filed 04/09/14 Bage 216 of 324

VIII. "map"

This term is used in claims 1, 7, 10 and 11 of the '972 patent. The plaintiff contends the term means "to create a path from a device on one side of the storage router to a device on the other side of the router, *i.e.* from a Fibre Channel device to a SCSI device (or vice-versa). A 'map' contains a representation of devices on each side of the storage router, so that when a device on one side of the storage router wants to communicate to a device on the other side of the storage router, the storage router can connect the devices." See Plaintiff's Brief, at 22. The defendants argue the term means "to translate addresses." See Defendants' Brief, Ex. 2.

In support of their definition, the defendants point only to a dictionary definition of "map." See Defendants' Brief, at 13 and Ex. 4. The plaintiff, on the other hand, cites to specific portions of the specification that support its definitions of map (both as a verb and a noun) as used in the claims of the '972 patent. See Plaintiff's Brief, at 22 (citing '972 Patent, at 1:66-2:5 and 6:65 - 7:6). Because intrinsic evidence is far more salient than a dictionary definition, and because the Court agrees that the specification language cited by the plaintiff supports its construction of the term "map," the Court will adopt the plaintiff's proposed definition of this term.

IX. "Fibre Channel protocol unit" and "SCSI protocol unit"

These terms are used in claims 5 and 6 of the '972 patent. The plaintiff contends these phrases should be defined as "a portion of the Fibre Channel controller which connects to the Fibre Channel transport medium" and "a portion of the SCSI controller which interfaces to the SCSI bus." *See* Plaintiff's Brief, at 27. The defendants say the terms mean "block and equivalents thereof that connects to the Fibre Channel transport medium" and "block and equivalents thereof that connects to the SCSI bus transport medium." *See* Defendants' Brief, Ex. 2.

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A 00484

The defendants argue the means-plus-function analysis of § 112(6) should apply here because the terms are well-known and are not defined in two dictionaries cited by the defendants. See Defendants' Brief, at 7-8, 14-15, Ex. 4 and Ex. 5. However, the defendants do not indicate how the term should be defined in reference to the specification, and in fact contend "the '972 specification fails to reveal any structure corresponding to the claimed function." See id. at 8 and 15. The defendants then propose the word "block" should be used to describe these terms because the "protocol units" are "simply depicted as a block within the diagram of Figure 5" of the '972 patent. See id. This reasoning is wholly unpersuasive. Simply because a figure in the patent physically depicts the protocol units in a block-like shape, it does not follow that the units should be defined as "blocks or equivalents thereof." Under that reasoning, the SCSI storage devices, which are physically depicted as cylinders in the '972 patent, could be defined simply as "cylinders, oil drums or monkey barrels, or equivalents thereof." As the plaintiff correctly points out, the language of claims 5 and 6 plainly states that the "protocol units" for both devices are part of the "controllers" for the devices, and are intended to "connect" the devices to various "transport media" (i.e., to various cables). See '972 Patent, at Claims 5 and 6. Accordingly, the Court adopts the plaintiff's definitions for these terms, and will construe the terms to mean "a portion of the Fibre Channel controller which connects to the Fibre Channel transport medium" and "a portion of the SCSI controller which interfaces to the SCSI bus."

X. "interface"

In their Joint Stipulation of Claim Construction, the parties claim the meaning of the term "interface" is in dispute. However, this phrase is not discussed in any of the parties' briefs, and neither side presented an argument at the July 25 hearing as to why the term is disputed. This term

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has a standard and ordinary meaning - even to a federal judge - and the Court will not further define

it.

XI. Undisputed Terms

Finally, in their Joint Stipulation of Claim Construction, the parties have stipulated to the construction of 17 other terms in the '972 patent. The Court will therefore adopt these stipulated constructions, solely for the purpose of this lawsuit.

Accordingly, the Court enters the following order:

IT IS ORDERED that the attached construction of the patent claims will be incorporated into any jury instructions given in this cause and will be applied by the Court in ruling on the issues raised in summary judgment.

SIGNED on this 2 day of July 2000.

UNITED JUDGE

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A 00486

CONSTRUCTION OF CLAIMS U.S. PATENT NO. 5,941,972

Disputed Terms

The phrase "implements access controls for storage space on the SCSI storage devices" means provides controls which limit a computer's access to a specific subset of storage devices or sections of a single storage device.

The phrase "allocation of subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device" means subsets of storage space are allocated to specific Fibre Channel devices.

A "supervisor unit" is a microprocessor programmed to process data in a buffer in order to map between Fibre Channel devices and SCSI devices and which implements access controls.

A "SCSI storage device" is any storage device including, for example, a tape drive, CD-ROM drive, or a hard disk drive that understands the SCSI protocol and can communicate using the SCSI protocol.

The term "map" means to create a path from a device on one side of the storage router to a device on the other side of the router, *i.e.* from a Fibre Channel device to a SCSI device (or vice-versa). A "map" contains a representation of devices on each side of the storage router, so that when a device on one side of the storage router wants to communicate with a device on the other side of the storage router, the storage router can connect the devices.

A "Fibre Channel protocol unit" is a portion of the Fibre Channel controller which connects to the Fibre Channel transport medium.

A "SCSI protocol unit" is a portion of the SCSI controller which interfaces to the SCSI bus.

Stipulated / Undisputed Terms

A "buffer" is a memory device that is utilized to temporarily hold data.

A "direct memory access (DMA) interface" is a device that acts under little or no microprocessor control to access memory for data transfer.

A "Fibre Channel" is a known high-speed serial interconnect, the structure and operation of which is described, for example, in Fibre Channel Physical and Signaling Interface (FC-PH), ANSI X3.230 Fibre Channel Arbitrated Loop (FC-AL), and ANSI X3.272 Fibre Channel Private Loop Direct Attach (FC-PLDA).

A 00487

A "Fibre Channel controller" is a device that interfaces with a Fibre Channel transport medium.

A "Fibre Channel device" is any device, such as a computer, that understands Fibre Channel protocol and can communicate using Fibre Channel protocol.

"Fibre Channel protocol" is a set of rules that apply to Fibre Channel.

A "Fibre Channel transport medium" is a serial optical or electrical communications link that connects devices using Fibre Channel protocol.

A "first-in-first-out queue" is a multi-element data structure from which elements can be removed only in the same order in which they were inserted; that is, it follows a first in, first out (FIFO) constraint.

A "hard disk drive" is a well known magnetic storage media, and includes a SCSI hard disk drive.

An "initiator device" is a device that issues requests for data or storage.

"Maintain(ing) a configuration" means keep(ing) a modifiable setting of information.

A "native low level, block protocol" is a set of rules or standards that enable computers to exchange information and do not involve the overhead of high level protocols and file systems typically required by network servers.

A "SCSI" (Small Computer System Interface) is a high speed parallel interface that may be used to connect components of a computer system.

A "SCSI bus transport medium" is a cable consisting of a group of parallel wires (normally 68) that forms a communications path between a SCSI storage device and another device, such as a computer.

A "SCSI controller" is a device that interfaces with the SCSI bus transport medium.

"Virtual local storage" is a specific subset of overall data stored in storage devices that has the appearance and characteristics of local storage.

A "workstation" is a remote computing device that connects to the Fibre Channel, and may consist of a personal computer.

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IN THE UNITED ST	TATES PATENT AND TRADE	MARK OFFICE
NOTIFICATION UND	ER 37 C.F.R. 1.565 N OF STAY	Atty. Docket No. CROSS1123-17 CROSS1123-19
	Applicant Geoffrey B. Hoese, et Application Number 90/007,125 90/007,317 Title Storage Router and N Local Storage Group Art Unit 2182 Confirmation Number: 2298 and 1634	al. Date Filed 07/19/2004 11/23/2004 Method for Providing Virtual Examiner Fleming, Fritz, M.
Commissioner for Patents I hereby certify that this correspondence is being deposited withe United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box Alexandria, VA 22313-1450 Jouri Le Tampell Dear Sir: Jouri Le Tampell		

t .

This notification is filed for the sole purpose to inform the Examiner of status of ongoing litigation involving United States Patent No. 5,941,972 (the "972 Patent") and United States Patent No. 6,425,035 (the "'035 Patent").

Attorney Docket No. CROSS1123-17 CROSS1123-19 Customer No. 44654 Appln. No. 90/007,125 Appln. No. 90/007,317

ONGOING LITIGATION

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Attached hereto as Exhibit "A" is a March 17, 2005 Order from the United States District Court for the Western District of Texas. The Court ordered Crossroads to file a copy of this Order with the U.S. Patent Office in the reexamination proceedings involving U.S. Patents 5,941,972 and 6,425,035 B2.

This notification was served via first class mail on March <u>3</u>, 2005 to:

Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

and

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA 22202

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

John L. Adair

Reg. No. 48,828

Date: March 20, 2005 1301 W. 25th Street Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 371-9088

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS 2005 HR 22 PH 2: 03 AUSTIN DIVISION

U.S. CLERK'S OFFICE

FILED

BY: Ht

CROSSROADS SYSTEMS (TEXAS), INC., Plaintiff,

Case No. A-03-CA-754-SS

DOT HILL SYSTEMS CORPORATION, Defendant.

.vs

<u>ORDER</u>

BE IT REMEMBERED on the 17th day of March 2005, the Court called the above-styled cause for hearing on Defendant's Motion for a Limited Six-Month Abatement [#256]. Having considered the motion and response, the relevant law, the case file as a whole, and the arguments of counsel at the hearing, the Court now enters the following:

In this action, Plaintiff Crossroads Systems (Texas), Inc. ("Crossroads") sues Defendant Dot Hill Systems Corporation ("Dot Hill") for infringing the claims of two of its patents, United States Patent No. 5,941,972, entitled "Storage Router and Method for Providing Virtual Local Storage," and United States Patent No. 6,425,035 B2, which bears the same title and is a continuation of the '972 patent. Dot Hill now seeks a stay of the proceedings in this case based on reexaminations of the patents-in-suit that are currently taking place in the United States Patents and Trademark Office ("USPTO"). The Court has previously declined to stay this action because of its inability to predict the amount of time it will take the USPTO to conclude its reexamination proceedings.

However, the Court is now advised the USPTO has issued an initial office action canceling all of the claims of the patents-in-suit. Although the uncertainty about the length of time it will take the USPTO to make a final determination on the claims of the patents-in-suit remains, the Court finds it appropriate to enter a short stay of the case to give it an opportunity to do so. After all, if the USPTO ultimately cancels all of the claims in the patents, Crossroads would no longer have a basis for its infringement allegations. *Slip Track Sys., Inc. v. Metal Lite, Inc.*, 159 F.3d 1337, 1341 (Fed. Cir. 1998) (noting that a stay may be justified when "the outcome of the reexamination would be likely to assist the court in determining patent validity and, if the claims were canceled in the reexamination, would eliminate the need to try the infringement issue."). Moreover, if the reexamination proceedings were to result in an amendment of the patent claims, the issues raised by the claim construction proceedings and pending motion for summary judgment could be substantially altered.

Thus, the Court agrees with Dot Hill that under the circumstances, a stay is justified in this case. Bearing in mind Crossroads's interest in moving this case forward, however, the Court declines to stay this case indefinitely, or even for six months, as requested. Instead, the Court considers it appropriate to stay the case from now until ninety (90) days following April 7, 2005 (the date on which Crossroads must file its answer to the USPTO's initial office action in the reexamination proceedings). The Court finds this period of time strikes the appropriate balance between the general interest in affording the USPTO an opportunity to reach a final determination on the status of the claims of the patents-in-suit, and the plaintiff's interest in moving the case forward.

-2-

Because the Court is convinced there is an appreciable probability that the issues in the now-pending motion for summary judgment will no longer require resolution by the Court at the conclusion of the reexamination proceedings, the Court will dismiss the motion without prejudice to the filing of a renewed motion for summary judgment on any and all live issues remaining at the conclusion of the stay.¹

In accordance with the foregoing:

IT IS ORDERED that Defendant's Motion for Leave to Supplement its Motion for a Limited Six-Month Abatement [#263] is GRANTED;

IT IS FURTHER ORDERED that Defendant's Motion for a Limited Six-Month Abatement [#256] is GRANTED IN PART and DENIED IN PART as set forth herein;

IT IS FURTHER ORDERED that this case is STAYED until July 5, 2005; IT IS FURTHER ORDERED that Plaintiff Crossroads shall file a copy of this order in the reexamination proceedings involving the patents-in-suit so that the USPTO may assign those proceedings as high a priority as the law, practicability, and justice will permit;

IT IS FURTHER ORDERED that Plaintiff Crossroads shall notify the Court of the status of the reexamination proceedings within ten (10) days of either the

¹ The Court notes the parties have already filed substantial amounts of paper with respect to the summary judgment issues. The Court also notes the parties have a tendency to submit duplicate copies of evidentiary submissions already on file whenever they file a new pleading. Since the file in this case appears to be growing unnecessarily thick, the Court would advise the parties of the following. In the event either the evidence or the arguments contained in the parties' now-moot summary judgment pleadings remain relevant to the issues in this case at the conclusion of the stay, the parties should feel free to incorporate them by specific reference in any post-stay pleadings they may ultimately file with the Court.

conclusion of the stay, or the date on which the USPTO issues a final determination in the reexamination proceedings, if a conclusion is reached prior to the expiration of the stay; and

IT IS FINALLY ORDERED that Defendant's Motion for Summary Judgment that U.S. Patent No. 6,425,035 and U.S. Patent No. 5,941,972 are Invalid Pursuant to 35 U.S.C. § 102 and/or 103 in View of the Prior Development of Digital Equipment Corporation HSZ70 Controller [#85] and Defendant's Request for Judicial Notice in Support of its Motion for Summary Judgment [#86] are DISMISSED WITHOUT PREJUDICE to refiling as set forth herein.

SIGNED this the 22nd day of March 2005.

SAM SF

UNITED STATES DISTRICT JUDGE

IN THE UNIT	IN THE UNITED STATES PATENT AND TRADEMARK OFFICE					
CERTIFICATE	CERTIFICATE OF SERVICE UNDER 37 C.F.R. 1.248					
4660 U.S. PTO	Applicant Geoffrey B. Hoese, et Application Number 90/007,125 90/007,317 Title Storage Router and M Local Storage Group Art Unit	al. Date Filed 07/19/2004 07/19/2004 lethod for Providing Virtual				
	2182	Fleming, Fritz				

Applicant hereby serves the Information Disclosure Statement, SBO8A and SBO8B forms, copies of references A1-A59, B1-B9 and C1-C32 and copies of References C33-C110, which are located on the attached CD-Rom, in the above referenced case to:

> Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA 22202

As per 35 U.S.C. §1.248 service is made via first class mail on March 23, 2005.

Respectfully submitted,

Sprinkle IP Law Group

40 John L. Adair

Reg. No. 48,828

Dated: March 23 2005

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 371-9088

Enclosures

IN THE UNITED STAT	ES PATENT AND TRADEMAR	K OFFICE		
INFORMATION DISCLOSURE ST	INFORMATION DISCLOSURE STATEMENT BY APPLICANTS			
	Applicants Geoffrey B. Hoese et a	I.		
	Application Number 90/007,125 90/007,317	Filed 07/19/2004 07/19/2004		
	For Storage Router and Me Virtual Local Storage	lethod for Providing		
	Group Art Unit 2182	Examiner Fleming, Fritz M.		
Commissioner for Patents	Certification Un	der 37 C.F.R. §1.8		
P.O. Box 1450 Alexandria, VA 22313	I hereby certify that this do the United States Postal S envelope addressed to: Cor 1450, Alexandria, VA 22313	I hereby certify that this document is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on March 2, 2005.		

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.555, 1.56, 1.97 and 1.98, that the art listed on the attached SBO8-A and SBO8-B forms be considered and cited in the examination of the above-identified reexamination application. Since the present Application was filed after June 30, 2003, a copy of any U.S. Patent and any U.S. Patent Application Publications cited on the attached SBO8-A form is not being submitted with this Information Disclosure Statement pursuant to the waiver of 37 C.F.R. S 1.98(a)(2)(i) by the U.S. Patent and Trademark Office. Several documents are included on the enclosed CD-Rom for the convenience of the Examiner. If the Examiner would like hard copies of these documents, we will gladly provide them.

Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that a search has been made or that this art is material to patentability of the present application. Applicants respectfully submit that the claims of Applicants' above-referenced patent is patentably distinguishable from these references. Applicants respectfully request consideration of these references. The Commissioner is hereby authorized to charge any fees due, or refund any credit, to Deposit Account No. 50-3183 of Sprinkle IP Law Group for any fee under 37 C.F.R. §1.17.

Respectfully submitted, Sprinkle IP Law Group Attorneys for Applicants

Dated: 7/23/05 1301 W. 25th Street, Suite 408 Austin, TX 78705 T. 512-637-9220 / F. 512-371-9088

John L. Adair Reg. No. 48,828

PTO/SB/08A (04-03)								
	INFORMATION DISCLOSURE				Application Numb	er	90/007,125 & 90/0	07,317
INFO				Filing Date		07/19/2004		
STAT	EMEN	IT BY A	PPL	ICANT.	First Named Inver	ntor	Hoese, Geoffrey	
		Group Art Unit		2182				
		Examiner Name		Fleming, Fritz M.				
Sheet	Sheet 1 OF 2				CROSS1123-17 &			
	Sheet 1		Attorney Docket N	lumber	CROSS1123-19			
	_	-			U.S. PATENT DOC	UMENTS		
Examiner Initials	Document Num		nber	Publication Date	Name of Patentee or	Pages, Columns, Lines		
	No.		Numb	er	Kind Code (if known)	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Figures Appear
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C32	European Office Action issued April 1, 2004 in Application No.	
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C33	Defendant's First Supplemental Trial Exhibit List, Crossroads Systems,	
	Inc., v. Chaparral Network Storage, Inc., C.A. No. A-00CA-217-SS	
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 027	(CD-ROM). Defendent Chanarral Network Storage, Ing 's Eirst Supplemental Trial	0/0/0001
0.37	Exhibit List (D1 through D271) (CD-ROM Chaparral Exhibits	9/2/2001
	Exclisit Def).	
 C38	Defendant Pathlight Technology Inc.'s Third Supplemental Trial Exhibit	
	List (CD-ROM Pathlight Exhibits ExList_Def).	
C39	Plaintiff's Fourth Amended Trail Exhibit List, Crossroads Systems, Inc.	9/11/2001
	v. Chaparral Network Storage, Inc, C.A. No. A-00CA-217-SS (W.D.	
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C40	Plaintin's Revised That Exhibit List, Crossroads Systems, Inc. V.	
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 C44	Trail Transcripts, Crossroads Systems, Inc. v. Chaparral Network	
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C45	Trail Transcripts, Crossroads Systems, Inc. v. Pathlight Technology,	
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C46	Trial Exhibits and Transcripts, Crossroads v. Chaparral, Civil Action	
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 C47	printouts). Spively "Sup Microsystem Computer Corporation: Implementing a	
U47	fibre optic channel SCSI transport" 1994 IEEE Eebruary 28, 1994 pp	
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	Ex 41 (ANCT 117-120)) (CD-ROM Chaparral Exhibits D012).	

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(C50	Press Release- Symbios Logic to Demonstrate Strong Support for Fibre Channel at Fall Comdex (Engelbrecht 12 (LSI 2785-86)) (CD- ROM Chaparral Exhibits D016).	11/13/1996
(C51	OEM Datasheet on the 3701 Controller (Engelbrecht 13 (LSI 01837- 38)) (CD-ROM Chaparral Exhibits D017).	6/17/1905
	C52	Nondisclosure Agreement Between Adaptec and Crossroads Dated 10/17/96 (Quisenberry Ex 25 (CRDS 8196)) (CD-ROM Chaparral Exhibits D020).	10/17/1996
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	C54	Bridge. C, Bridge Between SCSI-2 and SCSI-3 FCP (Fibre Channel Protocol) (CD-ROM Chaparral Exhibits P214).	
	C55	Bridge Phase II Architecture Presentation (Lavan Ex 2 (CNS 182287- 295)) (CD-ROM Chaparral Exhibits D022).	4/12/1996
(C56	Attendees/Action Items from 4/12/96 Meeting at BTC (Lavan Ex 3 (CNS 182241)) (CD-ROM Chaparral Exhibits D023).	4/12/1996
C	C57	Brooklyn Hardware Engineering Requirements Documents, Revision 1.4 (Lavan Ex 4 (CNS 178188-211)) (CD-ROM Chaparral Exhibits D024) by Pecone.	5/26/1996
0	C58	Brooklyn Single-Ended SCSI RAID Bridge Controller Hardware OEM Manual, Revision 2.1 (Lavan EX 5 (CNS 177169-191)) (CD-ROM Chaparral Exhibits D025).	3/21/1996
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C	C60	ESS/FPG Organization (Lavan Ex 8 (CNS 178639-652)) (CD-ROM Chaparral Exhibits D028).	12/6/1996
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C	C63	Bill of Material (Lavan Ex 14 (CNS 177211-214)) (CD-ROM Chaparral Exhibits D034).	7/24/1997
C	C64	AEC 4412B, AEC-7412/B2 External RAID Controller Hardware 0EM Manual, Revision 2.0 (Lavan Ex 15 (CNS 177082-123)) (CD-ROM Chaparral Exhibits D035).	6/27/1997
C	C65	Coronado II, AEC-7312A Fibre Channel Daughter (for Brooklyn) Hardware Specification, Revision 1.2 (Lavan Ex 16 (CNS 177192- 210)) (CD-ROM Chaparral Exhibits D037) by Tom Yang.	7/18/1997
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C	67	Memo Dated 8/15/97 to AEC-7312A Evaluation Unit Customers re: B001 Release Notes (Lavan Ex 18 (CNS 182878-879)) (CD-ROM Chaparral Exhibits D038),	8/15/1997
C	68	Brooklyn Main Board (AES-0302) MES Schedule (Lavan Ex I9 (CNS 177759-763)) (CD-ROM Chaparral Exhibits D039).	2/11/1997
C	C69	News Release-Adaptec Adds Fibre Channel Option to its External RAID Controller Family (Lavan Ex 20 (CNS 182932-934)) (CD-ROM Chaparral Exhibits D040).	5/6/1997

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C70	AEC-4412B/7412B User's Guide, Rev. A (Lavan Ex 21) (CD-ROM Chaparral Exhibits D041).	6/19/1905
C71	Data Book- AIC-7895 PCI Bus Master Single Chip SCSI Host Adapter (Davies Ex 1 (CNS 182944-64)) (CD-ROM Chaparral Exhibits D046).	5/21/1996
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C76	Header File Data Structure (Davies Ex 6 (CNS 179997-180008)) (CD- ROM Chaparral Exhibits D051).	1/2/1997
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C78	Coronado: Fibre Channel to SCSI Intelligent RAID Controller Product Brief (Kalwitz Ex I (CNS 182804-805)) (CD-ROM Chaparral Exhibits D053).	
C79	Bill of Material (Kalwitz Ex 2 (CNS 181632-633)) (CD-ROM Chaparral Exhibits D054).	3/17/1997
 C80	Emails Dated 1/13-3/31/97 from P. Collins to Mo re: Status Reports (Kalwitz Ex 3 (CNS 182501-511)) (CD-ROM Chaparral Exhibits D055).	
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C85	Hewlett-Packard Roseville Site Property Pass for Brian Smith (Dunning Ex 14 (HP 489) (CD-ROM Chaparral Exhibits D078).	11/7/1996
C86	Distribution Agreement Between Hewlett-Packard and Crossroads (Dunning Ex 15 (HP 326-33) (CD-ROM Chaparral Exhibits D079).	
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C91	VBAR Volume Backup and Restore (CRDS 12200-202) (CD-ROM Chaparral Exhibits D099).	
C92	Preliminary Product Literature for Infinity Commstor's Fibre Channel to SCSI Protocol Bridge (Smith Ex 11; Quisenberry Ex 31 (SPLO 428- 30) (CD-ROM Chaparral Exhibits D143).	8/19/1996
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ARTIFACT SHEET

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C ...). The first artifact folder for an artifact type receives the letter A, the second B, etc.. Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB

<u>90/007317 ZA (3/25/05)</u>

Indicate quantity of a single type of artifact received but not scanned. Create individual artifact folder/box and artifact number for each Artifact Type.

	CD(s) containing:	
	computer program listing	
	Doc Code: Computer Ar	that Type Code: P
	and/or sequence listing	\square
	and/or table	
	Doc Code: Artifact Ar	tifac <u>t Tv</u> pe Code: S
	content unspecified or combined	
	Doc Code: Artifact Ar	tifact Type Code: U
	3 Stapled Set(s) Color Documents or B/V	V Photographs:
	Doc Code: Artifact Artifact Type Cod	le: C
	Microfilm(s)	
	Doc Code: Artifact Artifact Type Cod	
	Video tape(s)	
	Doc Code: Artifact Artifact Type Cod	le: V
	Model(s)	
	Doc Code: Artifact Artifact Type Cod	le: M
	Bound Document(s):	
	Doc Code: Artifact Artifact Type Cod	le: B
	Confidential Information Disclosure St	atement or Other Documents marked
	Proprietary, Trade Secrets, Subject to P	rotective Order, Material Submitted under
	MPEP 724.02, etc.	
	Doc Code: Artifact Artifact Type Coc	
	Other, description: 1 sheet of colored	NPL (C16)
$\mathbf{\Delta}$	Doc Code: Artifact Artifact Type Coc	le: Z

March 8, 2004

ARTIFACT SHEET

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C ...). The first artifact folder for an artifact type receives the letter A, the second B, etc.. Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB

<u>90/007317 UA (3/25/05)</u>

Indicate quantity of a single type of artifact received but not scanned. Create individual artifact folder/box and artifact number for each Artifact Type.

101001/	CD(s) containing.			
	computer program	listing		
X	Doc Code: Computer	nsting	Artifact Type Code: P	
	pages of specificat	ion	Annaet Type Code. I	
	pages of specificat			
	and/or sequence is	sting		
	and/or table			
	Doc Code: Artifact		Artifact Type Code: S	
	content unspecified or c	combined		
	Doc Code: Artifact		Artifact Type Code: U (1 CD of)	<u>References C33-C110)</u>
	Stapled Set(s) Color Do	cuments or	B/W Photographs:	
	Doc Code: Artifact	Artifact Type	Code: C	
	Microfilm(s)			·
	Doc Code: Artifact	Artifact Type	Code: F	
				ч. Ч
	Video tape(s)			•
	Doc Code: Artifact	Artifact Type	Code: V	
	Model(s)			
	Doc Code: Artifact	Artifact Type	Code: M	
	Bound Document(s):			
	Doc Code: Artifact	Artifact Type	Code: B	
	Confidential Informatio	n Disclosure	e Statement or Other Documer	nts marked
	Proprietary Trade Secre	ets. Subject	to Protective Order. Material S	Submitted under
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March 8, 2004

Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 239 of 324



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United States Patent and Trademark Office

	,		UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspio.gov	TMENT OF COMMERC Trademark Office OR PATENTS 113-1450
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,317	11/23/2004	6425035	HOESE1/WAB	1634
25094 75	90 03/17/2005		ÉXAM	INER
DLA PIPER R 2000 University	UDNICK GRAY CAF	RY US, LLP	Fleming, Fé	itz
E. Palo Alto, C.	A 94303-2248		ART UNIT	PAPER NUMBER
			2182	
			DATE MAILED: 03/17/2005	5

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Case 1:13-cv-00895-SS



Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION		ATTORNEY DOCKET NO.
90/007,317	11/23/2004	6425035		HOESE1/WAB
Laura E. Camin				EXAMINER
WANG, HARTMANN	N & GIBBS, PC		F	leming, Fritz
Newport Beach, CA 92660			ART UNIT	PAPER
			2182	

DATE MAILED: 03/17/05

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

CC: DLA PIPER RUDNICK GRAY CARY US, LLP 2000 University Avenue E. Palo Alto, CA 94303-22489

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PTO-90C (Rev.3-98)

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Case 1:13-cv-00895-SS ... Dogument UNITED ATATES DI TARTATENTATION TARTATENTATION DE CASE



Patent and Trademark Office Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
90/007,317	11/23/2004	6425035	HOESE1/WAB
		Γ	EXAMINER

William A. Blake JONES, TULLAR & COOPER, PC P.O. Box 2226 Eads Station Alexandiria, VA 22202

Fleming, Fritz

ART UNIT PAPER

2182

DATE MAILED: 03/17/05

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Commissioner of Patents and Trademarks

CC: DLA PIPER RUDNICK GRAY CARY US, LLP 2000 University Avenue E. Palo Alto, CA 94303-2248

PTO-90C (Rev.3-98)

Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 242 of 324



UNITED STATES PATENT AND TRADEMARK OFFICE

Steven R. Sprinkle Sprinkle Law Group 1301 W. 25 th Street Suite 408 Austin, Texas 78705))))	FOR OWNER
Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, California 92660)))	FOR FIRST THIRD PARTY REQUESTER
William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, Virginia 22202)) .) .)	FOR SECOND THIRD PARTY REQUESTER
In re Hoese et al. Reexamination Proceeding Control No. 90/007,125 Filed: July 19, 2004 For: U.S. Patent No. 6,425,035)))	DECISION <i>SUA SPONTE</i> , MERGING REEXAMINATION PROCEEDINGS
In re Hoese et al. Reexamination Proceeding Control No. 90/007,317 Filed: November 23, 2004 For: U.S. Patent No. 6,425,035))))	

The above noted reexamination proceedings are before the Director of Technology Center 2100 for consideration of merger of the proceedings under 37 CFR § 1.565(c).

BACKGROUND

1. Patent No. 6,425,035 issued on July 23, 2002.

-

Reexamination Proceeding Control No. 90/007,125 Reexamination Proceeding Control No. 90/007,317 Decision Merging Reexamination Proceedings

• _:

'7125 Proceeding

- 2. A first request for reexamination, Control No. 90/007,125 ('7125) was filed by the Third Party Requester on July 19, 2004.
- 3. Reexamination was ordered in the '7125 reexamination proceeding on September 22, 2004.
- 4. A Notification of litigation under 37 C.F.R. §1.565 filed by Patent Owner was received in the USPTO on December 13, 2004.
- 5. A Notification of concurrent proceedings under 37 C.F.R. §1.565 filed by Patent Owner was received in the USPTO on January 14, 2005.
- 6. A revocation and appointment of attorneys was filed on December 8, 2004.
- 7. A first Office action was mailed on February 7, 2005.

8. A Change of correspondence address for third party requester was filed on February 24, 2005.

'7317 Proceeding

- 9. A second request for reexamination, Control No. 90/007,317 ('7317) was filed by another Third Party Requester on November 23, 2004.
- 10. Reexamination was ordered in the '7317 reexamination proceeding on December 16, 2004.
- 11. A Notification of concurrent proceedings under 37 C.F.R. §1.565 filed by Patent Owner was received in the USPTO on January 14, 2005.

DISCUSSION

37 CFR § 1.565(c) states:

"If reexamination is ordered while a prior reexamination is pending, the reexamination proceedings will be consolidated and result in the issuance of a single certificate under section 1.570."



Reexamination Proceeding Control No. 90/007,125 Reexamination Proceeding Control No. 90/007,317 Decision Merging Reexamination Proceedings

DECISION

I. Merger of Proceedings

In accordance with 37 CFR 1.565(c), the '7125 and '7317 reexamination proceedings are merged. The merged proceeding will be conducted in accordance with the following guidelines and requirements.

II. Requirement for Same Amendments in all Proceedings

The Patent Owner is required to maintain the same claims and specification in both files.

III. Conduct of Merged Proceeding

All papers mailed by the Office will take the form of a single action which applies to all proceedings. All papers issued by the Office or filed by the patent owner will contain the identifying data for both files and will be physically entered in each reexamination file. All papers filed by the patent owner must consist of a single response, filed in duplicate, each bearing an original signature, for entry into each file. All papers filed by the patent owner must be served on the requester and requester will be sent copies of all papers mailed by the Office.

Puril h. dufer

Pinchus M. Laufer Special Programs Examiner Technology Center 2100 Computer Architecture, Software, and Information Security (571) 272-3599

cc: DLA Piper Rudnick Gray Cary US, LLP Attn: Mark Berrier
2000 University Avenue
E. Palo Alto, California 94303-2248

Oracle-Huawei-NetApp Ex. 1009, pg. 869

Case 1:13-cv-00895-\$S Document 31-16 Filed 04/09/14 Page 245 0524 XAM

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NOTIFICATION UND	ER 37 C.F.R. 1.565	Atty. Docket No. CROSS1123-19	
	Applicant Geoffrey B. Hoese, et	al.	
	Application Number 90/007,317	Date Filed 11/23/2004	<i></i>
	Title Storage Router and M Local Storage	lethod for Providing Virtu	al
	Group Art Unit 2182	Examiner Fleming, Fritz, M.	
	Confirmation Number:		

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Certificate of Mailing Under 37 C.F.R. §1.8			
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450 on January <u>11</u> , 2005			
Janice Pampell /			

Dear Sir:

This notification is filed for the sole purpose to inform the Examiner of prior and concurrent litigation and reexamination proceedings involving United States Patent No. 6,425,035 (the "035 Patent") as required under 35 CFR 1.565. This is not and should not be construed as a submission under 35 CFR 1.530 as it does not discuss why the subject matter as claimed in these patents is not anticipated nor rendered obvious.

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ONGOING LITIGATION AND CONCURRENT REEXAMINATION PROCEEDINGS

Currently, there is ongoing litigation in which Dot Hill Systems Corporation's ("Dot Hill") RAID controller products are accused of infringing and '035 Patent. See, Crossroads Systems, Inc. v. Dot Hill Systems Corporation, Western District of Texas, Case Number A-03-CV-754(SS). This litigation is pending.

Additionally, the '035 application is currently subject to reexamination under Reexamination Control No. 90/007,125.

This notification was served via first class mail on **January** *M*, **2005** on William A. Blake, Jones, Tullar & Cooper, PC, P.O. Box 2266, Eads Station, Arlington, VA 22202.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

John L. Adair Reg. No. 48,828

Date: January ___, 2005 1301 W. 25th Street Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 371-9088

ST.	IN THE UNITED ST	ATES PATENT AND TRADE	MARK OFFICE
TRADEMART	CERTIFICATE OF S	ERVICE UNDER	Atty. Docket No.
4	37 C.F.R.	1.248	CROSS1123-19
		Applicant Geoffrey B. Hoese, et	al.
· .		Application Number 90/007,317	Date Filed 11/23/2004
Title Storage Router and Method for Provid Local Storage		lethod for Providing Virtual	
		Group Art Unit 2182	Examiner Fleming, Fritz, M.
	Confirmation Number: 1634		

Applicant hereby serves the Notification Under 37 C.F.R. 1.565 in the above referenced

case to:

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2266 Eads Station Arlington, VA 22202

As per 35 U.S.C. §1.248 service is made via first class mail on January 3//, 2005.

Respectfully submitted,

Sprinkle IP Law Group John L. Adair

Reg. No. 48,828

Dated: January <u>7</u>, 2005 1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 371-9088

Enclosures

R examination	Control No. 90/007,317	Applicant(s)
	Certificate Date	Certificat Number
Requester Correspondence Ad	dress: 📰 🕄 Patent Owner	Sector Anticle Party E
William A. Blake JONES, TULLAR & COOPER, PC P.O. Box 2266 Eads Station Arlington, VA 22202		· · · ·
	· · · · · · · · · · · · · · · · · · ·	
	EXAMPLE examiner initials)	12/16/2004 (date)
Crossroads Systems (TK) Dot Hill Systems Curp, a DE Co D. C. W. D. Texes, Duc. No.	A-03-(A-754-55)	Director Initials
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C	OPENDING OFFICE PROCEED	INGS
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Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 249 of 324



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UNITED STATES PATENT AND TRADEMARK OFFICE

			UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Bay 1450 Alexandria, Virginia 223 www.uspio.gov	TMENT OF COMMERCE Trademark Office OR PATENTS 313-1450
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,317	11/23/2004	6425035	HOESE1/WAB	1634
25094 7: GRAY, CAR 2000 University E. Palo Alto, C	590 12/16/2004 Y, WARE & FREIDEN y Avenue CA 94303-2248	RICH LLP	EXAM Fleming, F ART UNIT 2182	INER 2;+2 M. PAPER NUMBER

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 250 of 324

Order Granting / Denying Request For Ex Parte Reexamination 90007.317 6425035 Examiner At Unit Examiner At Unit Fitz M Fleming 2182 The MAILING DATE of this communication appears on the cover sheet with the correspondence address- The request for <i>ex parte</i> reexamination filed 23 November 2004 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached. Attachments: a) □ PTO-892, b) □ PTO-1449, c) □ Other:	······································	C ntr I No.	Patent Under Reexamination			
Ex Parte Reexamination Examiner Art Unit Examiner Art Unit Fitz M Fleming 2182 -The MAILING DATE of this communication appears on the cover sheet with the correspondence address The request for <i>ex parte</i> reexamination filed 23 November 2004 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached. Attachments: a) □ PTO-892, b) ☑ PTO-1449, c) □ Other:	Order Granting / Denving Request For	90/007,317	6425035			
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c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)). A = A = A + A + A + A + A + A + A + A +	b) D by credit to Deposit Account No.	, or				
<u>Cc:Requester (if third party requester)</u> U.S. Patent and Trademark Office	c) D by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).					
<u>cc:Requester (if third party requester)</u> US. Patent and Trademark Office						
Cc:Requester (if third party requester)		Fritz	3 M. Hu MFleming ary Examiner			
US. Patent and Trademark Office	on Posturator (if third party secure to)	Art U	Jnit: 2182			
	CC:Requester (If third party requester) U.S. Patent and Trademark Office					

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Application/Control Number: 90/007,317

Page 2

Reexamination

1. A substantial new question of patentability affecting claims 1-14 of United States Patent Number 6,425,035 is raised by the request for *ex parte* reexamination.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

• The threshold for determining whether or not to grant a re-examination is set forth in MPEP 2242, quoted below:

For "a substantial new question of patentability" to be present, it is only necessary that: (*>A<) the prior art patents and/or printed publications raise a substantial question of patentability regarding at least one claim, i.e., the teaching of the (prior art) patents and printed publications is such that a reasonable examiner would consider the teaching to be important in deciding whether or not the claim is patentable; and (*>B<) the same question of patentability as to the claim has not been decided by the Office in a previous examination >or pending reexamination< of the patent or in a final holding of invalidity by the Federal Courts in a decision on the merits involving the claim. It is not necessary that a "prima facie" case of unpatentability exist as to the claim in order for "a substantial new question of patentability" as to a patent claim could be present as to the claim. Thus, "a substantial new question of patentability" as to a patent claim could be present even if the examiner would not necessarily reject the claim as either fully anticipated by, or obvious in view of, the prior >art< patents or printed publications. As to the importance of the difference between "a substantial new question of patentability" and a "prima facie" case of unpatentability see generally In re Etter, 756 F.2d 852, 857 n.5, 225 USPQ 1, 4 n.5 (Fed. Cir. 1985).
Page 3

Thus it is clear, that a granting of a re-examination does not necessarily mean that a prima facie case of unpatentability exists, just that the teachings be important when deciding claim patentability.

• The manner in which the art is to be applied in the request is discussed in MPEP 2217, quoted below:

The third sentence of 35 U.S.C. 302 indicates that the "request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested." 37 CFR 1.510(b)(2) requires that the request include "[a]n identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited prior art to every claim for which reexamination is requested." If the request is filed by the patent owner, the request for reexamination may also point out how claims distinguish over cited prior art.

Where substantial new questions of patentability are presented under 35 U.S.C. 102(f) or (g), the prior invention of another must be disclosed in a patent or printed publication. Substantial new questions of patentability may also be presented under 35 U.S.C. 103 which are based on the above indicated portions of 35 U.S.C. 102. Substantial new questions of patentability may be found under 35 U.S.C. 102(f) / 103 or 102(g)/ 103 based on the prior invention of another disclosed in a patent or printed publication if the reference invention and the claimed invention were not commonly owned at the time the claimed invention was made. See, 35 U.S.C. 103(c) and MPEP § 706.02(l). See MPEP § 706.02(l)(1) for information pertaining to references which qualify as prior art under 35 U.S.C. 102(e)/103.

The mere citation of new patents or printed publications without an explanation does not comply with 37 CFR 1.510(b)(2). Requester must present an explanation of how the cited patents or printed publications are applied to all claims which requester considers to merit reexamination. This not only sets forth the requester's position to the Office, but also to the patent owner (where the patent owner is not the requester).

Page 4

Given the above, requestor has, at a threshold minimum, provided a substantial new question of patentability via the citing of the InfoServer 100 System Operations Guide. Per the submitted document, such qualifies as a competent reference, given its publication date of 1990. Page 1-1 does clearly state that the InfoServer 100 is a virtual disk server that is not a file server, thereby not imposing a file system on the virtual disks and allowing each host system to use its own native file system. Page 1-2 does explicitly mention that a single disk can be subdivided into several partitions, each of which can be served to the network independently, while appearing to be whole disks to remote client systems and be used as though they were local hard disks. Per Figure 1-3, the InfoServer is connected on one hand to the ETHERNET (a LAN network) and on the other hand to the CDs (with SCSI-A/B busses per page 2-7). Partitions are created per page 3-8. LAD and LAST protocols are discussed at page 2-2, even though the LAST protocol does not provide any routing functions and uses multicast address feature to establish connections to the disks. Service is created per page 3-10 with the ability to select NOPASSWORD. Furthermore, the LANCE document sets forth on-chip DMA, as further shown in Johnson. However, the photos per InfoServer 150VXT (the other reference is the InfoServer 150 and not InfoServer 150VXT, difference not elaborated by requestor), are of such quality as to not clearly show anything, much less the Am7990 chip, as such is simply not clearly discernable. The DP5380 chip material does show an intent to couple with a DMA controller. Thus the above teachings were not present in the prosecution of the application that became the Hoese et al. Patent 6,425,035 and there is a further substantial likelihood that a reasonable examiner would

consider these teachings important in deciding whether or not the claims are patentable. Accordingly, the InfoServer 100 publication raises a substantial new question of patentability as to claims 1-14, which question has not been decided in a previous examination of the Hoese et al. Patent. Thus claims 1-14 will be re-examined.

2. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,425,035 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz M Fleming whose telephone number is 703-308-1483. The examiner can normally be reached on M-F, 0600-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fritz/M/Fleming

Primary Examiner Art Unit 2182

fmf

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Page 6

Under the Paperwork Reduction Act of 1995, no persons are red	U.S. Patent a quired to respond to a collection	PTO/SB/08b (08-03) Approved for use through 06/30/2006. OMB 0651-0031 and Trademark Office; U.S. DEPARTMENT OF COMMERCE of information unless it contains a valid OMB control number.
Substitute for form 1449B/PTO		Complete if Known
	Application Number	Patent No. 6,425,035
INFORMATION DISCLOSURE	Filing Date	Issue Date 07/23/2002
STATEMENT BY APPLICANT	First Named Inventor	HOESE
	Art Unit	7107

Examiner Name

FLEMING.

FRITZ

M

(Use as many sheets as necessary)

Sheet		1	of	<u> </u>	Attorney Docket Nun	nber (HOESE	1/WAB	
NON PATENT LITERATURE DOCUMENTS								
Examiner Initials*	Cite No. ¹	Include nam magazine,	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			ж, Т ²		
F.F.	1	"InfoServer 1990	"InfoServer 100 System Operations Guide", First Edition, Digital Equipment Corporation, 1990					ı,
F.F.	2	S.P. Joshi, " Design, Hay	Etherne den Pul	t controller cl blishing Co.,	hip interfaces with Inc., Rochelle Parl	variety of 16- c, NJ, Oct. 14,	bit processors," Electron 1982.pp193-200	ic
F. F.	3 -	"DP5380 A TX, May 19	DP5380 Asynchronous SCSI Interface", National Semiconductor Corporation, Arlington, [X. May 1989, pp. 1-32					
F.F.	4	Johnson, D. & Experient	Johnson, D.B., et al., "The Peregrine High Performance RPC System", SoftwarePractice & Experience, 23(2):201-221, Feb. 1993					
F.F.	5	"InfoServer 150Installation and Owner's Guide", EK-INFSV-OM-001, Digital Equipment Corporation, Maynard, Massachusetts 1991, Chapters 1 and 2				nt		
F.F.	6	Pictures of internal components of the InfoServer 150, taken from http://www.binarydinosaurs.couk/Museum/Digital/infoserver/infoserver.php in Nov. 2004				t		
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Examiner	1	to m.	fle	ming		Date	12/16/2004	

"EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
"Applicant's unique citation designation number (optional)." Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1 of 1 DOCUMENT

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

<u>6425035</u>

Link to Claims Section

July 23, 2002

Storage router and method for providing virtual local storage

REEXAM-LITIGATE: July 19, 2004 - Reexamination requested by Natu J. Patel, Wang & Patel, Reexamination No. 90/007,125 (O.G. August 31, 2004) Ex. Gp: 2111

NOTICE OF LITIGATION

Crossroads Systems (Texas), Inc., a Texas Corporation v. Dot Hill Systems Corporation, a Delaware corporation, Filed October 17, 2003, D.C. W.D. Texas, Doc. No. A-03-CA-754-55

INVENTOR: Hoese, Geoffrey B. - Austin, Texas; Russell, Jeffry T. - Cibolo, Texas

CERT-CORRECTION: August 26, 2003 - a Certificate of Correction was issued for this patent (O.G. September 16, 2003)

APPL-NO: 965335 (09)

FILED-DATE: September 27, 2001

GRANTED-DATE: July 23, 2002

ASSIGNEE-AT-ISSUE: Crossroads Systems, Inc., Austin, Texas, 02

ENGLISH-ABST:

A storage router (56) and storage network (50) provide virtual local storage on remote SCSI storage devices (60, 62, 64) to Fiber Channel devices. A plurality of Fiber Channel devices, such as workstations (58), are connected to a Fiber Channel transport medium (52), and a plurality of SCSI storage devices (60, 62, 64) are connected to a SCSI bus transport medium (54). The storage router (56) interfaces between the Fibre Channel transport medium (52) and the SCSI bus transport medium (54). The storage router (56) maps between the workstations (58) and the SCSI storage devices (60, 62, 64) and implements access controls for storage space on the SCSI storage devices (60, 62, 64). The storage router (56) then allows access from the workstations (58) to the SCSI storage devices (60, 62, 64) using native low level, block protocol in accordance with the mapping and the access controls.

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1 of 2 DOCUMENTS

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October 22, 2003 Wednesday

LENGTH: 74 words

HEADLINE: CRDS Files Patent Infringement Suit Against HILL

DATELINE: Ridgeland, MS

BODY:

1

...Crossroads Systems Inc. (CRDS) on October 17, 2003. Dot Hill has not been served with the Complaint. The suit alleges patent infringement by Dot Hill of United States Patent Nos. 5,941,972 and <u>6,425,035</u>, relating to storage routers and methods for providing virtual local storage.

LEXIS-NEXIS Library: NEWS File: CURNEWS

2 of 2 DOCUMENTS

Copyright 2003 PR Newswire Association, Inc. PR Newswire

October 22, 2003 Wednesday

SECTION: FINANCIAL NEWS

LENGTH: 446 words

HEADLINE: Dot Hill Systems Announces Complaint Filed By Crossroads Systems

DATELINE: CARLSBAD, Calif. Oct. 22

BODY:

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...Texas by Crossroads Systems on October 17, 2003. Dot Hill has not been served with the Complaint. The suit alleges patent infringement by Dot Hill of United States Patent Nos. 5,941,972 and <u>6,425,035</u>, relating to storage routers and methods for providing virtual local storage.

Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 262 of 324

?us6425035/pn

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** SS 1: Results 1
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Search statement 2

?prt full nonstop legalall

1/1 PLUSPAT - (C) QUESTEL-ORBIT- image PN - US2002010812 A1 20020124 [US20020010812] PN2 - US6425035 B2 20020723 [US6425035] TI - (A1) Storage router and method for providing virtual local storage PA - (B2) CROSSROADS SYSTEMS INC (US) PA0 - Crossroads Systems, Inc., Austin TX [US] PA2 - (B2) CROSSROADS SYSTEMS INC (US) IN - (A1) HOESE GEOFFREY B (US); RUSSELL JEFFRY T (US) AP - US96533501 20010927 [2001US-0965335] FD - Continuation of: US5941972 - US96533501 20010927 [2001US-0965335] PR - US35468299 19990715 [1999US-0354682] - US179997 19971231 [1997US-0001799] IC - (A1) G06F-003/00 - G06F-013/40D2 EC PCL - ORIGINAL (0) : 710105000; CROSS-REFERENCE (X) : 710008000 710036000 710310000 DT - Corresponding document CT - US5748924; US5768623; US5809328; US5812754; US5835496; US5848251; US5935260; US5941972; US5959994; US6041381; US6055603; US6065087; US6075863; US6098149; US6118766; US6148004; US6185203; US6209023; US6230218; US6341315; US6343324 STG - (A1) Utility Patent Application published on or after January 2, 2001 STG2- (B2) U.S. Patent (with pre-grant pub.) after Jan. 2, 2001 AB - A storage router (56) and storage network (50) provide virtual local storage on remote SCSI storage devices (60, 62, 64) to Fiber Channel devices. A plurality of Fiber Channel devices, such as workstations (58), are connected to a Fiber Channel transport medium (52), and a plurality of SCSI storage devices (60, 62, 64) are connected to a SCSI bus transport medium (54). The storage router (56) interfaces between the Fibre Channel transport medium (52) and the SCSI bus transport medium (54). The storage router (56) maps between the workstations (58) and the SCSI storage devices (60, 62, 64) and implements access controls for storage space on the SCSI storage devices (60, 62, 64). The storage router (56) then allows access from the workstations (58) to the SCSI storage devices (60, 62, 64) using native low level, block protocol in accordance with the mapping and the access controls. UP - 2002-05

1/1 LGST - (C) EPO
PN - US2002010812 A1 20020124 [US20020010812]
 - US6425035 B2 20020723 [US6425035]
AP - US96533501 20010927 [2001US-0965335]
ACT - 20030826 US/CC-A
 CERTIFICATE OF CORRECTION
 - 20040831 US/RR-A [+]
 REQUEST FOR REEXAMINATION FILED
 EFFECTIVE DATE: 20040719
UP - 2004-37

1/1 CRXX - (C) CLAIMS/RRX PN - 6,425,035 A 20020723 [US6425035] PA - Crossroads Systems Inc ACT - 20040719 REEXAMINATION REQUESTED ISSUE DATE OF O.G.: 20040831 REEXAMINATION REQUEST NUMBER: 90/007125 Natu J. Patel, Wang & Patel, Newport Beach, CA

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Page 1 of 1

UNITED STATES PATEN	UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Addres: COMMISSIONER FOR PATENTS PO. Box 149 Alexandri, Vagina 22313-1450 www.usplo.gov	
REEXAM CONTROL NUMBER	FILING OR 371 (c) DATE	PATENT NUMBER
90/007,317	11/23/2004	6425035

CONFIRMATION NO. 1634

William A Blake JONES TULLAR & COOPER, PC P.O. Box 2266 Eads Station Arlington, VA 22202

Date Mailed: 12/10/2004

NOTICE OF REEXAMINATION REQUEST FILING DATE

(Third Party Requester)

Requester is hereby notified that the filing date of the request for reexamination is 11/23/2004, the date the required fee of \$2,520 was received.

A decision on the request for reexamination will be mailed within three months from the filing date of the request for reexamination. (See 37 CFR 1.515(a)).

A copy of the Notice is being sent to the person identified by the requester as the patent owner. Further patent owner correspondence will be the latest attorney or agent of record in the patent file. (See 37 CFR 1.33). Any paper filed should include a reference to the present request for reexamination (by Reexamination Control Number).

cc: Patent Owner

25094 GRAY, CARY, WARE & FREIDENRICH LLP 2000 University Avenue E. Palo Alto, CA 94303-2248

Office of Patent Legal Administration

Central Reexamination Unit ((571) 272-7750; FAX (571)273-0100 PART 3 - OFFICE COPY

Case 1:13-cv-00895-SS Document 3	1-16 Filed	104/09/14 I	Page 265 of 324
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Page 1 of 1

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REEXAM CONTROL NUMBER	FILING OR 371 (c) DATE	PATENT NUMBER
90/007,317	11/23/2004	6425035
25094 GRAY, CARY, WARE & FREIDENRICH 2000 University Avenue E. Palo Alto, CA 94303-2248	1 LLP	CONFIRMATION NO. 1634 REEXAM ASSIGNMENT NOTICE

Date Mailed: 12/10/2004

NOTICE OF ASSIGNMENT OF REEXAMINATION REQUEST

The above-identified request for reexamination has been assigned to Art Unit 2111. All future correspondence to the proceeding should be identified by the control number listed above and directed to the assigned Art Unit.

A copy of this Notice is being sent to the latest attorney or agent of record in the patent file or to all owners of record. (See 37 CFR 1.33(c)). If the addressee is not, or does not represent, the current owner, he or she is required to forward all communications regarding this proceeding to the current owner(s). An attorney or agent receiving this communication who does not represent the current owner(s) may wish to seek to withdraw pursuant to 37 CFR 1.36 in order to avoid receiving future communications. If the address of the current owner(s) is unknown, this communication should be returned within the request to withdraw pursuant to Section 1.36.

cc: Third Party Requester(if any)

William A Blake JONES TULLAR & COOPER, PC P.O. Box 2266 Eads Station Arlington, VA 22202

Office of Patent Legal Administration

Central Reexamination Unit (571) 272-7750; FAX (571)273-0100

Patent Assignment Abstract of Title

Total Assignme	nts: 3					
Application #: 0	9001799	Filing Dt: 12/31/1997	Patent #	: <u>5941972</u>	Issue Dt: ()8/24/1999
PCT #: №	NONE		Publication #	: NONE	Pub Dt:	
Inventors:	GEOFFREY	B. HOESE, JEFFRY T. RUS	SELL			
Title: S	STORAGE F	ROUTER AND METHOD FOR	R PROVIDING VIE	RIUAL LOCAL	STORAGE	
Assignment: 1		De calenda	De seude de	M - 1	1 - d-	D
Reel/Frame:	008929/0	02/06/1998	12/31/1997	03/:	1ed: 19/1998	Pages: 4
Conveyance:	ASSIGNM	IENT OF ASSIGNORS INTE	REST (SEE DOCL	JMENT FOR D	DETAILS).	
Assignors:	HOESE, C	GEOFFREY B.		Exec Dt	: 12/22/1997	
	RUSSELL	, JEFFRY T.		Exec Dt	: 12/22/1997	
Assignee:	CROSSRO 9390 RES	DADS SYSTEMS, INC. SEARCH BLVD., SUITE II-3	00			
• • • •	AUSTIN,	POTTO LL D				
Correspondent:		BUTTS, L.L.P.				
	2001 809					
	DALLAS.	TX 75201-2980		~		
Assignment: 2	,	·····				
Reel/Frame:	011284/0	0218 Received: 12/05/2000	Recorded: 11/16/2000	Mai 02/0	led:)5/2001	Pages: 8
Conveyance:	SECURIT	Y AGREEMENT				
Assignor:	CROSSW	ORLDS SOFTWARE, INC.		Exec Dt	: 06/30/2000	
Assignee:	SILICON	VALLEY BANK				
7.551g.1661	LOAN DO	CUMENTATION HG150				
	3003 TAS	SMAN DR				
	SANTA CI	ARA, CALIFORNIA 95054				
Correspondent:	SILICON	VALLEY BANK				
•	JACQUEL	YN LE				
	LOAN DO	CUMENTATION HG150				
·	3003 TAS	MAN DR.				
	SANTA CL	_ARA, CA 95054				
Assignment: 3						· _ `
Reel/Frame:	012785/0	0083 Received: 04/17/2002	Recorded: 04/03/2002	Mai 06/1	l ed: .2/2002	Pages: 2
Conveyance:	RELEASE					-
Assignor:	SILICON	VALLEY BANK		Exec Dt:	: 03/20/2002	
Assignee:	CROSSW	ORLDS SOFTWARE	*			
	577 AIRP	ORT BOULEVARD, SUITE 3	00			
	BURLING	AME, CALIFORNIA 94010				
Correspondent:	SILICON	VALLEY BANK				
	MICHELLE	E GIANNINI				
	LOAN DO	CUMENTATION HA155				
	3003 TAS	MAN DR.				
	SANTA CL	ARA, CALIFORNIA 95054				

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Search Results as of: 12/9/2004 4:04:59 P.M.

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Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 268 of 324

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Under t	he Paperwork Reduction Act of 1995, no persons are rec	Approved U.S. Patent and Trademark uired to respond to a collection of information u	for use through 04/30/2007. OMB 0651-00 Office; U.S. DEPARTMENT OF COMMERC nless it displays a valid OMB control number
(Also referred	to as FORM PTO-1465) REQUEST FOR EX PARTE REE	XAMINATION TRANSMITT	
×13	Address to:	•	
No All	Commissioner for Patents	Attorney Do	ocket No.: HOESE1/WAB
	Alexandria, VA 22313-1450	Date: 11/23	3/2004
NTa W	This is a request for <i>ex parte</i> reexamination $07/23/2002$ The second	on pursuant to 37 CFR 1.510 of pater	nt number <u>6,425,035</u>
	natent owner	third party requester.	64660 0.5. PR 90007317
2. X	The name and address of the person requ	esting reexamination is:	
	William A. Blake, Jones, Tullar & C	ooper, PC	11/23/04
	P.O. Box 2266 Eads Station		
	Arlington, VA 22202		100
3. X	a. A check in the amount of $\frac{2,520.0}{2}$	0 is enclosed to cover the reexa	mination fee, 37 CFR 1.20(c)(1);
	b. The Director is hereby authorized to to Deposit Account No.	charge the fee as set forth in 37 CFF (submit duplicative)	R 1.20(c)(1) copy for fee processing); or
	c. Payment by credit card. Form PTO-	2038 is attached.	
4. <u>X</u>	Any refund should be made by X ch 37 CFR 1.26(c). If payment is made by c	eck or credit to Deposit Accoun credit card, refund must be to credit c	t No ard account.
5. <u>X</u>	A copy of the patent to be reexamined t enclosed. 37 CFR 1.510(b)(4)	naving a double column format on on	e side of a separate paper is
6.	CD-ROM or CD-R in duplicate, Comput	er Program (Appendix) or large table	
7.	Nucleotide and/or Amino Acid Sequenc If applicable, items a. – c. are required.	e Submission	
	a. Computer Readable Form (CRF) b. Specification Sequence Listing on:		
	i. 🔲 CD-ROM (2 copies) or CD- ii. 🔲 paper	R (2 copies); or	
	c. 🔲 Statements verifying identity of al	pove copies	
8. X	A copy of any disclaimer, certificate of co	rrection or reexamination certificate is	ssued in the patent is included.
9. <u>X</u>	Reexamination of claim(s)	1-14	is requested.
10. <u>X</u>	A copy of every patent or printed publicati Form PTO/SB/08, PTO-1449, or equivale	on relied upon is submitted herewith nt. 12/05/2004	including a listing thereof on NSALDANA 0000008 90007317
11.	An English language translation of all nec publications is included.	essary and pertinent non-English lan	guage patents and/or printed
		[Page 1 of 2] D1 EC-1013	2528 00 0

This collection of information is required by 37 CFR 1.510. The information is required to obtain or retain⁴⁷ Brehamby the public which is to file (and by the USP ro to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop *Ex Parte* Reexam, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 269 of 324

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12. X The attached detailed request includes at least	the following item	is:				
 a. A statement identifying each substantial new publications. 37 CFR 1.510(b)(1) b. An identification of every claim for which ree and manner of applying the cited art to every 	 a. A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.510(b)(1) b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR 1.510(b)(2) 					
13. A proposed amendment is included (only where	e the patent owne	r is the requester). 37 CFR 1.510	(e)		
14. \boxed{X} a. It is certified that a copy of this request (if file the patent owner as provided in 37 CFR 1.33 The name and address of the party served a	ed by other than th 3(c). and the date of sei	ne patent owner) h rvice are:	nas been served	in its entirety on		
Steven Sprinkle						
Sprinkle IP Law Group, PO Box 684767	7		,			
Austin, TX, 78768-4767						
Date of Service: November 23, 2004			; or			
b. A duplicate copy is enclosed since service	on patent owner	was not possible.				
15. Correspondence Address: Direct all communication	about the reexan	nination to:				
The address associated with Customer Number:						
Firm or Individual Name William A. Blake						
Address Jones, Tullar & Cooper, PC P.O. Box 2266 Eads Station						
City Arlington	State	VA	Zip	22202		
Country						
Telephone 703-415-1500	Fax 703	-415-1508				
 16. X The patent is currently the subject of the follow a. Copending reissue Application No b. Copending reexamination Control No c. Copending Interference No X d. Copending litigation styled: <u>Crossroads Systems, Inc. v. Dot</u> <u>Texas, Case No. A-03-CV-754(S</u> 	ving concurrent pr 590/007,125 Hill Systems Cc S)	oceeding(s):	C for Western	District of		
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[Page 2 of 2]

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.	:	6,425,035
Date of Issue	:	July 23, 2002
Name of Patentee	:	Geoffrey B. Hoese et al.
Title of Invention	:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE
Mail Stop Ex Parte I	Reevam	

Mail Stop Ex Parte Reexam Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

REQUEST FOR REEXAMINATION [35 U.S.C. §302 et seq., 37 C.F.R. §1.510]

Sir:

Reexamination under 35 U.S.C. §§302-307 and 37 C.F.R §1.510 is requested of United States Patent No. 6,425,035, which issued on July 23, 2002, to Geoffrey B. Hoese and Jeffry T. Russell (hereinafter "Hoese").

At least one request for reexamination has recently been granted for the abovereferenced Hoese patent, this being Reexamination Control No. 90/007,125 filed July 19, 2004 (the "Pending Request"). Since the Pending Request has just recently been granted less than 60 days ago, it is believed proper to merge the present request with it. See MPEP §2283 and 37 C.F.R §1.565.

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I. Claims For Which Reexamination Is Requested

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Reexamination is requested of claims 1-14 (all claims) of the Hoese patent in view of the following prior art publications. These publications are listed in the attached Form PTO/SB/08B and copies of each are enclosed:

1) "InfoServer 100 System Operations Guide," First Edition, Digital Equipment Corporation, 1990 (hereinafter "IS100");

S. P. Joshi, "Ethernet controller chip interfaces with variety of 16-bit processors,"
 Electronic Design, Hayden Publishing Company, Inc., Rochelle Park, NJ, October 14, 1982, pp.
 193-200 (hereinafter "LANCE"); and

3) "DP5380 Asynchronous SCSI Interface", National Semiconductor

Corporation, Arlington, TX, May 1989, pp. 1-32 (hereinafter "DP5380")

In addition, the following documents are submitted in support of the arguments made for obviousness under 35 U.S.C. §103. These documents are also listed in the attached Form PTO/SB/08B:

4) Johnson, D.B., et al., "The Peregrine High Performance RPC System," *Software --Practice & Experience*, 23(2):201-221, February 1993 (hereinafter "Johnson")

5) "InfoServer 150 -- Installation and Owner's Guide", EK-INFSV-OM-001, Digital Equipment Corporation, Maynard, Massachusetts 1991, chapters 1 and 2 (hereinafter "IS150 Manual").

6) Pictures of internal components of the InfoServer 150, taken from <u>http://www.binarydinosaurs.co.uk/Museum/Digital/infoserver/infoserver.php</u> (hereinafter "IS150 Photos") in November 2004.

II. Substantial New Questions Of Patentability Raised By The Newly Cited Prior Art (37 C.F.R 1.510(b)(1))

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The following substantial new questions of patentability are raised by the newly cited prior art documents. These documents have not been previously made of record either during the prosecution of the Hoese patent or in the Pending Request. A detailed analysis of each new question of patentability is set forth in the next section.

A. Claims 1-4, 7-9 and 11-14 of Hoese are unpatentable 35 U.S.C. §102 as being fully anticipated under by the prior art IS100 document.

B. Claim 5 of Hoese is unpatentable under 35 U.S.C. §103 as being obvious over the IS100 prior art document in view of the LANCE document.

C. Claim 6 is unpatentable under 35 U.S.C. §103 as being obvious over the IS100 prior art document in view of the DP5380 document.

D. Claim 10 of Hoese is unpatentable under 35 U.S.C. §103 as being obvious over the prior art documents IS100, LANCE and DP5380.

III. Detailed Explanation Of The Pertinency Of The Cited Prior Art (37 C.F.R. §1.510(b) (2))

A. Claims 1-4, 7-9 and 11-14 of Hoese are fully anticipated under 35 U.S.C. §102 by the prior art IS100 document. Claims 1-4, 7-9 and 11-14 are set forth in the charts that follow with an explanation as to how the IS100 document meets all the recited claim elements.

Hoese, claim 1

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IS100

"1. A storage router for providing virtual local storage on remote storage devices to devices, comprising:"	(IS100 at p.1-1 describes the Digital Equipment Corporation (DEC) InfoServer 100 as a "virtual disk server" that serves sets of logical blocks to an Ethernet network-connected server. It is also said at pp. 2-1 to 2-2 of IS100 that the InfoServer 100 provides "access to the virtual disks it serves to the local-area network (LAN) via the Local Area Disk (LAD) and Local Area Storage Transport (LAST) protocols".)
"a buffer providing memory work space for the storage router;"	(IS100 at p.3-64 refers to a "pool" of memory whose pool size is displayed on request and that the pool being memory is made available to the running software, for use in serving disks.)
"a first controller operable to connect to and interface with a first transport medium;"	(IS100 at p.1-3 shows the InfoServer 100 connected to an Ethernet LAN segment, thus the InfoServer 100 inherently had an Ethernet Network Interface Controller (NIC). The InfoServer 100 also responded to commands such as SHOW ETHERNET which display the status and traffic statistics for the Ethernet interface. <u>See</u> IS100 p.3-47.)
"a second controller operable to connect to and interface with a second transport medium; and"	(IS100 at pp. 2-7 and 2-8 refer to two SCSI buses, one internal and one external. Pp. 3- 44 through 3-46 of IS100 describe a SHOW DEVICE command which displays the status of storage devices attached to the IS100 via the SCSI buses.)
"a supervisor unit coupled to the first controller, the second controller and the buffer, the supervisor unit operable"	(The InfoServer 100 provided connectivity between an Ethernet interface and disks connected to a interface. See IS100 p.1-1 and Fig. 1-1.)
"to map between devices connected to the first transport medium and the storage devices,"	(The storage space of the storage devices is addressed as "partitions" through the CREATE PARTITION command. <u>See</u> IS100 pp. 3-7 and 3-8. The partitions are mappings from a partition name to portions of the storage devices.)
"to implement access controls for storage space on the storage devices and"	(The devices or partitions are then made available to connected devices as "SERVICES" via the CREATE SERVICE

	command which includes an optional "access control password". See IS100 p. 3- 10. The password feature thus serves as an access control.)
"to process data in the buffer to interface between the first controller and the second controller"	(The "pool" is used for servicing disk requests that originate from the network. See IS100 p.3-64.)
to allow access from devices connected to the first transport medium to the storage devices using native low level, block protocols."	(At IS100 p. 1-1 it is said that each host can use its own "native file system" to access the InfoServer 100. In particular, the LAD protocol provides a mechanism for reading and writing logical disk blocks independent from any underlying file system. <u>See</u> also IS100 p. 2-2.)

Hoese, claim 2

IS100

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"2. The storage router of claim 1, wherein the supervisor unit maintains an allocation of subsets of storage space to associated devices connected to the first transport medium, wherein each subset is only accessible by the associated device connected to the first transport medium."	(The InfoServer 100 partitions maintain a mapping between portions of the storage space and the partition name. Each service is accessible only to clients that have access to the associated password. A particular service can also be restricted to a single client at a time. <u>See</u> IS100 pp. 3-9 through 3-12, "READERS" and "WRITERS" parameters for avample.)
	with third parameters, for example.)
Hoese, claim 3	IS100
"3. The storage router of claim 2, wherein the devices connected to the first transport medium comprise workstations."	(Workstations as well as PCs and VAXes are connected are to the Ethernet port on the InfoServer 100. <u>See</u> IS100, Figure 1-1 on p. 1-3.)
Hoese, claim 4	IS100
"4. The storage router of claim 2, wherein the storage devices comprise hard disk drives."	(IS100 at p. 3-45 illustrates an example of the output of the "SHOW DEVICE" command note that the output is a list of connected devices that includes "hard disk" drives.)

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Hoese, claim 7

IS100

"7. A storage network, comprising:"	(Similar to claim 1.
"a first transport medium;"	IS100 at p.1-3 shows the InfoServer 100 connected to an Ethernet LAN segment, thus the InfoServer 100 inherently had an Ethernet Network Interface Controller (NIC). The InfoServer 100 also responded to commands such as SHOW ETHERNET which display the status and traffic statistics for the Ethernet interface. <u>See</u> IS100 p.3-47.
"a second transport medium;"	IS100 at pp. 2-7 and 2-8 refer to two SCSI buses, one internal and one external. IS100 at pp. 3-44 through 3-46 of IS100 describe a SHOW DEVICE command which displays the status of devices attached to the IS100 via the SCSI buses.
"a plurality of workstations connected to the first transport medium;"	Workstations as well as PCs and VAXes are connected are to the Ethernet port on the InfoServer 100. See IS100, Figure 1-1 on p. 1-3.)
"a plurality of storage devices connected to the second transport medium; and"	(Figure 1-1 on p. 1-3 of IS100 shows multiple disks connected to the InfoServer 100 see also the example output from the SHOW DEVICE command at IS100 p.3-45 showing that multiple disks devices are connected.)
"a storage router interfacing between the first transport medium and the second transport medium, the storage router providing virtual local storage on the storage devices to the workstations and operable:"	(Similar to claim 1 - the InfoServer 100 "routes" disk requests from Ethernet- connected devices to the virtual disks named as services which are then mapped to partitions to SCSI-attached disks. A "router" is anything that connects the two "transport medium(s)". See IS100 p.1-1)
"to map between the workstations and the storage devices;"	(Similar to claim 1. The storage space of the storage devices is addressed as "partitions" through the CREATE

	PARTITION command. See IS100 pp. 3-7 and 3-8. The partitions are mappings from a partition name to portions of the storage devices.
"to implement access controls for storage space on the storage devices; and"	The devices or partitions are then made available to connected devices as "SERVICES" via the CREATE SERVICE command which includes an optional "access control password". <u>See</u> IS100 p. 3- 10. The password feature thus serves as an access control.
"to allow access from the workstations to the storage devices using native low level, block protocol in accordance with the mapping and access controls."	At IS100 p. 1-1 it is said that each host can use its own "native file system" to access the InfoServer 100. In particular, the LAD protocol provides a mechanism for reading and writing logical disk blocks independent from any underlying file system. See also IS100 p. 2-2.) (At IS100 p. 1-1 it is said that each host can use its own "native file system" to access the InfoServer 100. In particular, the LAD protocol provides a mechanism for reading and writing logical disk blocks independent from any underlying file system. See also IS100 p. 2-2.)

Hoese, claim 8	IS100
"8. The storage network of claim 7, wherein the access controls include an allocation of subsets of storage space to associated workstations, wherein each subset is only accessible by the associated workstation."	(Same as claim 2.)

Hoese, claim 9

IS100

"9. The storage network of claim 7,	(Same as claim 4.)
wherein the storage devices comprise hard	
disk drives."	

Hoese, claim 11	IS100
"11. A method for providing virtual local storage on remote storage devices connected to one transport medium to devices connected to another transport medium, comprising:"	(Same as claim 1. IS100 at p.1-1 describes the Digital Equipment InfoServer 100 as a "virtual disk server" that serves sets of logical blocks to an Ethernet network- connected server. It is also said at pp. 2-1 to 2-2 of IS100 that the InfoServer 100 provides "access to the virtual disks it serves to the local-area network (LAN) via the Local Area Disk (LAD) and Local Area Storage Transport (LAST) protocols".
"interfacing with a first transport medium;"	IS100 at p.1-3 shows the InfoServer 100 connected to an Ethernet LAN segment, thus the InfoServer 100 inherently had an Ethernet Network Interface Controller (NIC).
"interfacing with a second transport medium;"	IS100 at pp. 2-7 and 2-8 refer to two SCSI buses, one internal and one external. Pp. 3- 44 through 3-46 of IS100 describe a SHOW DEVICE command which displays the status of storage devices attached to the IS100 via the SCSI buses.)
"mapping between devices connected to the first transport medium and the storage devices"	The storage space of the storage devices is addressed as "partitions" through the CREATE PARTITION command. <u>See</u> IS100 pp. 3-7 and 3-8. The partitions are mappings from a partition name to portions of the storage devices.
"and that implements access controls for storage space on the storage devices; and"	The devices or partitions are then made available to connected devices as "SERVICES" via the CREATE SERVICE command which includes an optional "access control password". <u>See</u> IS100 p. 3- 10. The password feature thus serves as an access control.

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"allowing access from devices connected to the first transport medium to the storage devices using native low level, block protocols."	At IS100 p. 1-1 it is said that each host can use its own "native file system" to access the InfoServer 100. In particular, the LAD protocol provides a mechanism for reading and writing logical disk blocks independent from any underlying file system. <u>See</u> also IS100 p. 2-2.)
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Hoese, claim 12	IS100
"12. The method of claim 11, wherein mapping between devices connected to the first transport medium and the storage devices includes allocating subsets of storage space to associated devices connected to the first transport medium, wherein each subset is only accessible by the associated device connected to the first transport medium."	(Same as claim 2.)

Hoese, claim 13	IS100
"13. The method of claim 12, wherein the devices connected to the first transport	(Same as claim 3.)

Hoese, claim 14

Hoese, claim 12

IS100

"14. The method of claim 12, wherein the	(Same as claim 4.)
storage devices comprise hard disk drives"	

B. Claim 5 of Hoese is unpatentable under 35 U.S.C. §103 as being obvious over the

IS100 prior art document in view of the LANCE document.

Claim 5 depends from claim 1 and adds additional features. These additional features are

found in an Ethernet integrated circuit known as the Advanced Micro Devices (AMD) Am7990,

as described in the LANCE document. A chart listing the correspondence of these claim features appears below.

It would have been obvious to one of skill in the art at the time of filing the Hoese patent to combine the teachings of the IS100 document and the LANCE document, for several reasons. First, textbooks such as Johnson suggested, circa 1993, that "DMA is a common feature of modern Ethernet controllers" (see Johnson, p. 3). Second, there is evidence that such a combination had actually been made in the prior art. The IS150 Manual describes the InfoServer 150, a second generation version of the IS100 which was introduced by Digital Equipment Corporation no later than the end of 1991. The IS150 Photos show an internal photograph of the InfoServer 150, and an Am7990 chip was clearly part of that product.

"5. The storage router of claim 1, wherein the first controller comprises:"	(The Am7990 chip provided Ethernet access and used FIFOs and DMA as integral components. See LANCE pp. 193-200)
"a first protocol unit operable to connect to the first transport medium;"	(The Am7990 controller's "primary task is to carry out the basic Ethernet protocol functions". LANCE, p. 193, bottom left column)
"a first-in-first-out queue coupled to the first protocol unit; and" "a direct memory access (DMA) interface coupled to the first-in-first-out queue and to the buffer."	("The ring behaves like a wraparound FIFO storage register". LANCE, pp. 195.) (The Am7990 also provided an internal DMA interface to the FIFO ring buffers as well as a BCON bit used to program different DMA modes of the Am7990. LANCE at pp. 195-197. Also see p. 200, top right hand column, where an overflow error is reported if an internal FIFO of LANCE fills and cannot be emptied because of an abnormal latency in servicing

Claim 5 of Hoese reads on the prior art as quoted below:

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C. Claim 6 is unpatentable under 35 U.S.C. §103 as being obvious over the prior art document IS100 in view of the DP5380 prior art document. A claim chart listing the correspondence between claim 6 and these documents appear below. It would have been obvious to combine the teachings of the IS100 and DP5380 documents. Indeed, there is evidence that such a combination had actually been made long before the filing date of the Hoese patent. As is evidenced by the IS150 Manual and the IS150 Photos, an "NCR5380" chip was part of the Digital Equipment Corporation InfoServer 150 no later than the end of 1991. The NCR5380 chip is pin and program compatible with the DP5380 chip, as described on the first page of the DP5380 document.

Claim 6 of Hoese reads on the prior art as quoted below:

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"6. The storage router of claim 1, wherein	(The DP5380 chip is a SCSI controller.
the second controller comprises:"	<u>See</u> DP5380, p. 1.)
"a second protocol unit operable to connect	(The DP5380 has a SCSI controller that
to the second transport medium;"	receives and transmits data to and from a
	SCSI bus. See DP5380 generally.)
"an internal buffer coupled to the second	(The DP5380 has internal data input and
protocol unit; and"	data output registers. DP5380, p. 3, Figure
	2, "ASI block diagram".)
"a direct memory access (DMA) interface	(The DP5380 also had a DMA mode of
coupled to the internal buffer and to the	operation. See DP5380, p.1 and the
buffer of the storage router."	description of the DMA send, DMA target,
	and DMA initiator registers at p.9; see also
	the description of the non-block mode
	DMA, block mode DMA, and pseudo-
	DMA modes at pp. 11-12.)

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D. Claim 10 of Hoese is considered to be unpatentable under 35 U.S.C. §103 as being obvious in view of prior art documents IS100, LANCE and DP5380. A claim chart listing the correspondence between claim 10 and these documents appears below.

It would have been obvious to combine the teachings of the IS100, LANCE and DP5380 documents. Indeed, there is evidence that such a combination had actually been made long before the filing date of the Hoese patent. As is evidenced by the IS150 Manual and the IS150 Photos, an "Am7990" and an "NCR5380" chip were part of the Digital Equipment Corporation InfoServer 150 no later than the end of 1991. The Am7990 is described in the LANCE document. The NCR5380 chip is pin and program compatible with the DP5380 chip, as described on the first page of the DP5380 document.

Claim 10 of Hoese reads on the prior art as quoted below:

. .

"10. The storage network of claim 7, wherein the storage router comprises:"	
"a buffer providing memory work space for the storage router,"	(IS100 at p.3-64 refers to a "pool" of memory whose pool size is displayed on request and that the pool being memory is made available to the running software, for use in serving disks.)
"a first controller operable to connect to and interface with the first transport medium, the first controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer;"	(The LANCE document describes the Am7990, which was an Ethernet controller that had a DMA interface. The reference in the claim to "pull outgoing data" is considered to be a reference to the functions of the DMA interface. See also the discussion of claim 5 above.)
"a second controller operable to connect to and interface with the second transport medium, the second controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer; and"	(The DP5380 describes a SCSI controller that had a DMA interface. The reference to "pull outgoing data" is considered to be a reference to the DMA interface functions. See also the discussion of claim 6 above.)

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"a supervisor unit coupled to the first controller, the second controller and the buffer the supervisor unit operable:	(Same as claim 1. The InfoServer 100 internal processor provided connectivity between the first and ensured ensured that		
	process data in the buffer, in other words, it receives data from the Ethernet interface and stores it on the disks connected to the SCSI interface.		
to map between devices connected to the first transport medium and the storage devices,	Mapping is provided by the PARTITION and SERVICES commands. See IS100, p. 2-6, section 2.5.2, pp. 3-7 through 3-12, p. 3-27 and pp. 3-40 through 3.43.). The storage space of the storage devices is addressed by the network devices as "partitions" through the CREATE PARTITION command. See IS100 pp. 3-7 and 3-8.		
to implement the access controls for storage space on the storage devices and	The devices or partitions are then made available to connected devices as "SERVICES" via the CREATE SERVICE command which includes an optional "access control password". <u>See</u> IS100 p. 3- 10. The password feature thus serves as an access control.		
to process data in the buffer to interface between the first controller and the second controller to allow access from workstations to storage devices."	At IS100 p. 1-1 it is said that each host can use its own "native file system" to access the InfoServer 100. In particular, the LAD protocol provides a mechanism for reading and writing logical disk blocks independent from any underlying file system. See also IS100 p. 2-2)		

IV. Conclusion

The prior art documents referred to above were not considered during prosecution of the Hoese patent, nor have they been cited in the Pending Request, Reexamination Control No. 90/007,125 filed July 19, 2004. Further, these prior art documents are more pertinent to the subject matter of Hoese than any prior art reference which were previously cited during prosecution of the Hoese patent. It is clear from the foregoing discussion that substantial new questions of patentability have been raised by this previously unconsidered prior art and that claims 1-14 in Hoese are unpatentable over this prior art. Accordingly, it is respectfully requested that this request for reexamination of the Hoese patent be granted.

Respectfully submitted,

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(12) United States_Patent (10) Patent No.: US 6,425,035 B2 Hoese et al. (45) Date of Patent: *Jul. 23, 2002

(54) STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

(75) Inventors: Geoffrey B. Hoese, Austin; Jeffry T. Russell, Cibolo, both of TX (US)

(73) Assignee: Crossroads Systems, Inc., Austin, TX (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

> This patent is subject to a terminal disclaime

(21) Appl. No.: 09/965,335

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(22) Filed: Sep. 27, 2001

Related U.S. Application Data

- (63) Continuation of application No. 09/354,682, filed on Jul. 15, 1999, which is a continuation of application No. 09/001,799, filed on Dec. 31, 1997, now Pat. No. 5,941,972.
- Int. Cl.⁷ G06F 13/00 (51) (52) U.S. CL
- (58) Field of Search ...
- 112, 113; 714/42

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Primary Examiner-Christopher B. Shin (74) Attorney, Agent, or Firm-Gray Cary Ware & Friedrich LLP

ABSTRACT

(57) ABSTRACT A storage router (56) and storage network (50) provide virtual local storage on remote SCSI storage devices (60, 62, 64) to Fiber Channel devices. A plurality of Fiber Channel devices, such as workstations (58), are connected to a Fiber Channel transport medium (52), and a plurality of SCSI storage devices (60, 62, 64) are connected to a SCSI bus transport medium (54). The storage router (56) interfaces between the Fibre Channel transport medium (52) and the SCSI bus transport medium (53). The storage router (56) maps between the workstations (58) and the SCSI storage devices (60, 62, 64) and implements access controls for storage space on the SCSI storage devices (60, 62, 64). The storage router (56) then allows access from the workstations (58) to the SCSI storage devices (60, 62, 64) using native low level, block protocol in accordance with the mapping low level, block protocol in accordance with the mapping and the access controls.

14 Claims, 2 Drawing Sheets





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U.S. Patent





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U.S. Patent Jul. 23, 2002 Sheet 2 of 2 US 6,425,035 B2 SCSI BUS 54 -82 SCSI PROTOCOL 98 > scsi Bus 4 5 SCSI CONTROLLER FIG.FIG. BUFFER V8 2 DMA INTERFACE SCSI CONTROLLER 784 82 94 84 SUPERVISOR SUPERVISOR SUPERVISOR BUFFER 86 86 ſ BUFFER FIBRE CHANNEL CONTROLLER DMA INTERFACE FIBRE CHANNEL CONTROLLER 92 80-56 FIBRE CHANNEL -FF 52 .◀ 8⁄ **~**.8 FC PROTOCOL 88 ဝိ 22-

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1 STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

RELATED APPLICATIONS

This application claims the benefit of the filing date of U.S. patent application Ser. No. 09/354,682 by inventors Geoffrey B. Hoese and Jeffry T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Jul. 15, 1999, which is a continuation of U.S. patent application Ser. No. 091001,799, filed on Dec. 31, 1997, now U.S. Pat. No. 5.941,972, and hereby incorporates these applications by reference in their entireties as if they had been fully set forth herein.

TECHNICAL FIELD OF THE INVENTION

This invention relates in general to network storage evices, and more particularly to a storage router and method for providing virtual local storage on remote SCSI storage devices to Fiber Channel devices. 20

BACKGROUND OF THE INVENTION

Typical storage transport mediums provide for a relatively small number of devices to be attached over relatively short Small number of devices to be attached over relatively short distances. One such transport medium is a Small Computer System Interface (SCSI) protocol, the structure and opera-tion of which is generally well known as is described, for example, in the SCSI-1, SCSI-2 and SCSI-3 specifications. High speed serial interconnects provide enhanced capability to attach a large number of high speed devices to a common storage transport medium over large distances. One such serial interconnect is Fibre Channel, the structure and opera-Serial interconnect is Pipe Channel, the structure and opera-tion of which is described, for example, in Fiber Channel Physical and Signaling Interface (FC-PH), ANSI X3.230 Fiber Channel Arbitrated Loop (FC-AL), and ANSI X3.272 Fiber Channel Private Loop Direct Attach (FC-PLDA). Conventional computing devices, such as computer

workstations comparing devices, stead as computer workstations, generally access storage locally or through network interconnects. Local storage typically consists of a disk drive, tape drive, CD-ROM drive or other storage device contained within, or locally connected to the work-station. The workstation provides a file system structure, that solution. The workstation provides a time system structure, that includes security controls, with access to the local storage device through native low level, block protocols. These protocols map directly to the mechanism used by the 4s storage device and consist of data requests without security controls. Network interconnects typically provide access for a horm anymers of computing during the data references. a large number of computing devices to data storage on a remote network server. The remote network server provides file system structure, access control, and other miscellaneous so capabilities that include the network interface. Access to data through the network server is through network proto-cols that the server must translate into low level requests to cois una une server must translate into low level requests to the storage device. A workstation with access to the server storage must translate its file system protocols into network ss protocols that are used to communicate with the server. Consequently, from the perspective of a workstation, or other computing device, seeking to access such server data the access is much slower than access to data on a local storage device. 60

SUMMARY OF THE INVENTION

In accordance with the present invention, a storage router and method for providing virtual local storage on remote SCSI storage devices to Fiber Channel devices are disclosed 65 that provide advantages over conventional network storage devices and methods.

2 According to one aspect of the present invention, a storage router and storage network provide virtual local storage on remote SCSI storage devices to Fiber Channel devices. A plurality of Fiber Channel devices, such as workstations, are connected to a Fiber Channel transport medium, and a plurality of SCSI storage devices are con-nected to a SCSI bus transport medium. The storage router interfaces between the Fiber Channel transport medium and the SCSI bus transport medium. The storage router interfaces between the Fiber Channel transport medium and the SCSI bus transport medium. The storage devices and implements access controls for storage space on the SCSI storage devices. The storage router then allows access from the workstations to the SCSI storage devices using native low level, block protocol in accordance with the mapping and the access controls. and the access controls.

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According to another aspect of the present invention, virtual local storage on remote SCSI storage devices is provided to Fiber Channel devices. A Fibre Channel transport medium and a SCSI bus transport medium are inter-faced with. A configuration is maintained for SCSI storage devices connected to the SCSI bus transport medium. The configuration maps between Fiber Channel devices and the

configuration maps between Fiber Channel devices and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. Access is then allowed from Fiber Channel initiator devices to SCSI stor-dage devices using native low level, block protocol in accor-dance with the configuration. A technical advantage of the present invention is the ability to centralize local storage for networked workstations access its virtual local storage as if it work locally con-nected. Further, the centralized storage devices can be located in a significantly remote position even in excess of ten kilometers as defined by Fibre Channel standards. Another technical advantage of the present invention is

Another technical advantage of the present invention is the ability to centrally control and administer storage space for connected users without limiting the speed with which the users can access local data. In addition, global access to data, backups, virus scanting and redundancy can be more easily accomplished by centrally located storage devices.

A further technical advantage of the present invention is providing support for SCSI storage devices as local storage for Fiber Channel hosts. In addition, the present invention helps to provide extended capabilities for Fiber Channel and for management of storage subsystems.

BRIEF DESCRIPTION OF THE DRAWINGS

A more complete understanding of the present invention and the advantages thereof may be acquired by referring to the following description taken in conjunction with the accompanying drawings, in which like reference numbers indicate like features, and wherein:

FIG. 1 is a block diagram of a conventional network that provides storage through a network server;

FIG. 2 is a block diagram of one embodiment of a storage network with a storage router that provides global access and routing;

FIG. 3 is a block diagram of one embodiment of a storage network with a storage router that provides virtual local storage

FIG. 4 is a block diagram of one embodiment of the

storage router of FIG. 3; and FIG. 5 is a block diagram of one embodiment of data flow within the storage router of FIG. 4.

> DETAILED DESCRIPTION OF THE INVENTION

FIG. 1 is a block diagram of a conventional network, indicated generally at 10, that provides access to storage
3 through a network server. As shown, network 10 includes a plurality of workstations 12 interconnected with a network server 14 via a network transport medium 16. Each work-station 12 can generally comprise a processor, memory, input/output devices, storage devices and a network adapter as well as other common computer components. Network server 14 uses a SCSI bus. 18 as a storage transport medium to interconnect with a plurality of storage devices 20 (ngs) drives, disk drives, etc.). In the embodiment of FIG. 1, uetwork transport medium 16 is an network connection and storage devices 20 comprise hard disk drives, although there storage devices **20** comprise hard disk drives, although there are numerous alternate transport mediums and storage devices.

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In network 10, each workstation 12 has access to its local storage device as well as network access to data on storage devices 20. The access to a local storage device is typically through native low level, block protocols. On the other hand, access by a workstation 12 to storage devices 20 requires the participation of network server 14 which implements a file system and transfers data to workstations 12 only through high level file system protocols. Only network server 14 communicates with storage devices 20 via native low level, block protocols. Consequently, the network access by workstations 12 through network server 14 is slow with respect to their access to local storage. In network 10, it can Also be a logistical problem to centrally manage and administer local data distributed across an organization, including accomplishing tasks such as backups, virus scanning and rodundancy.

FIG. 2 is a block diagram of one embodiment of a storage network, indicated generally at 30, with a storage router that network, indicated generatly at 30, with a storage router that provides global access and routing. This environment is significantly different from that of FIG. 1 in that there is no network server involved. In FIG. 2, a Fiber Channel high speed serial transport 32 interconnects a plurality of work-stations 36 and storage devices 38. A SCSI bus storage transport medium interconnects workstations 40 and storage devices 42. A storage router 44 then serves to interconnect these mediums and provide devices on either medium global, transparent access to devices on the other medium. Storage router 44 routes requests from initiator devices on one medium to target devices on the other medium and routes data between the target and the initiator. Storage router 44 can allow initiators and targets to be on either side. In this manner, storage router 44 enhances the functionality If this manner, storage router 44 connances the functionality of liber Channel 32 by providing access, for example, to legacy SCSI storage devices on SCSI bus 34. In the embodi-ment of FIG. 2, the operation of storage router 44 can be managed by a management station 46 connected to the storage router via a direct serial connection.

storage router via a direct serial connection. 50 In storage network 30, any workstation 36 or workstation 40 can access any storage device 38 or storage device 42 through native low level, block protocols, and vice versa. This functionality is enabled by storage router 44 which routes requests and data as a generic transport between Fiber 55 Channel 32 and SCSI bus 34. Storage router 44 uses tables to map devices from one medium to the other and distributes requests and data across Eiber (Channel 32 and SCSI bus 34. requests and data across Fiber Channel 32 and SCSI bus 34 requests and data across Fiber Channel 32 and SCSI bus 34 without any security access controls. Although this exten-sion of the high speed serial interconnect provided by Fiber 60 Channel 32 is heneficial, it is desirable to provide security controls in addition to extended access to storage devices throngh a native low level, block protocol. FIG. 3 is a block diagram of one embodiment of a storage network, indicated generally at 50, with a storage router that 65 provides virtual local storage. Similar to that of EIG 2

provides virtual local storage. Similar to that of FIG. 2, storage network 50 includes a Fiber Channel high speed

serial interconnect 52 and a SCSI bus 54 bridged by a storage router 56. Storage router 56 of FIG. 3 provides for a large number of workstations 58 to be interconnected on a common storage transport and to access common storage devices 60, 62 and 64 through native low level, block protocols.

According to the present invention, storage router 56 has enhanced functionality to implement security controls and enhanced functionality to implement security controls and routing such that each workstation SR can have access to a specific subset of the overall data stored in storage devices 60, 62 and 64. This specific subset of data has the appearance and characteristics of local storage and is referred to herein as virtual local storage. Storage router 56 allows the con-figuration and modification of the storage allocated to each attached workstation 58 through the use of mapping tables or other mapping techniques.

As shown in FIG. 3, for example, storage device 60 can be configured to provide global data 65 which can be accessed by all workstations 58. Storage device 62 can be configured to provide partitioned subsets 66, 68, 70 and 72, where each partition is allocated to one of the workstations 58 (workstations A, B, C and D). These subjects 66, 68, 70and 72 can only be accessed by the associated workstation 58 and appear to the associated workstation 58 as local storage accessed using native low level, block protocols. Similarly, storage device 64 can be allocated as storage for the remaining workstation 58 (workstation E). Storage router 56 combines access control with routing

Storage router 56 combines access control with routing such that each workstation 58 has controlled access to only the specified partition of storage device 62 which forms virtual local storage for the workstation 58. This access control allows security control for the specified data parti-tions. Storage router 56 allows this allocation of storage devices 60, 62 and 64 to be managed by a management station 76. Management station 76 can connect directly to storage router 56 via a direct connection or, alternately, can interface with enzyme router 56 therough aither Educ Channel interface with storage router 56 through either Fiber Channel 52 or SCSI bus 54. In the latter case, management station 76 can be a workstation or other computing device with special rights such that storage router 56 allows access to mapping tables and shows storage devices 60, 62 and 64 as they exist physically rather than as they have been allocated.

The environment of FIG. 3 extends the concept of a single The environment of FIG. 3 extends the concept of a single workstation having locally connected storage devices to a storage network 50 in which workstations 58 are provided virtual local storage in a manner transparent to workstations 58. Storage router 56 provides centralized control of what each workstation 58 sees as its local drive, as well as what data it sees as global data accessible by other workstation 58. Consequently, the storage space considered by the workstation 58 to be its local storage is actually a partition (i.e. lopical storage the project to the storage space). workstation 58 to be its local storage is actually a partition (i.e., logical storage definition) of a physically remote stor-age device 60, 62 or 64 connected through storage router 56. This means that similar requests from workstations 58 for accesses to their local storage devices 60, 62 and 64. Further, no access from a workstation 58 is allowed to the virtual local storage of another workstation 58.

The collective storage of another workstation 58. The collective storage provided by storage devices 60, 62 and 64 can have blocks allocated by programming means within storage router 56. To accomplish this function, stor-age router 56 can include routing tables and security controls that define storage allocation for each workstation 58. The advantages provided by implementing virtual local storage in centralized storage devices include the ability to do collective backups and other collective administrative func-

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tions more easily. This is accomplished without limiting the performance of workstations **58** because storage access involves native low level, block protocols and does not involve the overhead of high level protocols and file systems required by network servers.

FIG. 4 is a block diagram of one embodiment of storage router 56 of FIG. 3. Storage router 56 can comprise a Fiber Channel controller 80 that interfaces with Fiber Channel 52 and a SCSI controller 82 that interfaces with SCSI bus 54. A buffer 84 provides memory work space and is connected 1 to both Fiber Channel controller 80 and to SCSI controller 82. A supervisor unit 86 is connected to Fiber Channel controller 80, SCSI controller 82 and buffer 84. Supervisor unit 86 comprises a microprocessor for controlling operation of storage router 56 and to handle mapping and security 1 access for requests between Fiber Channel 52 and SCSI bus 54.

FIG. 5 is a block diagram of one embodiment of data flow within storage router 56 of FIG. 4. As shown, data from Fiber Channel 52 is processed by a Fibre Channel (FC) protocol unit 88 and placed in a FIFO queue 90. A direct memory access (DMA) interface 92 then takes data out of FIFO queue 90 and places it in buffer 84.

Supervisor unit 86 processes the data in buffer 84 as represented by supervisor processing 93. This processing involves mapping hetween Fiber Channel 52 and SCSI bus 54 and applying access controls and routing functions. A DMA interface 94 then pulls data from buffer 84 and placess it into a buffer 96. A SCSI protocol unit 98 pulls data from buffer 96 and communicates the data on SCSI bus 54. Data flow in the reverse direction, from SCSI bus 54 to Fiber Channel 52, is accomplished in a reverse manner.

The storage router of the present invention is a bridge device that connects a Fiber Channel link directly to a SCSI bus and enables the exchange of SCSI command set information between application clients on SCSI bus devices and the Fiber Channel links. Further, the storage crue be established in remote SCSI storage devices for workstations on the Fiber Channel link. In one embodiment, the storage router provides a connection for Fiber Channel links running the SCSI Fiber Channel Protocol (FCP) to legacy SCSI devices attached to a SCSI bus. The Fiber Channel tupology is typically an Arbitrated Loop (FC_AL).

is typically an Arbitrated Loop (FC_AL). 45 In part, the storage router enables a migration path to Fiber Channel based, scrial SCSI networks by providing connectivity for legacy SCSI bus devices. The storage router can be attached to a Fiber Channel Arbitrated Loop and a SCSI bus to support a number of SCSI devices. Using so configuration settings, the storage router can make the SCSI bus devices available on the Fiber Channel network as FCP logical units. Once the configuration is defined, operation of the storage router is transparent to application clients. In this manner, the storage router can form an integral part of the signation to new Fibre Channel based networks while providing a means to continue using legacy SCSI devices.

In one implementation (not shown), the storage router can be a rack mount or free standing device with an internal power supply. The storage router can have a Fibre Channel 60 and SCSI port, and a standard, detachable power cord can be used, the FC connector can be a copper DB9 connector, and the SCSI connector can be a 68-pin type. Additional modular jacks can be provided for a scrial port and a 802.3 10Base T port, i.e. twisted pair Lithernet, for management access. The 65 SCSI port of the storage router an support SCSI direct and sequential access targed devices and can support SCSI 6 initiators, as well. The Fiber Channel port can interface to SCSI-3 FCP enabled devices and initiators.

To accomplish its functionality, one implementation of the storage router uses: a Fiber Channel interface based on the HEWLETT-PACKARD TACHYON HPFC-5000 controller and a GLM media interface; an Intel 80960RP processor, incorporating independent data and program memory spaces, and associated logic required to implement a stand alone processing system; and a serial port for debug and system configuration. Further, this implementation includes a SCSI interface supporting Fast-20 based on the SYMBIOS 53C8xx series SCSI controllers, and an operating system based upon the WIND RIVLES SYSTEMS VXWORKS or IXWORKS kernel, as determined, by V&WORKS or IXWORKS kernel, as determined, by SCSI protocols.

The storage router has various modes of operation that are possible between FC and SCSI target and initiator combinations. These modes are: FC Initiator to SCSI Target, SCSI Initiator to FC Target; SCSI Initiator to SCSI Target; and FC Initiator to FC Target; The first two modes can be supported concurrently in a single storage router device are discussed briefly below. The third mode can involve two storage router devices back to back and can serve primarily as a device to extend the physical distance beyond that possible via a direct SCSI connection. The last mode can be used to carry FC protocols encapsulated on other transmission technologies (e.g. ATM, SONET), or to act as a bridge between two FC loops (e.g. as a two port fabric).

loops (e.g. as a two port fabric). The FC Initiator to SCSI Target mode provides for the basic configuration of a server using Fiber Channel to communicate with SCSI targets. This mode requires that a host system have an FC attached device and associated device drivers and software to generate SCSI-3 FCP requests. This system acts as an initiator using the storage router to communicate with SCSI target devices. The SCSI devices drivers and software to generate SCSI-3 FCP requests. This system acts as an initiator using the storage router to communicate with SCSI target devices. The SCSI devices supported cau include SCSI-2 compliant direct or sequential access (disk or tape) devices. The storage router serves to translate command and status information and transfer data between SCSI-3 FCP and SCSI-2, allowing the use of standard SCSI-2 devices in a Fibre Channel environment.

The SCSI Initiator to FC Target mode provides for the configuration of a server using SCSI-2 to communicate with Fiber Channel targets. This mode requires that a host system has a SCSI-2 interface and driver software to control SCSI-2 target devices. The storage router will connect to the SCSI-2 target devices. The storage router will connect to the SCSI-2 using the spond as a target to multiple target IDs. Configuration information is required to identify the target IDs. Configuration information is required to identify the target IDs to which the bridge will respond on the SCSI-2 buss. The storage router then translates the SCSI-2 requests to SCSI-3 ICP requests, allowing the use of FC devices with a SCSI host system. This will also allow features such as a tape device acting as an initiator on the SCSI bus to provide full support for this type of SCSI device.

In general, user configuration of the storage router will be needed to support various functional modes of operation. Configuration can be modified, for example, through a serial port or through an Ethernet port via SNMP (simple network management protocol) or a Telnet session. Specifically, SNMP manageability can be provided via an 802.3 Ethernet interface. This can provide for configuration changes as well as providing statistics and error information. Configuration can also be performed via TELNET or RS-232 interfaces

7 with menu driven command interfaces. Configuration information can be stored in a segment of flash memory and can be retained across resets and power off cycles. Password protection can also be provided.

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In the first two modes of operation, addressing information is needed to map from I/C addressing to SCSI addressing and vice versa. This can be 'hard' configuration data, due to the need for address information to be maintained across initialization and partial reconfigurations of the Fiber Channel address space. In an arbitrated loop configuration, user configured addresses will be needed for AL_PAs in order to insure that knowu addresses are provided between loop reconfigurations.

With respect to addressing, FCP and SCSI 2 systems employ different methods of addressing target devices. Additionally, the inclusion of a storage router means that a method of translating device IDs needs to be implemented. In addition, the storage router can respond to commands without passing the commands through to the opposite interface. This can be implemented to allow all generic FCP and SCSI commands to pass through to the storage router to address attached devices, but allow for configuration and diagnostics to be performed directly on the storage router through the FC and SCSI interfaces. Management commands are those intended to be pro-

Management commands are those intended to be processed by the storage router controller directly. This may include diagnostic, mode, and log commands as well as other vendor-specific commands. These commands can be received and processed by both the FCP and SCSI interfaces, but are not typically bridged to the opposite interface. These commands may also have side effects on the operation of the storage router, and cause other storage router operations to change or terminate.

change or terminate. A primary method of addressing management commands though the FCP and SCSI interfaces can be through periphtraid device type addressing. For example, the storage router can respond to all operations addressed to logical unit (LUN) zero as a controller device. Commands that the storage router will support can include INQUIRY as well as vendor-specific management commands. These are to be 40 generally consistent with SCC standard commands.

generative consistent with SCC standard commands. The SCSI bus is capable of establishing bus connections between targets. These targets may internally address logical units. Thus, the prioritized addressing scheme used by SCSI subsystems can be represented as follows: 45 BUS: IARGEFLOGICAL UNIT. The BUS identification is intrinsic in the configuration, as a SCSI initiator is atached to only one-bus. Target addressing is handled by bus arbitration from information provided to the arbitrating device. Target addresses are assigned to SCSI devices directly, 50 though some means of configuration, such as a hardware jumper, switch setting, or device specific software configuration. As such, the SCSI protocol provides only logical unit addressing within the Identify unessage. Bus and target information is implied by the established connection. 55 Fiber Channel devices within a fabric are addressed by a

Fiber Channel devices within a fabric arc addressed by a unique port identifier. This identifier is assigned to a port during certain well-defined states of the FC protocol. Individual ports are allowed to arbitrate for a known, user defined address. If such an address is not provided, or if arbitration for a particular user address fails, the port is assigned a unique address by the FC protocol. This address is generally not guaranteed to be unique between instances. Various scenarios exist where the AL-PA of a device will change, either after power cycle or loop reconfiguration. The FC protocol also provides a logical unit address field

within command structures to provide addressing to devices

8 internal to a port. The FCP_CMD payload specifies an eight byte LUN field. Subsequent identification of the exchange between devices is provided by the FQXID (Fully Qualified Exchange ID).

FC ports can be required to have specific addresses assigned. Although basic functionality is not dependent on this, changes in the loop configuration could result in disk targets changing identifiers with the potential risk of data corruption or loss. This configuration can be straightforward, and can consist of providing the device a loop-unique ID (AL_PA) in the range of "01h" to "EFh." Storage routers could be shipped with a default value with the assumption that most configurations will be using single storage routers and no other devices requesting the present ID. This would provide a minimum amount of initial configuration to the system administrator. Alternately, storage routers could be defaulted to assume any address so that configurations requiring multiple storage routers on a loop would not require that the administrator assign a unique ID to the additional storage routers.

to the additionar storage rotates. Address translation is needed where commands are issued in the cases FC Initiator to SCSI Target and SCSI Initiator to FC Target. Target responses are qualified by the FQXID and will retain the translation acquired at the beginning of the exchange. This prevents configuration changes occurring data or state information to be inadvertently misdirected. Configuration can be required in cases of SCSI Initiator to FC Target, a discovery may not effectively allow for FCP targets to consistently be found. This is due to an FC arbitrated loop supporting addressing of a larger number of devices than a SCSI bus and the possibility of FC devices changing their AL-PA due to device insertion or other loop initialization.

In the direct method, the translation to BUS:TAR-GET:LUN of the SCS1 address information will be direct. That is, the values represented in the FCP LUN field will directly map to the values in effect on the SCS1 bus. This provides a clean translation and does not require SCS1 bus discovery. It also allows devices to be dynamically added to the SCS1 bus without modifying the address map. It may not allow for complete discovery by FCP initiator devices, as gaps between device addresses may halt the discovery process. Legacy SCSI device drivers typically halt discovery on a target device at the first unoccupied LUN, and proceed to the next target. This would lead to some devices not being discovered. However, this allows for hot plugged devices and other changes to the loop addressing.

In the ordered method, ordered translation requires that the storage router perform discovery on reset, and collapses the addresses on the SCSI bus to sequential FCP LUN values. Thus, the FCP LUN values 0-N can represent N+1 SCSI devices, regardless of SCSI address values, in the order in which they are isolated during the SCSI discovery process. This would allow the FCP initiator discovery process to identify all mapped SCSI devices without further configuration. This has the limitation that hot-plugged devices will not be identified until the next reset cycle. In this case, the address may also be altered as well.

In addition to addressing, according to the present invention, the storage router provides configuration and access controls that cause certain requests from FC Initiators to be directed to assigned virtual local storage partitioued on SCSI storage devices. For example, the same request for LUN 0 (local storage) by two different FC Initiators can be directed to two separate subsets of storage. The storage

router can use tables to map, for each initiator, what storage router can use tables to map, for each initiator, what storage access is available and what partition is being addressed by a particular request. In this manner, the storage space provided by SCSI storage devices can be allocated to FC initiators to provide virtual local storage as well as to create any other desired configuration for secured access.

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Although the present invention has been described in detail, it should be understood that various changes, substitutions, and alterations can be made hereto without departing from the spirit and scope of the invention as 10defined by the appended claims. What is claimed is:

1. A storage router for providing virtual local storage on remote storage devices to devices, comprising

- 15 a buffer providing memory work space for the storage router;
- a first controller operable to connect to and interface with a first trausport medium;
- a second controller operable to connect to and interface 20 ronter comprises: with a second transport medium; and
- a supervisor unit coupled to the first controller, the second controller and the buffer, the supervisor unit operable to map between devices connected to the first transport medium and the storage devices, to implement access 25 controls for storage space on the storage devices and to process data in the buffer to interface between the first controller and the second controller to allow access from devices connected to the first transport medium to the storage devices using native low level, block pro- 30 tocols.

2. The storage router of claim 1, wherein the supervisor unit maintains an allocation of subsets of storage space to associated devices connected to the first transport medium, wherein each subset is only accessible by the associated as device connected to the first transport medium.

3. The storage router of claim 2, wherein the devices connected to the first transport medium comprise workstations

4. The storage router of claim 2, wherein the storage 40 devices comprise hard disk drives 5. The storage router of claim 1, wherein the first con-

- troller comprises: a first protocol unit operable to connect to the first 45
- transport medium; a first-in-first-out queue coupled to the first protocol unit;
- and a direct memory access (DMA) interface coupled to the
- first-in-first-out queue and to the buffer. 6. The storage router of claim 1, wherein the second controller comprises:
- a second protocol unit operable to connect to the second
- transport medium:
- an internal buffer coupled to the second protocol unit; and 55 a direct memory access (DMA) interface coupled to the internal buffer and to the buffer of the storage router.
- 7. A storage network, comprising:
- a first transport medium;
- a second transport medium:
- a plurality of workstations connected to the first transport medium

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a plurality of storage devices connected to the second transport medium; and

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- a storage router interfacing between the first transport medium and the second transport medium, the storage router providing virtual local storage on the storage devices to the workstations and operable: to map between the workstations and the storage
- devices;
- to implement access controls for storage space on the storage devices; and to allow access from the workstations to the storage
- devices using native low level, block protocol in accordance with the mapping and access controls. 8. The storage network of claim 7, wherein the access

controls include an allocation of subsets of storage space to associated workstations, wherein each subset is only accessible by the associated workstation

9. The storage network of claim 7, wherein the storage devices comprise hard disk drives.

10. The storage network of claim 7, wherein the storage

- a buffer providing memory work space for the storage router;
- a first controller operable to connect to and interface with the first transport medium, the first controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer;
- a second controller operable to connect to and interface with the second transport medium, the second control-ler further operable to pull outgoing data from the buffer and to place incoming data into the buffer; and
- a supervisor unit coupled to the first controller, the second controller and the buffer, the supervisor unit operable:
- to map between devices connected to the first transport medium and the storage devices, to implement the access controls for storage space on the storage devices and to process data in the buffer to interface between the first controller and the second controller

to allow access from workstations to storage devices. 11. A method for providing virtual local storage on remote storage devices connected to one transport medium to

devices connected to another transport medium, comprising: interfacing with a first transport medium;

interfacing with a second transport medium;

- mapping between devices connected to the first transport medium and the storage devices and that implements access controls for storage space on the storage devices; and
- allowing access from devices connected to the first transport medium to the storage devices using native low level, block protocols.

12. The method of claim 11, wherein mapping between devices connected to the first transport medium and the storage devices includes allocating subsets of storage space to associated devices connected to the first transport medium, wherein each subset is only accessible by the associated device connected to the first transport medium. 13. The method of claim 12, wherein the devices con-

nected to the first transport medium comprise workstations. 14. The method of claim 12, wherein the storage devices comprise hard disk drives.

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router can use tables to map, for each initiator, what storage access is available and what partition is being addressed by a particular request. In this manner, the storage space provided by SCSI storage devices can be allocated to FC initiators to provide virtual local storage as well as to create any other desired configuration for secured access.

Although the present invention has been described in detail, it should be understood that various changes, substitutions, and alterations can be made hereto without departing from the spirit and scope of the invention as ¹⁰ defined by the appended claims. What is claimed is:

1. A storage router for providing virtual local storage on remote storage devices to devices, comprising:

- a buffer providing memory work space for the storage 15 router;
- a first controller operable to connect to and interface with a first trausport medium;
- a second controller operable to connect to and interface 20 with a second transport medium; and
- a supervisor unit coupled to the first controller, the second controller and the buffer, the supervisor unit operable to map between devices connected to the first transport medium and the storage devices, to implement access 25 controls for storage space on the storage devices and to process data in the buffer to interface between the first from devices connected to the first transport medium to the storage devices using native low level, block pro- 30 tocols.

2. The storage router of claim 1, wherein the supervisor unit maintains an allocation of subsets of storage space to associated devices connected to the first transport medium, wherein each subset is only accessible by the associated 35

 The storage router of claim 2, wherein the devices connected to the first transport medium.
 The storage router of claim 2, wherein the devices connected to the first transport medium comprise workstations

4. The storage router of claim 2, wherein the storage 40 devices comprise hard disk drives.

- 5. The storage router of claim 1, wherein the first controller comprises:
- a first protocol unit operable to connect to the first transport medium; 15 a first-in-first-out queue coupled to the first protocol unit;
- and a direct memory access (DMA) interface coupled to the
- first-in-first-out queue and to the buffer. 6. The storage router of claim 1, wherein the second

controller comprises: a second protocol unit operable to connect to the second

- transport medium;
- internal huffer and to the buffer of the storage router.
- 7. A storage network, comprising:
- a first transport medium;
- a second transport medium;
- a plurality of workstations connected to the first transport medium;
- a plurality of storage devices connected to the second transport medium; and

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a storage router interfacing between the first transport medium and the second transport medium, the storage router providing virtual local storage on the storage devices to the workstations and operable: to map between the workstations and the storage

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- devices;
- to implement access controls for storage space on the storage devices; and
- to allow access from the workstations to the storage devices using native low level, block protocol in accordance with the mapping and access controls.8. The storage network of claim 7, wherein the access

controls include an allocation of subsets of storage space to associated workstations, wherein each subset is only accessible by the associated workstation.

9. The storage network of claim 7, wherein the storage devices comprise hard disk drives

- 10. The storage network of claim 7, wherein the storage router comprises:
- a buffer providing memory work space for the storage router;
- a first controller operable to connect to and interface with the first transport medium, the first controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer;
- a second controller operable to connect to and interface with the second transport medium, the second controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer; and
- a supervisor unit coupled to the first controller, the second controller and the buffer, the supervisor unit operable: to map between devices connected to the first transport medium and the storage devices, to implement the
- access controls for storage space on the storage devices and to process data in the buffer to interface between the first controller and the second controller to allow access from workstations to storage devices.
- 11. A method for providing virtual local storage on remote storage devices connected to one transport medium to devices connected to another transport medium, comprising:

interfacing with a first transport medium;

- interfacing with a second transport medium; mapping between devices connected to the first transport medium and the storage devices and that implements access controls for storage space on the storage devices; and
- allowing access from devices connected to the first transport medium to the storage devices using native low level, block protocols.

12. The method of claim 11, wherein mapping between an internal buffer coupled to the second protocol unit; and 55 devices connected to the first transport medium and the a direct memory access (DMA) interface coupled to the storage devices includes allocating subsets of storage space to associated devices connected to the first transport medium, wherein each subset is only accessible by the associated device connected to the first transport medium.

 The method of claim 12, wherein the devices connected to the first transport medium comprise workstations.
 The method of claim 12, wherein the storage devices comprise hard disk drives

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UNITED STATES PA CERTIFICA	TENT AND TRADEMARK OFFICE TE OF CORRECTION
PATENT NO. : 6,425,035 B2 DATED : July 23, 2002 INVENTOR(S) : Gcoffry B. Hoese et al.	Page 1 of 1
It is certified that error appears in the hereby corrected as shown below:	e above-identified patent and that said Letters Patent is
Column 10, Linc 47, delete "that implements	" and insert implementing
i	
	Signed and Sealed this
	Twenty-sixth Day of August, 2003
	En Aufer
	JAMES E. ROGAN Director of the United States Patent and Trademark Office.

PTO/SB/08b (08-03)

Under th	e Paperwork Reduction Ac	t of 1995, no	persons are req	U.S. Patent ar juired to respond to a collection o	Approved for use through 06/30/2006. OMB 0651-0031 id Trademark Office; U.S. DEPARTMENT OF COMMERCE information unless it contains a valid OMB control number.
Substitute fo	or form 1449B/PTO				Complete if Known
				Application Number	Patent No. 6,425,035
INFO	RMATION DI	SCLO	SURE	Filing Date	Issue Date 07/23/2002
STAT	EMENT BY	APPLI	CANT	First Named Inventor	HOESE
				Art Unit	
	(Use as many sheets as	necessary)	Examiner Name	
Sheet	1	of	1	Attorney Docket Number	HOESE1/WAB

		NON PATENT LITERATURE DOCUMENTS
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	1	"InfoServer 100 System Operations Guide", First Edition, Digital Equipment Corporation, 1990
	2	S.P. Joshi, "Ethernet controller chip interfaces with variety of 16-bit processors," Electronic Design, Hayden Publishing Co., Inc., Rochelle Park, NJ, Oct. 14, 1982.pp193-200
·	3	"DP5380 Asynchronous SCSI Interface", National Semiconductor Corporation, Arlington, TX, May 1989, pp. 1-32
	4	Johnson, D.B., et al., "The Peregrine High Performance RPC System", SoftwarePractice & Experience, 23(2):201-221, Feb. 1993
	5	"InfoServer 150Installation and Owner's Guide", EK-INFSV-OM-001, Digital Equipment Corporation, Maynard, Massachusetts 1991, Chapters 1 and 2
	6	Pictures of internal components of the InfoServer 150, taken from http://www.binarydinosaurs.couk/Museum/Digital/infoserver/infoserver.php in Nov. 2004
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Examiner		Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Tapplicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Grows To THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Application Number	Application No.	Applicant(s)
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Reexamination	Control No. 90/007,317 Certificate Date	Applicant(s) Certificate Number
Requester Correspondence A	ddress: 📃 Patent Owner	☐ Third Party
William A. Blake JONES, TULLAR & COOPER, PC P.O. Box 2266 Eads Station Arlington, VA 22202		
	(examiner initials) e Name	(date) Director Initials
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 6425035, F Crossroads William A E ** CONTINUING This applica which is a 0 which is a 0 ** FOREIGN APP Foreign Priority claime 35 USC 119 (a-d) con met Verified and Acknowledged ADDRESS 25094 	Residence Not Provided; s Systems Inc. (Owner), Ausi Blake(3rd. Pty. Req.), Arlingt Blake, Arlington, VA DATA ***********************************	tin, TX; on, VA; 5 09/27/2001 PAT 99 PAT 6,421,75 97 PAT 5,941,972 **** er Er STATE COUNT	6,425,035 DR SH RY DR/	EETS	TOTA CLAIN 14	L 1S	INDEPENDENT CLAIMS 3
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Please find below and/or attached an Office communication concerning this application or proceeding.

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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,125.

PATENT NO. 6425035.

ART UNIT <u>2182</u>.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

PTOL-465 (Rev.07-04)

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	Control No. 90/007,125	Patent Under Ree 6425035	examination
Office Action in Ex Parte Reexamination	Examiner Fritz M Fleming	Art Unit 2182	
The MAILING DATE of this communication app	ears on the cover sheet with	the correspondence add	ress
☐ Responsive to the communication(s) filed on A statement under 37 CFR 1.530 has not been received	b This action is made F from the patent owner.	INAL.	
shortened statutory period for response to this action is set a ailure to respond within the period for response will result in t ertificate in accordance with this action. 37 CFR 1.550(d). E the period for response specified above is less than thirty (3 ill be considered timely.	to expire <u>2</u> month(s) from the n termination of the proceeding a XTENSIONS OF TIME ARE G 0) days, a response within the	nailing date of this letter. Ind issuance of an <i>ex parte</i> DVERNED BY 37 CFR 1.5 statutory minimum of thirty	reexaminatic 50(c). (30) days
art I THE FOLLOWING ATTACHMENT(S) ARE PART OF	THIS ACTION:	•	
1. X Notice of References Cited by Examiner, PTO-8	92. 3. 🗌 Interview S	Summary, PTO-474.	
2. X Information Disclosure Statement, PTO-1449.	4.	• •	
$1a$ \square Claims 1-14 are subject to reexamination.			
1b Claims are not subject to reexamination.			
2 Claims have been canceled in the preser	nt reexamination proceeding.	•	
3 Claims are patentable and/or confirmed.			
4 \boxtimes Claims 1-14 are rejected.			
$5 \square$ Claims are objected to.			
6 X The drawings filed on 7-19-2204 are acceptable	Э.		
7 The proposed drawing correction, filed on	has been (7a) approved	(7b) disapproved.	
8. Acknowledgment is made of the priority claim up	- nder 35 U.S.C. § 119(a)-(d) or	(f).	
3. \Box All b) \Box Some [*] c) \Box None of the cert	ified copies have		
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5 been received by the International Bureau	in PCT application No.		· .
* See the attached detailed Office action for a list	t of the certified copies not rece	eived.	
 9. Since the proceeding appears to be in condition matters, prosecution as to the merits is closed 	n for issuance of an ex parte re in accordance with the practice	examination certificate exc e under <i>Ex parte</i> Quayle, 19	ept for formal 35 C.D.
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	υ	Systems Architectures Using Fibre Channel, Roger Cummings, Twelfth IEE Symposium on Mass Storage Systems, copyright 1993 IEEE. Pages 251-256.				
	v	Fibre Channel and ATM: The Physical Layers, Jerry Quam, WESCON/94, published 27-29 September 1994. Pages 648-652.				
	w	Petal: Distributed Virtual Disks, Edward K. Lee and Chandramohan A. Thekkath, ACM SIGPLAN Notices, Volume 31, Issue 9, September 1996, pages 84-92.				
	×					

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign. *A copy of which are provided in the provided of the provided

. . . Notice of References Cited Part of Paper No. 01212005

1

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Application/Control Number: 90/007,125 Art Unit: 2182 Page 2

Reexamination

The patent owner is reminded of the continuing responsibility under 37 CFR
 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent
 proceeding, involving Patent No. 6,425,035 throughout the course of this reexamination
 proceeding. The third party requester is also reminded of the ability to similarly apprise
 the Office of any such activity or proceeding throughout the course of this reexamination
 proceeding. See MPEP §§ 2207, 2282 and 2286.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 7-9,11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Petal: Distributed Virtual Disks ("Petal").

Petal is competent art under 102(b) as its publication date is September 1996,

Addressing claim 11 (the broadest independent claim), Petal provides virtual local storage (page 5, section 3, "This allows clients to access Petal virtual disks just like local disks." And page 7, section 3.2 "Petal provides clients with a large virtual disk that is available to all clients on the network.") in the form of the Figure 1 virtual disks in the form of Figure 6 SCSI disks (connected to one transport medium—SCSI) to devices connected to another transport medium in the form of the Petal clients connected to the

Page 3

Digital ATM Network. The method is shown to interface to the first transport medium (Digital ATM Network for the clients) and the second transport medium (SCSI for the disks) per Figure 6 via the overall Petal Virtual Disk storage servers of the Figure 2 physical view, which provides the actual interface between the two media. A mapping is shown per Figure 4 and the virtual to physical mapping and the section 2 discussion. Page 3 shows the 3 step mapping process to translate a client supplied virtual disk identifier into a global map identifier, to a given offset, to the physical mapping at the actual disk. Thus there is a mapping of the client devices to the storage devices in order to use the storage space. As far as "implements access controls for storage space on the storage devices" is concerned, this limitation is very broad in that it provides no specifics as to exactly what these controls are to be. Given this, page 7, column 2 sets forth "We currently do not provide any special support for protecting a client's data from other clients; however, it would not be difficult to provide security on a per virtual disk basis.", which is anticipatory, as this teaches an implementation of security access controls on a per virtual disk basis, if and when desired. Thus there is a clear teaching of an implementation of a security access control per virtual disk basis by protecting a client's data from other clients. Given a plain reading of this passage, it clearly teaches that a client is only able to access its own virtual disk. Finally, this access is allowed from the client devices to the storage devices "using native, low level, block protocols", as page 7, section 4, column 2 provides "Petal provides a disk-like interface that allows clients to read and write blocks of data." Section 3.2 provides "In all cases but one, the file system level performance of the Petal virtual disk is

Page 4

comparable to locally attached disks." Section 3, column 2, page 5 sets forth that access to the disks is provided using the UNIX raw disk interface. Page 1, column 2+, sets forth the concept of a "lower level service" and "block level storage system" and "An additional benefit is that the block-level interface is useful for supporting heterogeneous clients and client applications". Section 2, column 1, page 2 explicitly sets forth "As shown in Figure 2, Petal consists of a pool of distributed storage servers that cooperatively implement a single, block level storage system. Clients view the storage system as a collection of virtual disks " which anticipates the breadth of the claim language, as it only requires the use of "native, low level, block protocols." Also note page 8, column 2, which clearly states "Petal provides block level rather than a file level interface." Finally, page 1, column 1, sets forth specifically "To a Petal client, this collection appears as a highly available block-level storage system that provides large abstract containers called virtual disks. A virtual disk is globally accessible to all Petal clients on the network. A client can create a virtual disk on demand to tap the entire capacity and performance of the underlying physical resources." Thus the reference anticipates the native, low level, block protocols, as the clients view the storage as block level and hence access it using such protocols accordingly. Per claim 12, anticipation is provided by the previously mentioned "for protecting a client's data from other clients...to provide security on a per virtual disk basis." As a client creates a virtual disk, and such can be kept private from other clients, then each virtual disk, which is a subset of the entire storage, is only accessible by that client to which it is mapped. Per claim 13, workstations are the clients. Per claim 14, hard disk drives are the storage devices.

Page 5

Turning to claims 7-9, claim 7 adds a storage router interfacing the media. When viewed per the Figures, Petal provides a storage router via the mapping of Figure 4. Figure 4 provides for the mapping and thus the storage routing of the translation of the client supplied virtual disk identifier to the actual physical disk. Per column 2, section 2, clients maintain minimal high level mapping information so as to properly route read and write requests to the "most appropriate" server. Thus "routing" is used to get the mapping from the client to the actual disk, and the mapping of Figure 4, which is the Petal servers taken as a whole, thus meeting the claimed "storage router" limitation. It is to be noted that the "storage router" is not further defined in any sort of a structural manner, therefore the Petal servers acting per Figure 4, anticipate what is claimed. Also note that claim 7 only requires "and operable", "to map", and "to implement" and "to allow", all of which are provided by the "storage router" of the Petal system, interpreted to be all of the Petal system of Figure 6, absent the disks. Thus the access is allowed via block level protocols in accordance with the mapping and access controls.

Note that the "to allow" and "allowing" limitations of claims 7/11 are very broad. Claim 7 only requires that the "storage router" be "operable" "to allow access…using …" without further specifying how or what "uses" these protocols. As the Petal system uses a block-level interface and blocks of data are read and written (i.e. section 3.1), the native, low-level block protocols are used, at least to the extent claimed. The same applies to the limitations of claim 11. Note also that per section 3, that both the Petal servers and clients run Digital Unix, so that the client is able to access Petal virtual disks just like local disks, which per section 4, page 7, column 2 results in "Petal provides a

Page 6

disk-like interface that allows clients to read and write blocks of data", and per section 6,

column 2, page 8 has "Petal provides a block level rather than a file level interface.",

thereby teaching the use of native, low level, block protocol. Finally, not section 1,

which reads "A Petal virtual disk is a container that provides a sparse 64-bit byte

storage space. AS with ordinary magnetic disks, data are read and written to Petal

virtual disks in blocks", thereby providing for clear anticipation of what is claimed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* v. John Deere Co., 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

Page 7

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petal in view of Quam and Cummings and Crouse et al.

Petal, as discussed in detail above, teaches a storage router for providing local storage on remote storage devices, but does not detail a buffer or supervisor connected to the two controllers. Note that the network used to connect the clients to the virtual local storage is an ATM protocol based network.

Quam, as a whole, compares and contrasts ATM to Fibre Channel. Per pages 651-2, "Fibre Channel vs. ATM", it is clearly taught that Fibre-channel is better suited is better suited for a channel where large blocks of data are transferred between users, while ATM is suited for high speed switching with low latency.

Cummings, as a whole, teaches the use of Fibre-Channel so that the Disk Array and Tape Library are accessed using the same protocols (e.g. SCSI) as if they were connected to the user's local workstation, such that remote disk storage is regarded as private and can be accessed at the same level of performance and with comparable latency as any local disk, per pages 253-254 and Figure 2.

Finally, Crouse et al. show the specifics of a UNIX running network data server 14, that provides an interface between a Fibre Channel network 12b and the SCSI storage 46. Thus, per Figures 3 and 4, note a first controller 54 operable to connect to the Fibre Channel medium 12b, a second controller 68 connected to the SCSI bus and

Page 8

storage, with a buffer 64 providing memory work space to facilitate block transfers. A supervisor unit is seen as 60, to include the device microprocessor of Figure 4, and is thus operably coupled to both controllers 54 and 68, so that block oriented I/O operations can be carried out at maximum transfer rates to and from the storage 16, the controller 68, the buffer 64, the processor 54, and network 12.

Therefore it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify Petal per the teachings of Quam, Cummings and Crouse et al. for the express purpose of using Fibre-Channel in place of ATM to take advantage of Fibre-Channel's ability to better transfer large blocks of data, to then use the Fibre Channel to obtain the same advantages of Petal in the form of Fibre Channel's ability to access a disk array using a SCSI protocol as if they were attached to the local workstation with access and latency comparable to local disk access per Cummings, with the specifics of controllers and buffer and supervisor running on a UNIX based network data server in order to carry out block transfers at maximum transfer rates per Crouse et al.

8. Claims 5,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petal in view of Quam and Cummings and Crouse et al. as applied to claims1-4 and 10 above, and further in view of Pisello et al.

Petal in view of Quam and Cummings and Crouse et al. set forth the specifics of the Fibre-Channel to SCSI interface to include DMA transfers at both controllers at 66, but lacking the FIFO queue and the internal buffer.

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Application/Control Number: 90/007,125 Art Unit: 2182 Page 9

Pisello et al., in the same art of network to SCSI interfacing, shows a supervisor 44 coupled to the first controller 38 and the second controller 42, with a FIFO queue RAM buffer 48 that is coupled to the first controller 38 and a second controller 42 when the other buffer 40 has data on its way through 42 onto bus 30. See column 3, lines 28-44. The purpose is to provide a direct connection for a SCSI device to a LAN/network, thereby precluding another LAN server, which is consistent with the teachings of the other references.

Therefore it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the teachings of Petal in view of Quam and Cummings and Crouse et al. by the teachings of Pisello et al. for the purpose allowing for a direct connection of a SCSI device to the network, with the ability to queue SCSI data in a FIFO buffer. Thus combined, the buffers 48 and 40 of Pisello et al. interact with the DMA of Crouse et al. coupled thereto, in order to maximize transfer rates while directly coupling the first and second protocol units 54/60 of Crouse et al. to their respective transport media. Thus the DMA interfaces 66 of Crouse et al. are analogously coupled to the buffers of Pisello et al. for the purpose of being able to queue SCSI data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz M Fleming whose telephone number is 571-272-4145. The examiner can normally be reached on M-F, 0600-1500.

Page 10

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Fritz M Fleming Primary Examiner Art Unit 2182

fmf

Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 314 of 32 Page 1 of 1

UNITED ST	ates Patent and Tradema	RK OFFICE	2
		UNITED STA United State Address: COMM PO. Dox Alexandr www.usp	TES DEPARTMENT OF COMMERCE » Patent and Trademark Office SSIONER FOR PATENTS 1450 a, Yinginia 22313-1450 oguv
APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
90/007.317	11/23/2004	6425035	HOESE1/WAB

44654 SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705

90/007,125

CONFIRMATION NO. 1634 *OC00000015765945*

OC00000015765945

Date Mailed: 04/18/2005

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/08/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

RECEIVED By:

APR 2 1 2005 Docketed By: Date Docketed: Attorney. C/M No. _

nes MICHELLE R EASON

3921 (571) 272-4231

ATTORNEY/APPLICANT COPY

Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 315 of 324

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE				
NOTIFICATION UNDER 37 C.F.R. 1.565		Atty. Docket No. CROSS1123-17 CROSS1123-19		
L	Applicant Geoffrey B. Hoese, et al.			
	Application Number	Date Filed		
	90/007,125	07/19/2004		
	90/007,317	01/23/2004		
	Title			
Storage Router and Met		thod for Providing Virtual		
	Local Storage			
	Group Art Unit	Examiner		
	7590			
	Confirmation Number: 2298			
	Certificate of Mail	ng Under 37 C.F.R. §1.8		
Commissioner for Patents P.O. Box 1450	I hereby certify that this corres the United States Postal Serv envelope addressed to Comm	spondence is being deposited with ice as First Class Mail in an issioner for Patents, P.O. Box		
Alexandria, VA 22313-1450				
	Janice Pampell			
Dear Sir:				

This notification is filed for the sole purpose to inform the Examiner of status of concurrent litigation involving United States Patent No. 5,941,972 (the "'972 Patent") and United States Patent No. 6,425,035 (the "'035 Patent").

Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 316 of 324

Attorney Docket No. 90/007,125; 90/007,317 CROSS 23-17; CROSS1123-19 Customer ID: 44654

ONGOING LITIGATION

2

Attached hereto as Exhibit A is a July 26, 2005 Order from the United States District Court for Western District of Texas in the stayed litigation *Crossroads v. Dot Hill Systems Corporation*, Western District of Texas, Civil Action No. A-03-CA-754-SS.

This Submission was served via First Class Mail on July 28, 2005 to:

Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660 William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

John L. Adair Reg. No. 48,828

Date: July 28, 2005 1301 W. 25th Street Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 371-9088

EXHIBIT A

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

CROSSROADS SYSTEMS (TEXAS), INC., Plaintiff,

-VS-

FILED 2005 JUL 26 AM 9: 22 ESTERNATION OF PERT

Case No. A-03-CA-754-SS

DOT HILL SYSTEMS CORPORATION, Defendant.

<u>ORDER</u>

BE IT REMEMBERED on the 21st day of July 2005, the Court called the above-styled cause for a hearing on Defendant's Motion for a Continued Limited Abatement [#270]. Having considered the motion and response, the relevant law, the case file as a whole, and the arguments of counsel at the hearing, the Court now confirms its oral announcements with the following written orders:

IT IS ORDERED that Defendant's Motion for a Continued Limited Abatement [#270] is GRANTED IN PART in that this case is STAYED for an additional 60 days from the date of this order to afford the USPTO an opportunity to issue a final determination on the status of the claims of the patents-in-suit; and

IT IS FURTHER ORDERED that Plaintiff Crossroads shall notify the Court of the status of the reexamination proceedings within ten (10) days of either the conclusion of the



07/26/2005 TUE 15:55 [TX/RX NO 6848]

stay, or the date on which the USPTO issues a final determination in the reexamination proceedings, if a conclusion is reached prior to the expiration of the stay.

SIGNED this the <u>25</u>² day of July 2005.

SAM SPARKS

UNITED STATES DISTRICT JUDGE

-2-

07/26/2005 TUE 15:55 [TX/RX NO 6848]

IN THE UNITED STAT	TES PATENT AND TRADE	MARK OFFICE	
CERTIFICATE OF MAILING BY	Y "EXPRESS MAIL"	Atty Docket No. CROSS1123-17 CROSS1123-19	
	Application Nos. 90/007,125 filed 07/19/2004 90/007,317 filed 11/23/2004		
Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Applicant: Geo	ffrey B. Hoese	
	Title: Storage Router Virtual	AND METHOD FOR PROVIDING	

I hereby certify that the attached Applicant Initiated Interview Request Form is being transmitted to Examiner Alan Chen of the U.S. Patent Office via facsimile to fax number: 571-273-4143. Applicant hereby states a copy of the Applicant Initiated Interview Request Form is also being served, via first class mail, on:

Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

and

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA 22202

As per 35 U.S.C. §1.248 service is made via first class mail on July 29, 2005.

Respectfully submitted,

Sprinkle IP Law-Group

John L. Adair Reg. No. 48,828

Dated: July 29, 2005

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9223 Fax. (512) 371-9088

Enclosures

Case 1:13-cv-00895-SS Document 31-16 Filed 04/09/14 Page 321 of 324

		U.S.	Approve Patent and Tradema	ed for use through 07. rk Office: U.S. DEPAF	PTOL-413A (09-04) 31/2006. OMB 0651-0031 TMENT OF COMMERCE
	Applican	t Initiated Intervie	w Request]	Form	
Application No.: <u>90/007,317</u> Examiner: <u>Chen, Alan</u> First Named Applicant: <u>Hoese</u> Art Unit: <u>2182</u> Status of Application: <u>non-Gnal office</u>					
Tentative Participan (1) <u>Alan Chen</u>	nts:	(2) Joinar And	<u> </u>		
(3) <u>Steven Spi</u>	inkle	(4) <u>Robert Gris</u>	s up ld		
Proposed Date of In	terview: Agi	KT 9,2005	Proposed T	ime: <u>2-0</u> 2	<u>∠</u> (AM/ EM)
Type of Interview R (1) [] Telephonic	equested: (2) [4 Perso	nal (3) [] Video	Conference		
Exhibit To Be Show If yes, provide brief	n or Demonstra description:	nted: []YES	[4-NO		-
		Issues To Be Disc	cussed		
Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior	Discussed	Agreed	Not Agreed
(1) <u><i>Rej</i></u>	Claim]	Art Sping, Cecla, J. bbe	[]	[]	[]
(2) <u>Rej</u>	Claim 7	11	[]	[]	.[]
(3) <u>Rej</u>	Claim 11		[]	[]	[]
(4) [] Continuation She	et Attached		[]	[].	[]
Brief Description of Spring, Cochy and J	Arguments to l	be Presented: not access from hosts to ra	emote storage	using NLL BP	Spring.
ada and Jubbe do no	t teach mapping	ror access controls a	s discussed in	reply dated	7122/05-
References from sela	ted reexam case	s, incluiding Crosse, Cummi	n <u>gs and Dekom</u> featuroof Spri	ng and Oecla	tress missing
An interview was conducted on the above-identified application on <u>NOTE</u> : This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01). This application will not be delayed from issue because of applicant's failure to submit a written record of this					
interview. Therefore, as soon as possible.	applicant is advi	sed to file a statement of th	e substance of t	his interview (3	7 CFR 1.133(b))
Applicant/Applicant/s Depresentative Signature Examiner/SPE Signature					
Tana Andie					
Typed/Printed Name of Applicant or Representative					
<u> </u>	128 Number, if app	licable			· · · · · · · · · · · · · · · · · · ·
This collection of information	is required by 37 CFR	1.133. The information is required t	o obtain or retain a b	enefit by the public w	hich is to file (and by the

USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending up the individual case. Any comments on the amount of time you require to complete his form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. Do NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE				
Statement of Substance of	Atty. Docket No. CROSS1123-17 CROSS1123-19			
	Applicants Geoffrey B. Hoese, et al.			
Reexamination Control No. 90/007,125 90/007.317		Date Filed 07/19/2004		
	Title Storage Router and Method for Providing Virtua Local Storage			
	Group Art Unit 2182	Examiner Chen. Alan		
Confirmation Number: 2304		Patent No. 6,425,035		
	Certificate of Mailing Under 37 C.F.R. §1.10			
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Dear Sir:	I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (Label No. EV616963290US) in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312- 1450 on $\underline{9-1-05}$ $\underline{9-1-05}$ $\underline{9-1-05}$ Signature			
	TULIE H. BLACKARD Printed Name			

This paper is to summarize the interview conducted with Examiner Alan Chen on August 22, 2005 with Applicants' representative Mr. Steve Sprinkle.

Attorney Docket No. CROSS1123-17 CROSS1123-19

90/007.125 90/007,317 Customer ID: 44654

2

Summary

On August 22, 2005, Mr. Steve Sprinkle held a telephone conference with Examiner Alan Chen to determine the status of prosecution. During the interview, Mr. Sprinkle discussed the prior prosecution and litigation of the patents under reexamination. Mr. Sprinkle also summarized the previous reviews of the patent. Examiner Chen stated that he would consider these indications of nonobviousness, but needed to complete his own search and consideration of patentability. Examiner Chen cited several references not currently of record that he was considering. No agreement was reached.

This Summary was served via Certified Mail, R.R.R. on September 1, 2005 to:

Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

John L. Adair Reg. No. 48,828

Date: September _/_, 2005 1301 W. 25th Street, Suite 408 Austin, TX 78705 Tel. (512) 637-9223 Fax. (512) 371-9088
IN THE UNITED STA	TES PATENT AND TRA	DEMARK OFFICE
CERTIFICATE OF SERVICE		Atty Docket No. CROSS1123-17 CROSS1123-19
	Application Nos. 90/00 90/00	07,125 filed 07/19/2004 07,317 filed 11/23/2004
Mail Stop Patent Application	Applicant:	Geoffrey B. Hoese
P.O. Box 1450 Alexandria, VA 22313-1450	Title: STORAGE ROU VIR	TER AND METHOD FOR PROVIDING
Sir:		

I hereby certify that the attached Statement of Substance of Examiner Interview ("Statement") is being deposited with the U.S. Postal Service as First Class Mail to the Director of the U.S. Patent Office, P.O. Box 1450, Alexandria, VA 22313 on September 1, 2005. Applicant hereby states a copy of the Notification is also being served, via first class mail (Certified, R.R.R.), on:

> Larry E. Severin Wang, Hartmann & Gibbs, PC 1301 Dove Street, #1050 Newport Beach, CA 92660

> > and

William A. Blake Jones, Tullar & Cooper, PC P.O. Box 2226 Eads Station Alexandria, VA 22202

As per 35 U.S.C. §1.248 service is made via first class mail (Certified, R.R.R.) on September 1, 2005.

Respectfully submitted,

Sprinkle IP Law Group

John L. Adair Reg. No. 48,828

Dated: September 1, 2005

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9223 Fax. (512) 371-9088

Enclosures





US007934041B2

(12) United States Patent Hoese et al.

(54) STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

- (75) Inventors: Geoffrey B. Hoese, Austin, TX (US); Jeffry T. Russell, Cibolo, TX (US)
- (73) Assignee: Crossroads Systems, Inc., Austin, TX (US)
- (*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.
- (21) Appl. No.: 12/690,592
- (22) Filed: Jan. 20, 2010

(65) Prior Publication Data

US 2010/0121993 A1 May 13, 2010

Related U.S. Application Data

- Continuation of application No. 12/552,885, filed on (63) Sep. 2, 2009, which is a continuation of application No. 11/851,724, filed on Sep. 7, 2007, now Pat. No. 7,689,754, which is a continuation of application No. 11/442,878, filed on May 30, 2006, now abandoned, which is a continuation of application No. 11/353,826, filed on Feb. 14, 2006, now Pat. No. 7,340,549, which is a continuation of application No. 10/658,163, filed on Sep. 9, 2003, now Pat. No. 7,051,147, which is a continuation of application No. 10/081,110, filed on Feb. 22, 2002, now Pat. No. 6,789,152, which is a continuation of application No. 09/354,682, filed on Jul. 15, 1999, now Pat. No. 6,421,753, which is a continuation of application No. 09/001,799, filed on Dec. 31, 1997, now Pat. No. 5,941,972.
- (51) Int. Cl.
 - **G06F 13/00** G06F 3/00

(2006.01)	
(2006.01)	

(10) Patent No.: US 7,934,041 B2 (45) Date of Patent: Apr. 26, 2011

- - 714/42; 711/110-113See application file for complete search history.

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(57) ABSTRACT

A storage router and storage network provide virtual local storage on remote storage devices. A plurality of devices are connected to a first transport medium. In one embodiment, a storage router maintains a map to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with representations of storage space on the remote storage devices. The storage router controls access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map and allows access from devices connected to the first transport medium to the remote storage devices using native low level block protocol.

53 Claims, 2 Drawing Sheets



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1 STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

This application is a continuation of, and claims a benefit of priority under 35 U.S.C. 120 of the filing date of U.S. patent application Ser. No. 12/552,885 entitled "Storage Router and Method for Providing Virtual Local Storage" filed Sep. 2, 2009, which is a continuation of and claims the benefit of priority of U.S. application Ser. No. 11/851,724 entitled "Storage Router and Method for Providing Virtual Local 10 Storage" filed Sep. 7, 2007, now U.S. Pat. No. 7,689,754 issued Mar. 30, 2010, which is a continuation of and claims the benefit of priority of U.S. patent application Ser. No. 11/442,878 entitled "Storage Router and Method for Providing Virtual Local Storage" filed May 30, 2006, now aban-15 doned, which is a continuation of and claims the benefit of priority of U.S. patent application Ser. No. 11/353,826 entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Feb. 14, 2006, now U.S. Pat. No. 7,340,549 issued Mar. 4, 2008, which is a continuation of and 20claims the benefit of priority of U.S. patent application Ser. No. 10/658,163 entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Sep. 9, 2003 now U.S. Pat. No. 7,051,147 issued May 23, 2006, which is a continuation of and claims the benefit of benefit of priority of 25 U.S. patent application Ser. No. 10/081,110 by inventors Geoffrey B. Hoese and Jeffery T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Feb. 22, 2002, now U.S. Pat. No. 6,789,152 issued on Sep. 7, 2004, which in turn is a continuation of and claims benefit of priority of U.S. application Ser. No. 09/354,682 by inventors Geoffrey B. Hoese and Jeffrey T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Jul. 15, 1999, now U.S. Pat. No. 6,421,753 issued on Jul. 16, 2002, which in turn is a continuation of and claims ³⁵ benefit of priority of U.S. patent application Ser. No. 09/001, 799, filed on Dec. 31, 1997, now U.S. Pat. No. 5,941,972 issued on Aug. 24, 1999, and hereby incorporates these applications and patents by reference in their entireties as if they had been fully set forth herein.

TECHNICAL FIELD OF THE INVENTION

This invention relates in general to network storage devices, and more particularly to a storage router and method ⁴⁵ for providing virtual local storage on remote SCSI storage devices to Fibre Channel devices.

BACKGROUND OF THE INVENTION

Typical storage transport mediums provide for a relatively small number of devices to be attached over relatively short distances. One such transport medium is a Small Computer System Interface (SCSI) protocol, the structure and operation of which is generally well known as is described, for example, 55 in the SCSI-1, SCSI-2 and SCSI-3 specifications. High speed serial interconnects provide enhanced capability to attach a large number of high speed devices to a common storage transport medium over large distances. One such, serial interconnect is Fibre Channel, the structure and operation of 60 which is described, for example, in Fibre Channel Physical and Signaling Interface (FC-PH), ANSI X3.230 Fibre Channel Arbitrated Loop (FC-AL), and ANSI X3.272 Fibre Channel Private Loop Direct Attach (FC-PLDA).

Conventional computing devices, such as computer work-55 stations, generally access storage locally or through network interconnects. Local storage typically consists of a disk drive, 2

tape drive, CD-ROM drive or other storage device contained within, or locally connected to the workstation. The workstation provides a file system structure that includes security controls, with access to the local storage device through native low level block protocols. These protocols map directly to the mechanisms used by the storage device and consist of data requests without security controls. Network interconnects typically provide access for a large number of computing devices to data storage on a remote network server. The remote network server provides file system structure, access control, and other miscellaneous capabilities that include the network interface. Access to data through the network server is through network protocols that the server must translate into low level requests to the storage device. A workstation with access to the server storage must translate its file system protocols into network protocols that are used to communicate with the server. Consequently, from the perspective of a workstation, or other computing device, seeking to access such server data, the access is much slower than access to data on a local storage device.

SUMMARY OF THE INVENTION

In accordance with the present invention, a storage router and method for providing virtual local storage on remote SCSI storage devices to Fibre Channel devices are disclosed that provide advantages over conventional network storage devices and methods.

According to one aspect of the present invention, a storage router and storage network provide virtual local storage on remote SCSI storage devices to Fibre Channel devices. A plurality of Fibre Channel devices, such as workstations, are connected to a Fibre Channel transport medium, and a plurality of SCSI storage devices are connected to a SCSI bus transport medium. The storage router interfaces between the Fibre Channel transport medium and the SCSI bus transport medium. The storage router maps between the workstations and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. The storage 40 router then allows access from the workstations to the SCSI storage devices using native low level, block protocol in accordance with the mapping and the access controls.

According to another aspect of the present invention, virtual local storage on remote SCSI storage devices is provided to Fibre Channel devices. A Fibre Channel transport medium and a SCSI bus transport medium are interfaced with. A configuration is maintained for SCSI storage devices connected to the SCSI bus transport medium. The configuration maps between Fibre Channel devices and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. Access is then allowed from Fibre Channel initiator devices to SCSI storage devices using native low level, block protocol in accordance with the configuration.

A technical advantage of the present invention is the ability to centralize local storage for networked workstations without any cost of speed or overhead. Each workstation accesses its virtual local storage as if it were locally connected. Further, the centralized storage devices can be located in a significantly remote position even in excess of ten kilometers as defined by Fibre Channel standards.

Another technical advantage of the present invention is the ability to centrally control and administer storage space for connected users without limiting the speed with which the users can access local data. In addition, global access to data, backups, virus scanning and redundancy can be more easily accomplished by centrally located storage devices.

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A further technical advantage of the present invention is providing support for SCSI storage devices as local storage for Fibre Channel hosts. In addition, the present invention helps to provide extended capabilities for Fibre Channel and for management of storage subsystems.

BRIEF DESCRIPTION OF THE DRAWINGS

A more complete understanding of the present invention and the advantages thereof may be acquired by referring to ¹⁰ the following description taken in conjunction with the accompanying drawings, in which like reference numbers indicate like features, and wherein:

FIG. 1 is a block diagram of a conventional network that provides storage through a network server;

FIG. 2 is a block diagram of one embodiment of a storage network with a storage router that provides global access and routing;

FIG. **3** is a block diagram of one embodiment of a storage network with a storage router that provides virtual local stor- ²⁰ age;

FIG. 4 is a block diagram of one embodiment of the storage router of FIG. 3; and

FIG. **5** is a block diagram of one embodiment of data flow within the storage router of FIG. **4**.

DETAILED DESCRIPTION OF THE INVENTION

FIG. 1 is a block diagram of a conventional network, indicated generally at 10, that provides access to storage through 30 a network server. As shown, network 10 includes a plurality of workstations 12 interconnected with a network server 14 via a network transport medium 16. Each workstation 12 can generally comprise a processor, memory, input/output devices, storage devices and a network adapter as well as 35 other common computer components. Network server 14 uses a SCSI bus 18 as a storage transport medium to interconnect with a plurality of storage devices 20 (tape drives, disk drives, etc.). In the embodiment of FIG. 1, network transport medium 16 is a network connection and storage 40 devices 20 comprise hard disk drives, although there are numerous alternate transport mediums and storage devices.

In network 10, each workstation 12 has access to its local storage device as well as network access to data on storage devices 20. The access to a local storage device is typically 45 through native low level, block protocols. On the other hand, access by a workstation 12 to storage devices 20 requires the participation of network server 14 which implements a file system and transfers data to workstations 12 only through high level file system protocols. Only network server 14 communicates with storage devices 20 via native low level, block protocols. Consequently, the network access by workstations 12 through network server 14 is slow with respect to their access to local storage. In network 10, it can also be a logistical problem to centrally manage and administer local data 55 distributed across an organization, including accomplishing tasks such as backups, virus scanning and redundancy.

FIG. 2 is a block diagram of one embodiment of a storage network, indicated generally at 30, with a storage router that provides global access and routing. This environment is sigficantly different from that of FIG. 1 in that there is no network server involved. In FIG. 2, a Fibre Channel high speed serial transport 32 interconnects a plurality of workstations 36 and storage devices 38. A SCSI bus storage transport medium interconnects workstations 40 and storage devices 65 42. A storage router 44 then serves to interconnect these mediums and provide devices on either medium global, trans4

parent access to devices on the other medium. Storage router 44 routes requests from initiator devices on one medium to target devices on the other medium and routes data between the target and the initiator. Storage router 44 can allow initiators and targets to be on either side. In this manner, storage router 44 enhances the functionality of Fibre Channel 32, by providing access, for example, to legacy SCSI storage devices on SCSI bus 34. In the embodiment of FIG. 2, the operation of storage router 44 can be managed by a management station 46 connected to the storage router via a direct serial connection.

In storage network 30, any workstation 36 or workstation 40 can access any storage device 38 or storage device 42 through native low level, block protocols, and vice versa. This functionality is enabled by storage router 44 which routes requests and data as a generic transport between Fibre Channel 32 and SCSI bus 34. Storage router 44 uses tables to map devices from one medium to the other and distributes requests and data across Fibre Channel 32 and SCSI bus 34 without any security access controls. Although this extension of the high speed serial interconnect provided by Fibre Channel is beneficial, it is desirable to provide security controls in addition to extended access to storage devices through a native low level, block protocol.

FIG. 3 is a block diagram of one embodiment of a storage network, indicated generally at 50, with a storage router that provides virtual local storage. Similar to that of FIG. 2, storage network 50 includes a Fibre Channel high speed serial interconnect 52 and a SCSI bus 54 bridged by a storage router 56. Storage router 56 of FIG. 3 provides for a large number of workstations 58 to be interconnected on a common storage transport and to access common storage devices 60, 62 and 64 through native low level, block protocols.

According to the present invention, storage router **56** has enhanced functionality to implement security controls and routing such that each workstation **58** can have access to a specific subset of the overall data stored in storage devices **60**, **62** and **64**. This specific subset of data has the appearance and characteristics of local storage and is referred to herein as virtual local storage. Storage router **56** allows the configuration and modification of the storage allocated to each attached workstation **58** through the use of mapping tables or other mapping techniques.

As shown in FIG. 3, for example, storage device 60 can be configured to provide global data 65 which can be accessed by all workstations 58. Storage device 62 can be configured to provide partitioned subsets 66, 68, 70 and 72, where each partition is allocated to one of the workstations 58 (workstations A, B, C and D). These subsets 66, 68, 70 and 72 can only be accessed by the associated workstation 58 and appear to the associated workstation 58 as local storage accessed using native low level, block protocols. Similarly, storage device 64 (workstation E).

Storage router **56** combines access control with routing such that each workstation **58** has controlled access to only the specified partition of storage device **62** which forms virtual local storage for the workstation **58**. This access control allows security control for the specified data partitions. Storage router **56** allows this allocation of storage devices **60**, **62** and **64** to be managed by a management station **76**. Management station **76** can connect directly to storage router **56** via a direct connection or, alternately, can interface with storage router **56** through either Fibre Channel **52** or SCSI bus **54**. In the latter case, management station **76** can be a workstation or other computing device with special rights such that storage

router **56** allows access to mapping tables and shows storage devices **60**, **62** and **64** as they exist physically rather than as they have been allocated.

The environment of FIG. 3 extends the concept of single workstation having locally connected storage devices to a storage network 50 in which workstations 58 are provided virtual local storage in a manner transparent to workstations 58. Storage router 56 provides centralized control of what each workstation 58 sees as its local drive, as well as what data it sees as global data accessible by other workstations 58. Consequently, the storage space considered by the workstation 58 to be its local storage is actually a partition (i.e., logical storage definition) of a physically remote storage device 60, 62 or 64 connected through storage router 56. This means that similar requests from workstations 58 for access to their local storage devices produce different accesses to the storage space on storage devices 60, 62 and 64. Further, no access from a workstation 58 is allowed to the virtual local storage of another workstation 58.

The collective storage provided by storage devices **60**, **62** and **64** can have blocks allocated by programming means within storage router **56**. To accomplish this function, storage router **56** can include routing tables and security controls that define storage allocation for each workstation **58**. The advan-25 tages provided by implementing virtual local storage in centralized storage devices include the ability to do collective backups and other collective administrative functions more easily. This is accomplished without limiting the performance of workstations **58** because storage access involves native low 30 level, block protocols and does not involve the overhead of high level protocols and file systems required by network servers.

FIG. **4** is a block diagram of one embodiment of storage router **56** of FIG. **3**. Storage router **56** can comprise a Fibre 35 Channel controller **80** that interfaces with Fibre Channel **52** and a SCSI controller **82** that interfaces with SCSI bus **54**. A buffer **84** provides memory work space and is connected to both Fibre Channel controller **80** and to SCSI controller **82**. A supervisor unit **86** is connected to Fibre Channel controller **40 80**, SCSI controller **82** and buffer **84**. Supervisor unit **86** comprises a microprocessor for controlling operation of storage router **56** and to handle mapping and-security access for requests between Fibre Channel **52** and SCSI bus **54**.

FIG. **5** is a block diagram of one embodiment of data flow 45 within storage router **56** of FIG. **4**. As shown, data from Fibre Channel **52** is processed by a Fibre Channel (FC) protocol unit **88** and placed in a FIFO queue **90**. A direct memory access (DMA) interface **92** then takes data out of FIFO queue **90** and places it in buffer **84**. Supervisor unit **86** processes the 50 data in buffer **84** as represented by supervisor processing **93**. This processing involves mapping between Fibre Channel **52** and SCSI bus **54** and applying access controls and routing functions. A DMA interface **94** then pulls data from buffer **84** and places it into a buffer **96**. A SCSI protocol unit **98** pulls **55** data from buffer **96** and communicates the data on SCSI bus **54**. Data flow in the reverse direction, from SCSI bus **54** to Fibre Channel **52**, is accomplished in a reverse manner.

The storage router of the present invention is a bridge device that connects a Fibre Channel link directly to a SCSI 60 bus and enables the exchange of SCSI command set information between application clients on SCSI bus devices and the Fibre Channel links. Further, the storage router applies access controls such that virtual local storage can be established in remote SCSI storage devices for workstations on the Fibre 65 Channel link. In one embodiment, the storage router provides a connection for Fibre Channel links running the SCSI Fibre 6

Channel Protocol (FCP) to legacy SCSI devices attached to a SCSI bus. The Fibre Channel topology is typically an Arbitrated Loop (FC_AL).

In part, the storage router enables a migration path Fibre Channel based, serial SCSI networks by providing connectivity for legacy SCSI bus devices. The storage router can be attached to a Fibre Channel Arbitrated Loop and a SCSI bus to support a number of SCSI devices. Using configuration settings, the storage router can make the SCSI bus devices available on the Fibre Channel network as FCP logical units. Once the configuration is defined, operation of the storage router is transparent to application clients. In this manner, the storage router can form an integral part of the migration to new Fibre Channel based networks while providing a means to continue using legacy SCSI devices.

In one implementation (not shown), the storage router can be a rack mount or free standing device with an internal power supply. The storage router can have a Fibre Channel and SCSI port, and a standard, detachable power cord can be used, the 20 FC connector can be a copper DB9 connector, and the SCSI connector can be a 68-pin type. Additional modular jacks can be provided for a serial port and an 802.3 10 BaseT port, i.e. twisted pair Ethernet, for management access. The SCSI port of the storage router an support SCSI direct and sequential 25 access target devices and can support SCSI initiators, as well. The Fibre Channel port can interface to SCSI-3 FCP enabled devices and initiators.

To accomplish its functionality, one implementation of the storage router uses: a Fibre Channel interface based on the HEWLETT-PACKARD TACHYON HPFC-5000 controller and a GLM media interface; an Intel 80960RP processor, incorporating independent data and program memory spaces, and associated logic required to implement a stand alone processing system; and a serial port for debug and system configuration. Further, this implementation includes a SCSI interface supporting Fast-20 based on the SYMBIOS 53C8xx series SCSI controllers, and an operating system based upon the WIND RIVERS SYSTEMS VXWORKS or IXWORKS kernel, as determined by design. In addition, the storage router includes software as required to control basic functions of the various elements, and to provide appropriate translations between the FC and SCSI protocols.

The storage router has various modes of operation that are possible between FC and SCSI target and initiator combinations. These modes are: FC Initiator to SCSI Target; SCSI Initiator to FC Target; SCSI Initiator to SCSI Target; and FC Initiator to FC Target. The first two modes can be supported concurrently in a single storage router device and are discussed briefly below. The third mode can involve two storage router devices back to back and can serve primarily as a device to extend the physical distance beyond that possible via a direct SCSI connection. The last mode can be used to carry FC protocols encapsulated on other transmission technologies (e.g. ATM, SONET), or to act as a bridge between two FC loops (e.g. as a two port fabric).

The FC Initiator to SCSI Target mode provides for the basic configuration of a server using Fibre Channel to communicate with SCSI targets. This mode requires that a host system have an FC attached device and associated device drivers and software to generate SCSI-3 FCP requests. This system acts as an initiator using the storage router to communicate with SCSI target devices. The SCSI devices supported can include SCSI-2 compliant direct or sequential access (disk or tape) devices. The storage router serves to translate command and status information and transfer data between SCSI-3 FCP and SCSI-2, allowing the use of standard SCSI-2 devices in a Fibre Channel environment.

The SCSI Initiator to FC Target mode provides for the configuration of a server using SCSI-2 to communicate with Fibre Channel targets. This mode requires that a host system has a SCSI-2 interface and driver software to control SCSI-2 target devices. The storage router will connect to the SCSI-2 5 bus and respond as a target to multiple target IDs. Configuration information is required to identify the target IDs to which the bridge will respond on the SCSI-2 bus. The storage router then translates the SCSI-2 requests to SCSI-3 FCP requests, allowing the use of FC devices with a SCSI host 10 system. This will also allow features such as a target device acting as an initiator on the SCSI bus to provide full support for this type of SCSI device.

In general, user configuration of the storage router will be needed to support various functional modes of operation. 15 Configuration can be modified, for example, through a serial port or through an Ethernet port via SNMP (simple network management protocol) or the Telnet session. Specifically, SNMP manageability can be provided via a B02.3 Ethernet interface. This can provide for configuration changes as well 20 as providing statistics and error information. Configuration can also be performed via TELNET or RS-232 interfaces with menu driven command interfaces. Configuration information can be stored in a segment of flash memory and can be retained across resets and power off cycles. Password protec-25 tion can also be provided.

In the first two modes of operation, addressing information is needed to map from FC addressing to SCSI addressing and vice versa. This can be 'hard' configuration data, due to the need for address information to be maintained across initialization and partial reconfigurations of the Fibre Channel address space. In an arbitrated loop configuration, user configured addresses will be needed for AL_PAs in order to insure that known addresses are provided between loop reconfigurations.

With respect to addressing, FCP and SCSI 2 systems employ different methods of addressing target devices. Additionally, the inclusion of a storage router means that a method of translating device IDs needs to be implemented. In addition, the storage router can respond to commands without passing the commands through to the opposite interface. This can be implemented to allow all generic FCP and SCSI commands to pass through the storage router to address attached devices, but allow for configuration and diagnostics to be performed directly on the storage router through the FC and SCSI interfaces.

Management commands are those intended to be processed by the storage router controller directly. This may include diagnostic, mode, and log commands as well as other vendor-specific commands. These commands can be received and processed by both the FOP and SCSI interfaces, but are not typically bridged to the opposite interface. These commands may also have side effects on the operation of the storage router, and cause other storage router operations to change or terminate.

A primary method of addressing management commands though the FCP and SCSI interfaces can be through peripheral device type addressing. For example, the storage router can respond to all operations addressed to logical unit (LUN) zero as a controller device. Commands that the storage router will support can include INQUIRY as well as vendor-specific management commands. These are to be generally consistent with SCC standard commands.

The SCSI bus is capable of establishing bus connections between targets. These targets may internally address logical units. Thus, the prioritized addressing scheme used by SCSI subsystems can be represented as follows: BUS:TARGET: 8

LOGICAL UNIT. The BUS identification is intrinsic in the configuration, as a SCSI initiator is attached to only one bus. Target addressing is handled by bus arbitration from information provided to the arbitrating device. Target addresses are assigned to SCSI devices directly through some means of configuration, such as a hardware jumper, switch setting, or device specific software configuration. As such, the SCSI protocol provides only logical unit addressing within the Identify message. Bus and target information is implied by the established connection.

Fibre Channel devices within a fabric are addressed by a unique port identifier. This identifier is assigned to a port during certain well-defined states of the FC protocol. Individual ports are allowed to arbitrate for a known, user defined address. If such an address is not provided, or if arbitration for a particular-user address fails, the port is assigned a unique address by the FC protocol. This address is generally not guaranteed to be unique between instances. Various scenarios exist where the AL-PA of a device will change, either after power cycle or loop reconfiguration.

The FC protocol also provides a logical unit address field within command structures to provide addressing to devices internal to a port. The FCP_CMD payload specifies an eight byte LUN field. Subsequent identification of the exchange between devices is provided by the FQXID (Fully Qualified Exchange ID).

FC ports can be required to have specific addresses assigned. Although basic functionality is not dependent on this, changes in the loop configuration could result in disk targets changing identifiers with the potential risk of data corruption or loss. This configuration can be straightforward, and can consist of providing the device a loop-unique ID (AL_PA) in the range of "01h" to "EFh." Storage routers could be shipped with a default value with the assumption that most configurations will be using single storage routers and no other devices requesting the present ID. This would provide a minimum amount of initial configuration to the system administrator. Alternately, storage routers could be defaulted to assume any address so that configurations requiring multiple storage routers on a loop would not require that the administrator assign a unique ID to the additional storage routers

Address translation is needed where commands are issued in the cases FC Initiator to SCSI Target and SCSI Initiator to FC Target. Target responses are qualified by the FQXID and will retain the translation acquired at the beginning of the exchange. This prevents configuration changes occurring during the course of execution of a command from causing data or state information to be inadvertently misdirected. Configuration can be required in cases of SCSI Initiator to FC Target, as discovery may not effectively allow for FCP targets to consistently be found. This is due to an FC arbitrated loop supporting addressing of a larger number of devices than a SCSI bus and the possibility of FC devices changing their AL-PA due to device insertion or other loop initialization.

In the direct method, the translation to BUS:TARGET: LUN of the SCSI address information will be direct. That is, the values represented in the FCP LUN field will directly map to the values in effect on the SCSI bus. This provides a clean translation and does not require SCSI bus discovery. It also allows devices to be dynamically added to the SCSI bus without modifying the address map. It may not allow for complete discovery by FCP initiator devices, as gaps between device addresses may halt the discovery process. Legacy SCSI device drivers typically halt discovery on a target device at the first unoccupied LUN, and proceed to the next target.

This would lead to some devices not being discovered. However, this allows for hot plugged devices and other changes to the loop addressing.

In the ordered method, ordered translation requires that the storage router perform discovery on reset, and collapses the 5 addresses on the SCSI bus to sequential FSP LUN values. Thus, the FCP LUN values 0-N can represent N+1 SCSI devices, regardless of SCSI address values, in the order in which they are isolated during the SCSI discovery process. This would allow the FCP initiator discovery process to iden- 10 tify all mapped SCSI devices without further configuration. This has the limitation that hot-plugged devices will not be identified until the next reset cycle. In this case, the address may also be altered as well.

In addition to addressing, according to the present invention, the storage router provides configuration and access controls that cause certain requests from FC Initiators to be directed to assigned virtual local storage partitioned on SCSI storage devices. For example, the same request for LUN 0 (local storage) by two different FC Initiators can be directed to two separate subsets of storage. The storage router can use tables to map, for each initiator, what storage access is available and what partition is being addressed by a particular request. In this manner, the storage space provided by SCSI storage devices can be allocated to FC initiators to provide virtual local storage as well as to create any other desired configuration for secured access.

Although the present invention has been described in detail, it should be understood that various changes, substitutions, and alterations can be made hereto without departing 30 from the spirit and scope of the invention as defined by the appended claims.

What is claimed is:

1. A storage router for providing virtual local storage on 35 storage devices. remote storage devices, comprising: 14. The storage devices of 15. The storage devices of 15. The storage devices of 14. The storage devices devices of 14. The storage devices of 14. Th

- a first controller operable to interface with a first transport medium, wherein the first medium is a serial transport media; and
- a processing device coupled to the first controller, wherein 40 identifiers are world wide names. the processing device is configured to: 16. The storage router of cla
 - maintain a map to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with 45 representations of storage space on the remote storage devices, wherein each representation of a device connected to the first transport medium is associated with one or more representations of storage space on the remote storage devices; 50
 - control access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map; and
 - allow access from devices connected to the first transport medium to the remote storage devices using 55 native low level block protocol.

2. The storage router of claim 1, wherein the map associates a representation of storage space on the remote storage devices with multiple devices connected to the first transport medium. 60

3. The storage router of claim **1**, wherein the storage space on the remote storage devices comprises storage space on multiple remote storage devices.

4. The storage router of claim **1**, wherein the map associates a representation of a device connected to the first trans- 65 port medium with a representation of an entire storage space of at least one remote storage device.

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5. The storage router of claim 1, wherein the map resides at the storage router and is maintained at the storage router.

6. The storage router of claim 1, wherein the native low level block protocol is received at the storage router via the first transport medium and the processing device uses the received native low level block protocol to allow the devices connected to the first transport medium access to storage space specifically allocated to them in the map.

7. The storage router of claim **1**, wherein the storage router is configured to receive commands according to a first low level block protocol from the device connected to the first transport medium and forward commands according to a second low level block protocol to the remote storage devices.

8. The storage router of claim **7**, wherein the first low level block protocol is an FCP protocol and the second low level block protocol is a protocol other than FCP.

9. The storage router of claim **1**, wherein the map comprises one or more tables.

10. The storage router of claim 1, wherein the virtual local storage is provided to the devices connected to the first transport medium in a manner that is transparent to the devices and wherein the storage space allocated to the devices connected to the first transport medium appears to the devices as local storage.

11. The storage router of claim 1, wherein the storage router provides centralized control of what the devices connected to the first transport medium see as local storage.

12. The storage router of claim **1**, wherein the representations of storage space comprise logical unit numbers that represent a subset of storage on the remote storage devices.

13. The storage router of claim 12, wherein the storage router is operable to route requests to the same logical unit number from different devices connected to the first transport medium to different subsets of storage space on the remote storage devices.

14. The storage router of claim 1, wherein the representations of devices connected to the first transport medium are unique identifiers.

15. The storage router of claim 14, wherein the unique identifiers are world wide names.

16. The storage router of claim 1, wherein the storage router is configured to allow modification of the map in a manner transparent to and without involvement of the devices connected to the first transport medium.

17. The storage router of claim **1**, wherein the processing device is a microprocessor.

18. The storage router of claim 1, wherein the processing device is a microprocessor and associated logic to implement a stand-alone processing system.

19. The storage router of claim 1, wherein the first transport medium is a fibre channel transport medium and further comprising a second transport medium connected to the remote storage devices that is a fibre channel transport medium.

20. A storage network comprising:

- a set of devices connected a first transport medium, wherein the first transport medium;
- a set of remote storage devices connected to a second transport medium;

a storage router connected to the serial transport medium;

- a storage router connected to the first transport medium and second transport medium to provide virtual local storage on the remote storage devices, the storage router configured to:
 - maintain a map to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with

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representations of storage space on the remote storage devices, wherein each representation of a device connected to the first transport medium is associated with one or more representations of storage space on the remote storage devices;

- control access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map; and
- allow access from devices connected to the first transport medium to the remote storage devices using ¹⁰ native low level block protocol.

21. The storage network of claim **20**, wherein the map associates a representation of storage space on the remote storage devices with multiple devices connected to the first $_{15}$ transport medium.

22. The storage network of claim **20**, wherein the storage space on the remote storage devices comprises storage space on multiple remote storage devices.

23. The storage network of claim **20**, wherein the map ₂₀ associates a representation of a device connected to the first transport medium with a representation of an entire storage space of at least one remote storage device.

24. The storage network of claim **20**, wherein the map resides at the storage router and is maintained at the storage ²⁵ router.

25. The storage network of claim **20**, wherein the native low level block protocol is received at the storage router via the first transport medium and the storage router uses the received native low level block protocol to allow the devices ³⁰ connected to the first transport medium access to storage space specifically allocated to them in the map.

26. The storage router of claim **20**, wherein the storage router is configured to receive commands according to a first low level block protocol from the device connected to the first 35 transport medium and forward commands according to a second low level block protocol to the remote storage devices.

27. The storage network of claim **20**, wherein the first low level block protocol is an FCP protocol and the second low level block protocol is a protocol other than FCP.

28. The storage network of claim **20**, wherein the map comprises one or more tables.

29. The storage network of claim **20**, wherein the virtual local storage is provided to the devices connected to the first transport medium in a manner that is transparent to the 45 devices and wherein the storage space allocated to the devices connected to the first transport medium appears to the devices as local storage.

30. The storage network of claim **20**, wherein the storage router provides centralized control of what the devices con- 50 nected to the first transport medium see as local storage.

31. The storage network of claim **20**, wherein the representations of storage space comprise logical unit numbers that represent a subset of storage on the remote storage devices.

32. The storage network of claim **31**, wherein the storage router is operable to route requests to the same logical unit number from different devices connected to the first transport medium to different subsets of storage space on the remote storage devices.

33. The storage network of claim **20**, wherein the representations of devices connected to the first transport medium are unique identifiers.

34. The storage network of claim **33**, wherein the unique identifiers are world wide names.

35. The storage network of claim **20**, wherein the storage router is configured to allow modification of the map in a

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manner transparent to and without involvement of the devices connected to the first transport medium.

36. The storage network of claim 20, wherein the first transport medium is a fibre channel transport medium and the

second transport medium is a fibre channel transport medium. **37**. A method for providing virtual local storage on remote storage devices comprising:

- connecting a storage router between a set of devices connected to a first transport medium and a set of remote storage devices, wherein the first transport medium is a serial transport medium;
- maintaining a map at the storage router to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with representations of storage space on the remote storage devices, wherein each representation of a device connected to the first transport medium is associated with one or more representations of storage space on the remote storage devices;
- controlling access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map; and
- allowing access from devices connected to the first transport medium to the remote storage devices using native low level block protocol.

38. The method of claim **37**, wherein the map associates a representation of storage space on the remote storage devices with multiple devices connected to the first transport medium.

39. The method of claim **37**, wherein the storage space on the remote storage devices comprises storage space on multiple remote storage devices.

40. The method of claim **37**, wherein the map associates a representation of a device connected to the first transport medium with a representation of an entire storage space of at least one remote storage device.

41. The method of claim **37**, wherein the map resides at the storage router and is maintained at the storage router.

42. The method of claim 37, further comprising:

- receiving the native low level block protocol at the storage router via the first transport medium;
- using the received native low level block protocol at the storage router to allow the devices connected to the first transport medium access to storage space specifically allocated to them in the map.

43. The method of claim **37**, further comprising receiving commands at the storage router according to a first low level block protocol from the device connected to the first transport medium and forwarding commands according to a second low level block protocol to the remote storage devices.

44. The method of claim **43**, wherein the first low level block protocol is an FCP protocol and the second low level block protocol is a protocol other than FCP.

45. The method of claim **37**, wherein the map comprises 55 one or more tables.

46. The method of claim **37**, wherein the virtual local storage is provided to the devices connected to the first transport medium in a manner that is transparent to the devices and wherein the storage space allocated to the devices connected to the first transport medium appears to the devices as local storage.

47. The method of claim **37**, wherein the storage router provides centralized control of what the devices connected to the first transport medium see as local storage.

48. The method of claim **37**, wherein the representations of storage space comprise logical unit numbers that represent a subset of storage on the remote storage devices.

49. The method of claim **48**, wherein the storage router is operable to route requests to the same logical unit number from different devices connected to the first transport medium to different subsets of storage space on the remote storage devices.

50. The method of claim **37**, wherein the representations of devices connected to the first transport medium are unique identifiers.

51. The method of claim **50**, wherein the unique identifiers are world wide names.

52. The method of claim **51**, wherein the storage router is configured to allow modification of the map in a manner

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transparent to and without involvement of the devices connected to the first transport medium.

53. The method of claim **1** wherein connecting the storage router between a set of devices connected to a first transport medium and a set of remote storage devices further comprises connecting the storage router between a first fibre channel transport medium and a second fibre channel transport medium.

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US007934041B2

(12) United States Patent Hoese et al.

(54) STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

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- (*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.
- (21)Appl. No.: 12/690,592
- (22)Filed: Jan. 20, 2010

(65) **Prior Publication Data**

US 2010/0121993 A1 May 13, 2010

Related U.S. Application Data

- (63) Continuation of application No. 12/552,885, filed on Sep. 2, 2009, which is a continuation of application No. 11/851,724, filed on Sep. 7, 2007, now Pat. No. 7,689,754, which is a continuation of application No. 11/442,878, filed on May 30, 2006, now abandoned, which is a continuation of application No. 11/353,826, filed on Feb. 14, 2006, now Pat. No. 7,340,549, which is a continuation of application No. 10/658,163, filed on Sep. 9, 2003, now Pat. No. 7,051,147, which is a continuation of application No. 10/081,110, filed on Feb. 22, 2002, now Pat. No. 6,789,152, which is a continuation of application No. 09/354,682, filed on Jul. 15, 1999, now Pat. No. 6,421,753, which is a continuation of application No. 09/001,799, filed on Dec. 31, 1997, now Pat. No. 5,941,972.
- (51) Int. Cl.

G06F 13/00 G06F 3/00

(2006.01)
(2006.01)

(10) Patent No.: US 7,934,041 B2

- (45) Date of Patent: Apr. 26, 2011
- (52) U.S. Cl. 710/305; 710/11; 709/258 (58) Field of Classification Search 710/1-5,
- 710/8-13, 36-38, 126-131, 250, 305; 709/258; 714/42; 711/110-113 See application file for complete search history.

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(57) ABSTRACT

A storage router and storage network provide virtual local storage on remote storage devices. A plurality of devices are connected to a first transport medium. In one embodiment, a storage router maintains a map to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with representations of storage space on the remote storage devices. The storage router controls access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map and allows access from devices connected to the first transport medium to the remote storage devices using native low level block protocol.

53 Claims, 2 Drawing Sheets



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1 STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

This application is a continuation of, and claims a benefit of priority under 35 U.S.C. 120 of the filing date of U.S. patent application Ser. No. 12/552,885 entitled "Storage Router and Method for Providing Virtual Local Storage" filed Sep. 2, 2009, which is a continuation of and claims the benefit of priority of U.S. application Ser. No. 11/851,724 entitled Storage Router and Method for Providing Virtual Local Storage" filed Sep. 7, 2007, now U.S. Pat. No. 7,689,754 issued Mar. 30, 2010, which is a continuation of and claims the benefit of priority of U.S. patent application Ser. No. 11/442,878 entitled "Storage Router and Method for Providing Virtual Local Storage" filed May 30, 2006, now aban-15 doned, which is a continuation of and claims the benefit of priority of U.S. patent application Ser. No. 11/353,826 entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Feb. 14, 2006, now U.S. Pat. No. 7,340,549 issued Mar. 4, 2008, which is a continuation of and ²⁰ access to data on a local storage device. claims the benefit of priority of U.S. patent application Ser. No. 10/658,163 entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Sep. 9, 2003 now U.S. Pat. No. 7,051,147 issued May 23, 2006, which is a continuation of and claims the benefit of benefit of priority of ²⁵ U.S. patent application Ser. No. 10/081,110 by inventors Geoffrey B. Hoese and Jeffery T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Feb. 22, 2002, now U.S. Pat. No. 6,789,152 issued on Sep. 7, 2004, which in turn is a continuation of and claims benefit $^{-30}$ of priority of U.S. application Ser. No. 09/354,682 by inventors Geoffrey B. Hoese and Jeffrey T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Jul. 15, 1999, now U.S. Pat. No. 6,421,753 issued on Jul. 16, 2002, which in turn is a continuation of and claims ³⁵ benefit of priority of U.S. patent application Ser. No. 09/001, 799, filed on Dec. 31, 1997, now U.S. Pat. No. 5,941,972 issued on Aug. 24, 1999, and hereby incorporates these applications and patents by reference in their entireties as if they had been fully set forth herein.

TECHNICAL FIELD OF THE INVENTION

This invention relates in general to network storage devices, and more particularly to a storage router and method 45 for providing virtual local storage on remote SCSI storage devices to Fibre Channel devices.

BACKGROUND OF THE INVENTION

Typical storage transport mediums provide for a relatively small number of devices to be attached over relatively short distances. One such transport medium is a Small Computer System Interface (SCSI) protocol, the structure and operation of which is generally well known as is described, for example, 55 in the SCSI-1, SCSI-2 and SCSI-3 specifications. High speed serial interconnects provide enhanced capability to attach a large number of high speed devices to a common storage transport medium over large distances. One such, serial interconnect is Fibre Channel, the structure and operation of 60 which is described, for example, in Fibre Channel Physical and Signaling Interface (FC-PH), ANSI X3.230 Fibre Channel Arbitrated Loop (FC-AL), and ANSI X3.272 Fibre Channel Private Loop Direct Attach (FC-PLDA).

Conventional computing devices, such as computer work- 65 stations, generally access storage locally or through network interconnects. Local storage typically consists of a disk drive,

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tape drive, CD-ROM drive or other storage device contained within, or locally connected to the workstation. The workstation provides a file system structure that includes security controls, with access to the local storage device through native low level block protocols. These protocols map directly to the mechanisms used by the storage device and consist of data requests without security controls. Network interconnects typically provide access for a large number of computing devices to data storage on a remote network server. The remote network server provides file system structure, access control, and other miscellaneous capabilities that include the network interface. Access to data through the network server is through network protocols that the server must translate into low level requests to the storage device. A workstation with access to the server storage must translate its file system protocols into network protocols that are used to communicate with the server. Consequently, from the perspective of a workstation, or other computing device, seeking to access such server data, the access is much slower than

SUMMARY OF THE INVENTION

In accordance with the present invention, a storage router and method for providing virtual local storage on remote SCSI storage devices to Fibre Channel devices are disclosed that provide advantages over conventional network storage devices and methods.

According to one aspect of the present invention, a storage router and storage network provide virtual local storage on remote SCSI storage devices to Fibre Channel devices. A plurality of Fibre Channel devices, such as workstations, are connected to a Fibre Channel transport medium, and a plurality of SCSI storage devices are connected to a SCSI bus transport medium. The storage router interfaces between the Fibre Channel transport medium and the SCSI bus transport medium. The storage router maps between the workstations and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. The storage 40 router then allows access from the workstations to the SCSI storage devices using native low level, block protocol in accordance with the mapping and the access controls.

According to another aspect of the present invention, virtual local storage on remote SCSI storage devices is provided to Fibre Channel devices. A Fibre Channel transport medium and a SCSI bus transport medium are interfaced with. A configuration is maintained for SCSI storage devices connected to the SCSI bus transport medium. The configuration maps between Fibre Channel devices and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. Access is then allowed from Fibre Channel initiator devices to SCSI storage devices using native low level, block protocol in accordance with the configuration

A technical advantage of the present invention is the ability to centralize local storage for networked workstations without any cost of speed or overhead. Each workstation accesses its virtual local storage as if it were locally connected. Further, the centralized storage devices can be located in a significantly remote position even in excess of ten kilometers as defined by Fibre Channel standards.

Another technical advantage of the present invention is the ability to centrally control and administer storage space for connected users without limiting the speed with which the users can access local data. In addition, global access to data, backups, virus scanning and redundancy can be more easily accomplished by centrally located storage devices

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A further technical advantage of the present invention is providing support for SCSI storage devices as local storage for Fibre Channel hosts. In addition, the present invention helps to provide extended capabilities for Fibre Channel and for management of storage subsystems.

BRIEF DESCRIPTION OF THE DRAWINGS

A more complete understanding of the present invention and the advantages thereof may be acquired by referring to 1 the following description taken in conjunction with the accompanying drawings, in which like reference numbers indicate like features, and wherein:

FIG. 1 is a block diagram of a conventional network that provides storage through a network server; 15

FIG. **2** is a block diagram of one embodiment of a storage network with a storage router that provides global access and routing;

FIG. **3** is a block diagram of one embodiment of a storage network with a storage router that provides virtual local stor- ²⁰ age;

FIG. **4** is a block diagram of one embodiment of the storage router of FIG. **3**; and

FIG. **5** is a block diagram of one embodiment of data flow within the storage router of FIG. **4**.

DETAILED DESCRIPTION OF THE INVENTION

FIG. 1 is a block diagram of a conventional network, indicated generally at 10, that provides access to storage through 30 a network server. As shown, network 10 includes a plurality of workstations 12 interconnected with a network server 14 via a network transport medium 16. Each workstation 12 can generally comprise a processor, memory, input/output devices, storage devices and a network adapter as well as 35 other common computer components. Network server 14 uses a SCSI bus 18 as a storage transport medium to interconnect with a plurality of storage devices 20 (tape drives, disk drives, etc.). In the embodiment of FIG. 1, network transport medium 16 is a network connection and storage 40 devices 20 comprise hard disk drives, although there are numerous alternate transport mediums and storage devices.

In network 10, each workstation 12 has access to its local storage device as well as network access to data on storage devices 20. The access to a local storage device is typically 45 through native low level, block protocols. On the other hand, access by a workstation 12 to storage devices 20 requires the participation of network server 14 which implements a file system and transfers data to workstations 12 only through high level file system protocols. Only network server 14 communicates with storage devices 20 via native low level, block protocols. Consequently, the network access by workstations 12 through network server 14 is slow with respect to their access to local storage. In network 10, it can also be a logistical problem to centrally manage and administer local data 55 distributed across an organization, including accomplishing tasks such as backups, virus scanning and redundancy.

FIG. 2 is a block diagram of one embodiment of a storage network, indicated generally at 30, with a storage router that provides global access and routing. This environment is significantly different from that of FIG. 1 in that there is no network server involved. In FIG. 2, a Fibre Channel high speed serial transport 32 interconnects a plurality of workstations 36 and storage devices 38. A SCSI bus storage transport medium interconnects workstations 40 and storage devices 65 42. A storage router 44 then serves to interconnect these mediums and provide devices on either medium global, trans-

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parent access to devices on the other medium. Storage router 44 routes requests from initiator devices on one medium to target devices on the other medium and routes data between the target and the initiator. Storage router 44 can allow initiators and targets to be on either side. In this manner, storage router 44 enhances the functionality of Fibre Channel 32, by providing access, for example, to legacy SCSI storage devices on SCSI bus 34. In the embodiment of FIG. 2, the operation of storage router 44 can be managed by a management station 46 connected to the storage router via a direct serial connection.

In storage network 30, any workstation 36 or workstation 40 can access any storage device 38 or storage device 42 through native low level, block protocols, and vice versa. This functionality is enabled by storage router 44 which routes requests and data as a generic transport between Fibre Channel 32 and SCSI bus 34. Storage router 44 uses tables to map devices from one medium to the other and distributes requests and data across Fibre Channel 32 and SCSI bus 34 without any security access controls. Although this extension of the high speed serial interconnect provide by Fibre Channel is beneficial, it is desirable to provide security controls in addition to extended access to storage devices through a native low level, block protocol.

FIG. 3 is a block diagram of one embodiment of a storage network, indicated generally at 50, with a storage router that provides virtual local storage. Similar to that of FIG. 2, storage network 50 includes a Fibre Channel high speed serial interconnect 52 and a SCSI bus 54 bridged by a storage router 56. Storage router 56 of FIG. 3 provides for a large number of workstations 58 to be interconnected on a common storage transport and to access common storage devices 60, 62 and 64 through native low level, block protocols.

According to the present invention, storage router **56** has enhanced functionality to implement security controls and routing such that each workstation **58** can have access to a specific subset of the overall data stored in storage devices **60**, **62** and **64**. This specific subset of data has the appearance and characteristics of local storage router **56** allows the configuration and modification of the storage allocated to each attached workstation **58** through the use of mapping tables or other mapping techniques.

As shown in FIG. 3, for example, storage device 60 can be configured to provide global data 65 which can be accessed by all workstations 58. Storage device 62 can be configured to provide partitioned subsets 66, 68, 70 and 72, where each partition is allocated to one of the workstations 58 (workstations A, B, C and D). These subsets 66, 68, 70 and 72 can only be accessed by the associated workstation 58 and appear to the associated workstation 58 as local storage accessed using native low level, block protocols. Similarly, storage device 64 can be allocated as storage for the remaining workstation 58 (workstation E).

Storage router **56** combines access control with routing such that each workstation **58** has controlled access to only the specified partition of storage device **62** which forms virtual local storage for the workstation **58**. This access control allows security control for the specified data partitions. Storage router **56** allows this allocation of storage devices **60**, **62** and **64** to be managed by a management station **76**. Management station **76** can connect directly to storage router **56** via a direct connection or, alternately, can interface with storage router **56** through either Fibre Channel **52** or SCSI bus **54**. In the latter case, management station **76** can be a workstation or other computing device with special rights such that storage

router 56 allows access to mapping tables and shows storage devices 60, 62 and 64 as they exist physically rather than as they have been allocated.

The environment of FIG. 3 extends the concept of single workstation having locally connected storage devices to a storage network 50 in which workstations 58 are provided virtual local storage in a manner transparent to workstations 58. Storage router 56 provides centralized control of what each workstation 58 sees as its local drive, as well as what data it sees as global data accessible by other workstations 58. Consequently, the storage space considered by the workstation 58 to be its local storage is actually a partition (i.e., logical storage definition) of a physically remote storage device 60, 62 or 64 connected through storage router 56. This means that similar requests from workstations 58 for access to their local storage devices produce different accesses to the storage space on storage devices 60, 62 and 64. Further, no access from a workstation 58 is allowed to the virtual local storage of another workstation 58. 20

The collective storage provided by storage devices 60, 62 and 64 can have blocks allocated by programming means within storage router 56. To accomplish this function, storage router 56 can include routing tables and security controls that define storage allocation for each workstation 58. The advan- 25 tages provided by implementing virtual local storage in centralized storage devices include the ability to do collective backups and other collective administrative functions more easily. This is accomplished without limiting the performance of workstations 58 because storage access involves native low 30 level, block protocols and does not involve the overhead of high level protocols and file systems required by network servers.

FIG. 4 is a block diagram of one embodiment of storage router 56 of FIG. 3. Storage router 56 can comprise a Fibre 3 Channel controller 80 that interfaces with Fibre Channel 52 and a SCSI controller 82 that interfaces with SCSI bus 54. A buffer 84 provides memory work space and is connected to both Fibre Channel controller 80 and to SCSI controller 82. A supervisor unit 86 is connected to Fibre Channel controller 40 80, SCSI controller 82 and buffer 84. Supervisor unit 86 comprises a microprocessor for controlling operation of storage router 56 and to handle mapping and-security access for requests between Fibre Channel 52 and SCSI bus 54.

FIG. 5 is a block diagram of one embodiment of data flow 45 within storage router 56 of FIG. 4. As shown, data from Fibre Channel 52 is processed by a Fibre Channel (FC) protocol unit 88 and placed in a FIFO queue 90. A direct memory access (DMA) interface 92 then takes data out of FIFO queue 90 and places it in buffer 84. Supervisor unit 86 processes the 50 data in buffer 84 as represented by supervisor processing 93. This processing involves mapping between Fibre Channel 52 and SCSI bus 54 and applying access controls and routing functions. A DMA interface 94 then pulls data from buffer 84 and places it into a buffer 96. A SCSI protocol unit 98 pulls 55 data from buffer 96 and communicates the data on SCSI bus 54. Data flow in the reverse direction, from SCSI bus 54 to Fibre Channel 52, is accomplished in a reverse manner.

The storage router of the present invention is a bridge device that connects a Fibre Channel link directly to a SCSI 60 software to generate SCSI-3 FCP requests. This system acts bus and enables the exchange of SCSI command set information between application clients on SCSI bus devices and the Fibre Channel links. Further, the storage router applies access controls such that virtual local storage can be established in remote SCSI storage devices for workstations on the Fibre 65 Channel link. In one embodiment, the storage router provides a connection for Fibre Channel links running the SCSI Fibre

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Channel Protocol (FCP) to legacy SCSI devices attached to a SCSI bus. The Fibre Channel topology is typically an Arbitrated Loop (FC AL).

In part, the storage router enables a migration path Fibre Channel based, serial SCSI networks by providing connectivity for legacy SCSI bus devices. The storage router can be attached to a Fibre Channel Arbitrated Loop and a SCSI bus to support a number of SCSI devices. Using configuration settings, the storage router can make the SCSI bus devices available on the Fibre Channel network as FCP logical units. Once the configuration is defined, operation of the storage router is transparent to application clients. In this manner, the storage router can form an integral part of the migration to new Fibre Channel based networks while providing a means to continue using legacy SCSI devices.

In one implementation (not shown), the storage router can be a rack mount or free standing device with an internal power supply. The storage router can have a Fibre Channel and SCSI port, and a standard, detachable power cord can be used, the FC connector can be a copper DB9 connector, and the SCSI connector can be a 68-pin type. Additional modular jacks can be provided for a serial port and an 802.3 10 BaseT port, i.e. twisted pair Ethernet, for management access. The SCSI port of the storage router an support SCSI direct and sequential access target devices and can support SCSI initiators, as well. The Fibre Channel port can interface to SCSI-3 FCP enabled devices and initiators.

To accomplish its functionality, one implementation of the storage router uses: a Fibre Channel interface based on the HEWLETT-PACKARD TACHYON HPFC-5000 controller and a GLM media interface; an Intel 80960RP processor, incorporating independent data and program memory spaces, and associated logic required to implement a stand alone processing system; and a serial port for debug and system configuration. Further, this implementation includes a SCSI interface supporting Fast-20 based on the SYMBIOS 53C8xx series SCSI controllers, and an operating system based upon the WIND RIVERS SYSTEMS VXWORKS or IXWORKS kernel, as determined by design. In addition, the storage router includes software as required to control basic functions of the various elements, and to provide appropriate translations between the FC and SCSI protocols.

The storage router has various modes of operation that are possible between FC and SCSI target and initiator combinations. These modes are: FC Initiator to SCSI Target; SCSI Initiator to FC Target; SCSI Initiator to SCSI Target; and FC Initiator to FC Target. The first two modes can be supported concurrently in a single storage router device and are discussed briefly below. The third mode can involve two storage router devices back to back and can serve primarily as a device to extend the physical distance beyond that possible via a direct SCSI connection. The last mode can be used to carry FC protocols encapsulated on other transmission technologies (e.g. ATM, SONET), or to act as a bridge between two FC loops (e.g. as a two port fabric).

The FC Initiator to SCSI Target mode provides for the basic configuration of a server using Fibre Channel to communicate with SCSI targets. This mode requires that a host system have an FC attached device and associated device drivers and as an initiator using the storage router to communicate with SCSI target devices. The SCSI devices supported can include SCSI-2 compliant direct or sequential access (disk or tape) devices. The storage router serves to translate command and status information and transfer data between SCSI-3 FCP and SCSI-2, allowing the use of standard SCSI-2 devices in a Fibre Channel environment.

The SCSI Initiator to FC Target mode provides for the configuration of a server using SCSI-2 to communicate with Fibre Channel targets. This mode requires that a host system has a SCSI-2 interface and driver software to control SCSI-2 target devices. The storage router will connect to the SCSI-2 5 bus and respond as a target to multiple target IDs. Configuration information is required to identify the target IDs to which the bridge will respond on the SCSI-2 bus. The storage router then translates the SCSI-2 requests to SCSI-3 FCP requests, allowing the use of FC devices with a SCSI host 10 system. This will also allow features such as a targe device acting as an initiator on the SCSI bus to provide full support for this type of SCSI device.

In general, user configuration of the storage router will be needed to support various functional modes of operation. 15 Configuration can be modified, for example, through a serial port or through an Ethernet port via SNMP (simple network management protocol) or the Telnet session. Specifically, SNMP manageability can be provided via a B02.3 Ethernet interface. This can provide for configuration changes as well as providing statistics and error information. Configuration can also be performed via TELNET or RS-232 interfaces with menu driven command interfaces. Configuration information can be stored in a segment of flash memory and can be retained across resets and power off cycles. Password protec-25 tion can also be perovided.

In the first two modes of operation, addressing information is needed to map from FC addressing to SCSI addressing and vice versa. This can be 'hard' configuration data, due to the need for address information to be maintained across initialization and partial reconfigurations of the Fibre Channel address space. In an arbitrated loop configuration, user configured addresses will be needed for AL_PAs in order to insure that known addresses are provided between loop reconfigurations. 35

With respect to addressing, FCP and SCSI 2 systems employ different methods of addressing target devices. Additionally, the inclusion of a storage router means that a method of translating device IDs needs to be implemented. In addition, the storage router can respond to commands without 40 passing the commands through to the opposite interface. This can be implemented to allow all generic FCP and SCSI commands to pass through the storage router to address attached devices, but allow for configuration and diagnostics to be performed directly on the storage router through the FC and 45 SCSI interfaces.

Management commands are those intended to be processed by the storage router controller directly. This may include diagnostic, mode, and log commands as well as other vendor-specific commands. These commands can be received 50 and processed by both the FOP and SCSI interfaces, but are not typically bridged to the opposite interface. These commands may also have side effects on the operation of the storage router, and cause other storage router operations to change or terminate. 55

A primary method of addressing management commands though the FCP and SCSI interfaces can be through peripheral device type addressing. For example, the storage router can respond to all operations addressed to logical unit (LUN) zero as a controller device. Commands that the storage router will support can include INQUIRY as well as vendor-specific management commands. These are to be generally consistent with SCC standard commands.

The SCSI bus is capable of establishing bus connections between targets. These targets may internally address logical 65 units. Thus, the prioritized addressing scheme used by SCSI subsystems can be represented as follows: BUS:TARGET: 8

LOGICAL UNIT. The BUS identification is intrinsic in the configuration, as a SCSI initiator is attached to only one bus. Target addressing is handled by bus arbitration from information provided to the arbitrating device. Target addresses are assigned to SCSI devices directly through some means of configuration, such as a hardware jumper, switch setting, or device specific software configuration. As such, the SCSI protocol provides only logical unit addressing within the Identify message. Bus and target information is implied by the established connection.

Fibre Channel devices within a fabric are addressed by a unique port identifier. This identifier is assigned to a port during certain well-defined states of the FC protocol. Individual ports are allowed to arbitrate for a known, user defined address. If such an address is not provided, or if arbitration for a particular-user address fails, the port is assigned a unique address by the FC protocol. This address is generally not guaranteed to be unique between instances. Various scenarios exist where the AL-PA of a device will change, either after power cycle or loop reconfiguration.

The FC protocol also provides a logical unit address field within command structures to provide addressing to devices internal to a port. The FCP_CMD payload specifies an eight byte LUN field. Subsequent identification of the exchange between devices is provided by the FQXID (Fully Qualified Exchange ID).

FC ports can be required to have specific addresses assigned. Although basic functionality is not dependent on this, changes in the loop configuration could result in disk targets changing identifiers with the potential risk of data corruption or loss. This configuration can be straightforward, and can consist of providing the device a loop-unique ID (AL_PA) in the range of "01h" to "EFh." Storage routers could be shipped with a default value with the assumption that most configurations will be using single storage routers and no other devices requesting the present ID. This would provide a minimum amount of initial configuration to the system administrator. Alternately, storage routers could be defaulted to assume any address so that configurations requiring multiple storage routers on a loop would not require that the administrator assign a unique ID to the additional storage routers.

Address translation is needed where commands are issued in the cases FC Initiator to SCSI Target and SCSI Initiator to FC Target. Target responses are qualified by the FQXID and will retain the translation acquired at the beginning of the exchange. This prevents configuration changes occurring during the course of execution of a command from causing data or state information to be inadvertently misdirected. Configuration can be required in cases of SCSI Initiator to FC Target, as discovery may not effectively allow for FCP targets to consistently be found. This is due to an FC arbitrated loop supporting addressing of a larger number of devices than a SCSI bus and the possibility of FC devices changing their AL-PA due to device insertion or other loop initialization.

In the direct method, the translation to BUS:TARGET: LUN of the SCSI address information will be direct. That is, the values represented in the FCP LUN field will directly map to the values in effect on the SCSI bus. This provides a clean translation and does not require SCSI bus discovery. It also allows devices to be dynamically added to the SCSI bus without modifying the address map. It may not allow for complete discovery by FCP initiator devices, as gaps between device addresses may halt the discovery process. Legacy SCSI device drivers typically halt discovery on a target device at the first unoccupied LUN, and proceed to the next target.

Oracle-Huawei-NetApp Ex. 1009, pg. 978

This would lead to some devices not being discovered. However, this allows for hot plugged devices and other changes to the loop addressing.

In the ordered method, ordered translation requires that the storage router perform discovery on reset, and collapses the 5 addresses on the SCSI bus to sequential FSP LUN values. Thus, the FCP LUN values 0-N can represent N+1 SCSI devices, regardless of SCSI address values, in the order in which they are isolated during the SCSI discovery process. This would allow the FCP initiator discovery process to iden-10 tify all mapped SCSI devices without further configuration. This has the limitation that hot-plugged devices will not be identified until the next reset cycle. In this case, the address may also be altered as well.

In addition to addressing, according to the present invention, the storage router provides configuration and access controls that cause certain requests from FC Initiators to be directed to assigned virtual local storage partitioned on SCSI storage devices. For example, the same request for LUN 0 (local storage) by two different FC Initiators can be directed 20 to two separate subsets of storage. The storage router can use tables to map, for each initiator, what storage access is available and what partition is being addressed by a particular request. In this manner, the storage space provided by SCSI storage devices can be allocated to FC initiators to provide 25 virtual local storage as well as to create any other desired configuration for secured access.

Although the present invention has been described in detail, it should be understood that various changes, substitutions, and alterations can be made hereto without departing 30 from the spirit and scope of the invention as defined by the appended claims.

What is claimed is:

1. A storage router for providing virtual local storage on 35 remote storage devices, comprising:

- a first controller operable to interface with a first transport medium, wherein the first medium is a serial transport media; and
- a processing device coupled to the first controller, wherein 40 the processing device is configured to:
 - maintain a map to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with 45 representations of storage space on the remote storage devices, wherein each representation of a device connected to the first transport medium is associated with one or more representations of storage space on the remote storage devices; 50
 - control access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map; and
 - allow access from devices connected to the first transport medium to the remote storage devices using 55 native low level block protocol.

2. The storage router of claim 1, wherein the map associates a representation of storage space on the remote storage devices with multiple devices connected to the first transport medium. 60

3. The storage router of claim **1**, wherein the storage space on the remote storage devices comprises storage space on multiple remote storage devices.

4. The storage router of claim **1**, wherein the map associates a representation of a device connected to the first trans- 65 port medium with a representation of an entire storage space of at least one remote storage device.

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5. The storage router of claim 1, wherein the map resides at the storage router and is maintained at the storage router.

6. The storage router of claim 1, wherein the native low level block protocol is received at the storage router via the first transport medium and the processing device uses the received native low level block protocol to allow the devices connected to the first transport medium access to storage space specifically allocated to them in the map.

7. The storage router of claim 1, wherein the storage router is configured to receive commands according to a first low level block protocol from the device connected to the first transport medium and forward commands according to a second low level block protocol to the remote storage devices.

8. The storage router of claim **7**, wherein the first low level block protocol is an FCP protocol and the second low level block protocol is a protocol other than FCP.

9. The storage router of claim 1, wherein the map comprises one or more tables.

10. The storage router of claim 1, wherein the virtual local storage is provided to the devices connected to the first transport medium in a manner that is transparent to the devices and wherein the storage space allocated to the devices connected to the first transport medium appears to the devices as local storage.

11. The storage router of claim 1, wherein the storage router provides centralized control of what the devices connected to the first transport medium see as local storage.

12. The storage router of claim 1, wherein the representations of storage space comprise logical unit numbers that represent a subset of storage on the remote storage devices.

13. The storage router of claim 12, wherein the storage router is operable to route requests to the same logical unit number from different devices connected to the first transport medium to different subsets of storage space on the remote storage devices.

14. The storage router of claim 1, wherein the representations of devices connected to the first transport medium are unique identifiers.

15. The storage router of claim **14**, wherein the unique identifiers are world wide names.

16. The storage router of claim 1, wherein the storage router is configured to allow modification of the map in a manner transparent to and without involvement of the devices connected to the first transport medium.

17. The storage router of claim **1**, wherein the processing device is a microprocessor.

18. The storage router of claim **1**, wherein the processing device is a microprocessor and associated logic to implement a stand-alone processing system.

19. The storage router of claim **1**, wherein the first transport medium is a fibre channel transport medium and further comprising a second transport medium connected to the remote storage devices that is a fibre channel transport medium.

20. A storage network comprising:

a set of devices connected a first transport medium, wherein the first transport medium;

a set of remote storage devices connected to a second transport medium;

a storage router connected to the serial transport medium;

- a storage router connected to the first transport medium and second transport medium to provide virtual local storage on the remote storage devices, the storage router configured to:
 - maintain a map to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with

representations of storage space on the remote storage devices, wherein each representation of a device connected to the first transport medium is associated with one or more representations of storage space on the remote storage devices;

- control access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map; and
- allow access from devices connected to the first transport medium to the remote storage devices using ¹⁰ native low level block protocol.

21. The storage network of claim **20**, wherein the map associates a representation of storage space on the remote storage devices with multiple devices connected to the first transport medium.

22. The storage network of claim **20**, wherein the storage space on the remote storage devices comprises storage space on multiple remote storage devices.

23. The storage network of claim **20**, wherein the map $_{20}$ associates a representation of a device connected to the first transport medium with a representation of an entire storage space of at least one remote storage device.

24. The storage network of claim **20**, wherein the map resides at the storage router and is maintained at the storage ²⁵ router.

25. The storage network of claim **20**, wherein the native low level block protocol is received at the storage router via the first transport medium and the storage router uses the received native low level block protocol to allow the devices ³⁰ connected to the first transport medium access to storage space specifically allocated to them in the map.

26. The storage router of claim 20, wherein the storage router is configured to receive commands according to a first low level block protocol from the device connected to the first 35 transport medium and forward commands according to a second low level block protocol to the remote storage devices.

27. The storage network of claim **20**, wherein the first low level block protocol is an FCP protocol and the second low level block protocol is a protocol other than FCP. 40

28. The storage network of claim 20, wherein the map comprises one or more tables.

29. The storage network of claim **20**, wherein the virtual local storage is provided to the devices connected to the first transport medium in a manner that is transparent to the 45 devices and wherein the storage space allocated to the devices connected to the first transport medium appears to the devices as local storage.

30. The storage network of claim **20**, wherein the storage router provides centralized control of what the devices connected to the first transport medium see as local storage.

31. The storage network of claim **20**, wherein the representations of storage space comprise logical unit numbers that represent a subset of storage on the remote storage devices.

32. The storage network of claim **31**, wherein the storage router is operable to route requests to the same logical unit number from different devices connected to the first transport medium to different subsets of storage space on the remote storage devices.

33. The storage network of claim **20**, wherein the representations of devices connected to the first transport medium are unique identifiers.

34. The storage network of claim **33**, wherein the unique identifiers are world wide names.

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35. The storage network of claim **20**, wherein the storage router is configured to allow modification of the map in a

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manner transparent to and without involvement of the devices connected to the first transport medium.

36. The storage network of claim **20**, wherein the first transport medium is a fibre channel transport medium and the second transport medium is a fibre channel transport medium.

37. A method for providing virtual local storage on remote storage devices comprising:

- connecting a storage router between a set of devices connected to a first transport medium and a set of remote storage devices, wherein the first transport medium is a serial transport medium;
- maintaining a map at the storage router to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with representations of storage space on the remote storage devices, wherein each representation of a device connected to the first transport medium is associated with one or more representations of storage space on the remote storage devices;
- controlling access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map; and
- allowing access from devices connected to the first transport medium to the remote storage devices using native low level block protocol.

38. The method of claim **37**, wherein the map associates a representation of storage space on the remote storage devices with multiple devices connected to the first transport medium.

39. The method of claim **37**, wherein the storage space on the remote storage devices comprises storage space on multiple remote storage devices.

40. The method of claim **37**, wherein the map associates a representation of a device connected to the first transport medium with a representation of an entire storage space of at least one remote storage device.

41. The method of claim **37**, wherein the map resides at the storage router and is maintained at the storage router.

42. The method of claim 37, further comprising:

- receiving the native low level block protocol at the storage router via the first transport medium;
- using the received native low level block protocol at the storage router to allow the devices connected to the first transport medium access to storage space specifically allocated to them in the map.

43. The method of claim **37**, further comprising receiving commands at the storage router according to a first low level block protocol from the device connected to the first transport medium and forwarding commands according to a second low level block protocol to the remote storage devices.

44. The method of claim **43**, wherein the first low level block protocol is an FCP protocol and the second low level block protocol is a protocol other than FCP.

45. The method of claim **37**, wherein the map comprises 55 one or more tables.

46. The method of claim **37**, wherein the virtual local storage is provided to the devices connected to the first transport medium in a manner that is transparent to the devices and wherein the storage space allocated to the devices connected 60 to the first transport medium appears to the devices as local storage.

47. The method of claim **37**, wherein the storage router provides centralized control of what the devices connected to the first transport medium see as local storage.

48. The method of claim **37**, wherein the representations of storage space comprise logical unit numbers that represent a subset of storage on the remote storage devices.

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49. The method of claim **48**, wherein the storage router is operable to route requests to the same logical unit number from different devices connected to the first transport medium to different subsets of storage space on the remote storage devices.

50. The method of claim **37**, wherein the representations of devices connected to the first transport medium are unique identifiers.

51. The method of claim **50**, wherein the unique identifiers are world wide names.

52. The method of claim **51**, wherein the storage router is configured to allow modification of the map in a manner

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transparent to and without involvement of the devices connected to the first transport medium.

53. The method of claim 1 wherein connecting the storage router between a set of devices connected to a first transport medium and a set of remote storage devices further comprises connecting the storage router between a first fibre channel transport medium and a second fibre channel transport medium.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

 PATENT NO.
 : 7,934,041 B2

 APPLICATION NO.
 : 12/690592

 DATED
 : April 26, 2011

 INVENTOR(S)
 : Geoffrey B. Hoese et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Claim 20: Col. 10 line 56 should read -

A set of devices connected --to-- a first transport medium, wherein the first transport medium --is a serial transport medium--;

Signed and Sealed this Thirteenth Day of September, 2011

land J. K -9 Altos

David J. Kappos Director of the United States Patent and Trademark Office

Oracle-Huawei-NetApp Ex. 1009, pg. 982

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Under the Pape	erwork Reduction Act of 1995. no persons	are required to re	A U.S. Patent and Tra spond to a collection of info	Approv adema rmatio	ed for use through 06 rk Office. U.S. DEPA n unless it displays a	PTO/SB/05 (07-07) 3/30/2010. OMB 0651-0032 RTMENT OF COMMERCE valid OMB control number	
			Attorney Docket No.	c	CROSS1120-33		
PATENT APPLICATION			First Inventor		Geoffrey B. Hoese		
TRANSMITTAL			Title Storage Router and Method for				
(Only for new nonprovisional applications under 37 CFR 1.53(b))			Express Mail Label No. N/A				
APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.		ADDRESS TO:	C P A	Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450			
1. Fee Transmittal Form (e.g., PTO/SB/17)		ACCOMPANYING APPLICATION PARTS					
2. Applicant oliginal and a bupicate for ree processing) 2. Applicant claims small entity status. See 37 CFR 1.27. 3. ✓ Specification [Total Pages 25] Both the claims and abstract must start on a new page (For information on the preferred arrangement, see MPEP 608.01(a)) 4. ✓ Drawing(s) (35 U.S.C. 113) [Total Sheets 2]			9. Assignment Papers (cover sheet & document(s)) Name of Assignee				
5. Oath or Declaration [<i>Total Sheets</i>] a. Newly executed (original or copy) b. A copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)		10. 37 CFR 3.73(b) Statement (when there is an assignee) Power of Attorney 11. English Translation Document (if applicable)					
I. <u>DELETION OF INVENTOR(S)</u> Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).		12. Information Disclosure Statement (PTO/SB/08 or PTO-1449)					
6. Applicatio	on Data Sheet. See 37 CFR 1.76		13. 💭 Preliminary Amendment				
7. CD-ROM or CD-R in duplicate, large table or Computer Program (<i>Appendix</i>) Landscape Table on CD			14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)				
 Nucleotide and/or Amino Acid Sequence Submission (if applicable, items a. – c. are required) 		15. Certified Copy of Priority Document(s) (if foreign priority is claimed)					
b. Spe	ecification Sequence Listing on:		 Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent. 				
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c. 🗆 Sta	tements verifying identity of above co	pies	Change in Power of Attorney				
18. If a CONTINUI specification follow	NG APPLICATION, check appropriat ing the title, or in an Application Data	e box, and sup Sheet under 3	ply the requisite informat 7 CFR 1.76:	tion be	elow and in the firs	t sentence of the	
Continuati	on Divisional	Continua	tion-in-part (CIP) of	prior a	application No.: 12/55	52,885	
Prior application infor	mation: Examiner Unknow	own	Art	Unit: <u>2</u>	2181		
	19. C	ORRESPON	DENCE ADDRESS				
The address associated with Customer Number: 44654			54	OR Correspondence address below			
Name							
Address							
City		State			Zip Code		
Signature		relehuoue		Jato			
Name	John L Adair			Jait	January 20, 2010 Registration No.		
(Print/Type)					(Attorney/Agent)	48,828	

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Paertnent of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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ATTORNEY DOCKET NO. CROSS1120-33 PATENT APPLICATION CUSTOMER NO. 44654

STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

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TECHNICAL FIELD OF THE INVENTION

[0001] This application is a continuation of, and claims a benefit of priority under 35 U.S.C. 120 of the filing date of U.S. Patent Application Serial No. 12/552,885 entitled "Storage Router and Method for Providing Virtual Local Storage" filed 09/02/2009, which is a continuation of and claims the benefit of priority of U.S. Application Serial No. 11/851,724 entitled "Storage Router and Method for Providing Virtual Local Storage" filed 09/07/2007, which is a continuation of and claims the benefit of priority of U.S. Patent Application Serial No. 11/442,878 entitled "Storage Router and Method for Providing Virtual Local Storage" filed 09/07/2007, which is a continuation of and claims the benefit of priority of U.S. Patent Application Serial No. 11/353,826 entitled "Storage Router and Method for Providing Virtual Local Storage" filed on 02/14/2006, now U.S. Patent No. 7,340,549 issued 03/04/2008, which is a continuation of and claims the benefit of priority of U.S. Patent Application Serial No. 10/658,163 entitled "Storage Router and Method for Providing Virtual Local Storage" filed on 09/09/2003 now U.S. Patent No. 7,051,147 issued 05/23/2006, which is a continuation of and claims the benefit of benefit of priority of U.S. Patent Application Serial No. 10/081.110 by inventors Geoffrey B. Hoese and Jeffery T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on 02/22/2002, now U.S. Patent No. 6,789,152 issued on 09/07/2004, which in turn is a continuation of and claims benefit of priority of U.S. Application No. 09/354,682 by inventors Geoffrey B. Hoese and Jeffrey T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on 07/15/1999, now U.S. Patent No. 6,421,753 issued on 07/16/2002, which in turn is a continuation of and claims benefit of priority of U.S. Patent Application Serial No. 09/001,799, filed on 12/31/1997, now U.S. Patent No. 5,941,972 issued on 08/24/1999, and hereby incorporates these applications and patents by reference in their entireties as if they had been fully set forth herein.
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- [0002] This invention relates in general to network storage devices, and more particularly to a storage router and method for providing virtual local storage on remote SCSI storage devices to Fibre Channel devices.

BACKGROUND OF THE INVENTION

[0003] Typical storage transport mediums provide for a relatively small number of devices to be attached over relatively short distances. One such transport medium is a Small Computer System Interface (SCSI) protocol, the structure and operation of which is generally well known as is described, for example, in the SCSI-1, SCSI-2 and SCSI-3 specifications. High speed serial interconnects provide enhanced capability to attach a large number of high speed devices to a common storage transport medium over large distances. One such. serial interconnect is Fibre Channel, the structure and operation of which is described, for example, in Fibre Channel Physical and Signaling Interface (FC-PH), ANSI X3.230 Fibre Channel Arbitrated Loop (FC-AL), and ANSI X3.272 Fibre Channel Private Loop Direct Attach (FC-PLDA).

[0004] Conventional computing devices, such as computer workstations, generally access storage locally or through network interconnects. Local storage typically consists of a disk drive, tape drive, CD-ROM drive or other storage device contained within, or locally connected to the workstation. The workstation provides a file system structure that includes security controls, with access to the local storage device through native low level block protocols. These protocols map directly to the mechanisms used by the storage device and consist of data requests without security controls. Network interconnects typically provide access for a large number of computing devices to data storage on a remote network server. The remote network server provides file system structure, access control, and other miscellaneous capabilities that include the network interface. Access to data through the network server is through network protocols that the server must translate into low level requests to the storage device. A workstation with access to the server storage must translate its file system protocols into network protocols that are used to communicate with the server. Consequently,

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from the perspective of a workstation, or other computing device, seeking to access such server data, the access is much slower than access to data on a local storage device.

SUMMARY OF THE INVENTION

- [0005] In accordance with the present invention, a storage router and method for providing virtual local storage on remote SCSI storage devices to Fibre Channel devices are disclosed that provide advantages over conventional network storage devices and methods.
- [0006] According to one aspect of the present invention, a storage router and storage network provide virtual local storage on remote SCSI storage devices to Fibre Channel devices. A plurality of Fibre Channel devices, such as workstations, are connected to a Fibre Channel transport medium, and a plurality of SCSI storage devices are connected to a SCSI bus transport medium. The storage router interfaces between the Fibre Channel transport medium and the SCSI bus transport medium. The storage router maps between the workstations and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. The storage router then allows access from the workstations to the SCSI storage devices using native low level, block protocol in accordance with the mapping and the access controls.
- [0007] According to another aspect of the present invention, virtual local storage on remote SCSI storage devices is provided to Fibre Channel devices. A Fibre Channel transport medium and a SCSI bus transport medium are interfaced with. A configuration is maintained for SCSI storage devices connected to the SCSI bus transport medium. The configuration maps between Fibre Channel devices and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. Access is then allowed from Fibre Channel initiator devices to SCSI storage devices using native low level, block protocol in accordance with the configuration.

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- [0008] A technical advantage of the present invention is the ability to centralize local storage for networked workstations without any cost of speed or overhead. Each workstation accesses its virtual local storage as if it were locally connected.
 Further, the centralized storage devices can be located in a significantly remote position even in excess of ten kilometers as defined by Fibre Channel standards.
- [0009] Another technical advantage of the present invention is the ability to centrally control and administer storage space for connected users without limiting the speed with which the users can access local data. In addition, global access to data, backups, virus scanning and redundancy can be more easily accomplished by centrally located storage devices.
- [0010] A further technical advantage of the present invention is providing support for SCSI storage devices as local storage for Fibre Channel hosts. In addition, the present invention helps to provide extended capabilities for Fibre Channel and for management of storage subsystems.

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BRIEF DESCRIPTION OF THE DRAWINGS

- [0011] A more complete understanding of the present invention and the advantages thereof may be acquired by referring to the following description taken in conjunction with the accompanying drawings, in which like reference numbers indicate like features, and wherein:
- [0012] FIGURE 1 is a block diagram of a conventional network that provides storage through a network server;
- [0013] FIGURE 2 is a block diagram of one embodiment of a storage network with a storage router that provides global access and routing;
- [0014] FIGURE 3 is a block diagram of one embodiment of a storage network with a storage router that provides virtual local storage;
- [0015] FIGURE 4 is a block diagram of one embodiment of the storage router of FIGURE 3; and
- [0016] FIGURE 5 is a block diagram of one embodiment of data flow within the storage router of FIGURE 4.

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DETAILED DESCRIPTION OF THE INVENTION

- [0017] FIGURE 1 is a block diagram of a conventional network, indicated generally at 10, that provides access to storage through a network server. As shown, network 10 includes a plurality of workstations 12 interconnected with a network server 14 via a network transport medium 16. Each workstation 12 can generally comprise a processor, memory, input/output devices, storage devices and a network adapter as well as other common computer components. Network server 14 uses a SCSI bus 18 as a storage transport medium to interconnect with a plurality of storage devices 20 (tape drives, disk drives, etc.). In the embodiment of FIGURE 1, network transport medium 16 is a network connection and storage devices 20 comprise hard disk drives, although there are numerous alternate transport mediums and storage devices.
- [0018] In network 10, each workstation 12 has access to its local storage device as well as network access to data on storage devices 20. The access to a local storage device is typically through native low level, block protocols. On the other hand, access by a workstation 12 to storage devices 20 requires the participation of network server 14 which implements a file system and transfers data to workstations 12 only through high level file system protocols. Only network server 14 communicates with storage devices 20 via native low level, block protocols. Consequently, the network access by workstations 12 through network server 14 is slow with respect to their access to local storage. In network 10, it can also be a logistical problem to centrally manage and administer local data distributed across an organization, including accomplishing tasks such as backups, virus scanning and redundancy.
- [0019] FIGURE 2 is a block diagram of one embodiment of a storage network, indicated generally at 30, with a storage router that provides global access and routing. This environment is significantly different from that of FIGURE 1 in that there is no network server involved. In FIGURE 2, a Fibre Channel high speed serial transport 32 interconnects a plurality of workstations 36 and storage devices 38. A SCSI bus storage transport medium interconnects workstations 40 and storage

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devices 42. A storage router 44 then serves to interconnect these mediums and provide devices on either medium global, transparent access to devices on the other medium. Storage router 44 routes requests from initiator devices on one medium to target devices on the other medium and routes data between the target and the initiator. Storage router 44 can allow initiators and targets to be on either side. In this manner, storage router 44 enhances the functionality of Fibre Channel 32, by providing access, for example, to legacy SCSI storage devices on SCSI bus 34. In the embodiment of FIGURE 2, the operation of storage router 44 can be managed by a management station 46 connected to the storage router via a direct serial connection.

[0020] In storage network 30, any workstation 36 or workstation 40 can access any storage device 38 or storage device 42 through native low level, block protocols, and vice versa. This functionality is enabled by storage router 44 which routes requests and data as a generic transport between Fibre Channel 32 and SCSI bus 34. Storage router 44 uses tables to map devices from one medium to the other and distributes requests and data across Fibre Channel 32 and SCSI bus 34 without any security access controls. Although this extension of the high speed serial interconnect provided by Fibre Channel is beneficial, it is desirable to provide security controls in addition to extended access to storage devices through a native low level, block protocol.

- [0021] FIGURE 3 is a block diagram of one embodiment of a storage network, indicated generally at 50, with a storage router that provides virtual local storage. Similar to that of FIGURE 2, storage network 50 includes a Fibre Channel high speed serial interconnect 52 and a SCSI bus 54 bridged by a storage router 56. Storage router 56 of FIGURE 3 provides for a large number of workstations 58 to be interconnected on a common storage transport and to access common storage devices 60, 62 and 64 through native low level, block protocols.
- [0022] According to the present invention, storage router 56 has enhanced functionality to implement security controls and routing such that each workstation 58 can

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have access to a specific subset of the overall data stored in storage devices 60, 62 and 64. This specific subset of data has the appearance and characteristics of local storage and is referred to herein as virtual local storage. Storage router 56 allows the configuration and modification of the storage allocated to each attached workstation 58 through the use of mapping tables or other mapping techniques.

- [0023] As shown in FIGURE 3, for example, storage device 60 can be configured to provide global data 65 which can be accessed by all workstations 58. Storage device 62 can be configured to provide partitioned subsets 66, 68, 70 and 72, where each partition is allocated to one of the workstations 58 (workstations A, B, C and D). These subsets 66, 68, 70 and 72 can only be accessed by the associated workstation 58 and appear to the associated workstation 58 as local storage accessed using native low level, block protocols. Similarly, storage device 64 can be allocated as storage for the remaining workstation 58 (workstation E).
- [0024] Storage router 56 combines access control with routing such that each workstation 58 has controlled access to only the specified partition of storage device 62 which forms virtual local storage for the workstation 58. This access control allows security control for the specified data partitions. Storage router 56 allows this allocation of storage devices 60, 62 and 64 to be managed by a management station 76. Management station 76 can connect directly to storage router 56 via a direct connection or, alternately, can interface with storage router 56 through either Fibre Channel 52 or SCSI bus 54. In the latter case, management station 76 can be a workstation or other computing device with special rights such that storage router 56 allows access to mapping tables and shows storage devices 60, 62 and 64 as they exist physically rather than as they have been allocated.
- [0025] The environment of FIGURE 3 extends the concept of single workstation having locally connected storage devices to a storage network 50 in which workstations

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58 are provided virtual local storage in a manner transparent to workstations 58. Storage router 56 provides centralized control of what each workstation 58 sees as its local drive, as well as what data it sees as global data accessible by other workstations 58. Consequently, the storage space considered by the workstation 58 to be its local storage is actually a partition (i.e., logical storage definition) of a physically remote storage device 60, 62 or 64 connected through storage router 56. This means that similar requests from workstations 58 for access to their local storage devices produce different accesses to the storage space on storage devices 60, 62 and 64. Further, no access from a workstation 58 is allowed to the virtual local storage of another workstation 58.

[0026] The collective storage provided by storage devices 60, 62 and 64 can have blocks allocated by programming means within storage router 56. To accomplish this function, storage router 56 can include routing tables and security controls that define storage allocation for each workstation 58. The advantages provided by implementing virtual local storage in centralized storage devices include the ability to do collective backups and other collective administrative functions more easily. This is accomplished without limiting the performance of workstations 58 because storage access involves native low level, block protocols and does not involve the overhead of high level protocols and file systems required by network servers.

[0027] FIGURE 4 is a block diagram of one embodiment of storage router 56 of FIGURE
 3. Storage router 56 can comprise a Fibre Channel controller 80 that interfaces with Fibre Channel 52 and a SCSI controller 82 that interfaces with SCSI bus 54.
 A buffer 84 provides memory work space and is connected to both Fibre Channel controller 80 and to SCSI controller 82. A supervisor unit 86 is connected to Fibre Channel controller 80, SCSI controller 82 and buffer 84. Supervisor unit 86 comprises a microprocessor for controlling operation of storage router 56 and to handle mapping and-security access for requests between Fibre Channel 52 and SCSI bus 54.

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- [0028] FIGURE 5 is a block diagram of one embodiment of data flow within storage router 56 of FIGURE 4. As shown, data from Fibre Channel 52 is processed by a Fibre Channel (FC) protocol unit 88 and placed in a FIFO queue 90. A direct memory access (DMA) interface 92 then takes data out of FIFO queue 90 and places it in buffer 84. Supervisor unit 86 processes the data in buffer 84 as represented by supervisor processing 93. This processing involves mapping between Fibre Channel 52 and SCSI bus 54 and applying access controls and routing functions. A DMA interface 94 then pulls data from buffer 84 and places it into a buffer 96. A SCSI protocol unit 98 pulls data from buffer 96 and communicates the data on SCSI bus 54. Data flow in the reverse direction, from SCSI bus 54 to Fibre Channel 52, is accomplished in a reverse manner.
- [0029] The storage router of the present invention is a bridge device that connects a Fibre Channel link directly to a SCSI bus and enables the exchange of SCSI command set information between application clients on SCSI bus devices and the Fibre Channel links. Further, the storage router applies access controls such that virtual local storage can be established in remote SCSI storage devices for workstations on the Fibre Channel link. In one embodiment, the storage router provides a connection for Fibre Channel links running the SCSI Fibre Channel Protocol (FCP) to legacy SCSI devices attached to a SCSI bus. The Fibre Channel topology is typically an Arbitrated Loop (FC AL).
- [0030] In part, the storage router enables a migration path Fibre Channel based, serial SCSI networks by providing connectivity for legacy SCSI bus devices. The storage router can be attached to a Fibre Channel Arbitrated Loop and a SCSI bus to support a number of SCSI devices. Using configuration settings, the storage router can make the SCSI bus devices available on the Fibre Channel network as FCP logical units. Once the configuration is defined, operation of the storage router is transparent to application clients. In this manner, the storage router can form an integral part of the migration to new Fibre Channel based networks while providing a means to continue using legacy SCSI devices.

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- [0031] In one implementation (not shown), the storage router can be a rack mount or free standing device with an internal power supply. The storage router can have a Fibre Channel and SCSI port, and a standard, detachable power cord can be used, the FC connector can be a copper DB9 connector, and the SCSI connector can be a 68-pin type. Additional modular jacks can be provided for a serial port and an 802.3 10BaseT port, i.e. twisted pair Ethernet, for management access. The SCSI port of the storage router an support SCSI direct and sequential access target devices and can support SCSI initiators, as well. The Fibre Channel port can interface to SCSI-3 FCP enabled devices and initiators.
- [0032] To accomplish its functionality, one implementation of the storage router uses: a Fibre Channel interface based on the HEWLETT-PACKARD TACHYON HPFC-5000 controller and a GLM media interface; an Intel 80960RP processor, incorporating independent data and program memory spaces, and associated logic required to implement a stand alone processing system; and a serial port for debug and system configuration. Further, this implementation includes a SCSI interface supporting Fast-20 based on the SYMBIOS 53C8xx series SCSI controllers, and an operating system based upon the WIND RIVERS SYSTEMS VXWORKS or IXWORKS kernel, as determined by design. In addition, the storage router includes software as required to control basic functions of the various elements, and to provide appropriate translations between the FC and SCSI protocols.
- [0033] The storage router has various modes of operation that are possible between FC and SCSI target and initiator combinations. These modes are: FC Initiator to SCSI Target; SCSI Initiator to FC Target; SCSI Initiator to SCSI Target; and FC Initiator to FC Target. The first two modes can be supported concurrently in a single storage router device and are discussed briefly below. The third mode can involve two storage router devices back to back and can serve primarily as a device to extend the physical distance beyond that possible via a direct SCSI connection. The last mode can be used to carry FC protocols encapsulated on

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other transmission technologies (e.g. ATM, SONET), or to act as a bridge between two FC loops (e.g. as a two port fabric).

[0034] The FC Initiator to SCSI Target mode provides for the basic configuration of a server using Fibre Channel to communicate with SCSI targets. This mode requires that a host system have an FC attached device and associated device drivers and software to generate SCSI-3 FCP requests. This system acts as an initiator using the storage router to communicate with SCSI target devices. The SCSI devices supported can include SCSI-2 compliant direct or sequential access (disk or tape) devices. The storage router serves to translate command and status information and transfer data between SCSI-3 FCP and SCSI-2, allowing the use of standard SCSI-2 devices in a Fibre Channel environment.

- [0035] The SCSI Initiator to FC Target mode provides for the configuration of a server using SCSI-2 to communicate with Fibre Channel targets. This mode requires that a host system has a SCSI-2 interface and driver software to control SCSI-2 target devices. The storage router will connect to the SCSI-2 bus and respond as a target to multiple target IDs. Configuration information is required to identify the target IDs to which the bridge will respond on the SCSI-2 bus. The storage router then translates the SCSI-2 requests to SCSI-3 FCP requests, allowing the use of FC devices with a SCSI host system. This will also allow features such as a tape device acting as an initiator on the SCSI bus to provide full support for this type of SCSI device.
- [0036] In general, user configuration of the storage router will be needed to support various functional modes of operation. Configuration can be modified, for example, through a serial port or through an Ethernet port via SNMP (simple network management protocol) or the Telnet session. Specifically, SNMP manageability can be provided via a B02.3 Ethernet interface. This can provide for configuration changes as well as providing statistics and error information. Configuration can also be performed via TELNET or RS-232 interfaces with menu driven command interfaces. Configuration information can be stored in a

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segment of flash memory and can be retained across resets and power off cycles. Password protection can also be provided.

[0037] In the first two modes of operation, addressing information is needed to map from FC addressing to SCSI addressing and vice versa. This can be 'hard' configuration data, due to the need for address information to be maintained across initialization and partial reconfigurations of the Fibre Channel address space. In an arbitrated loop configuration, user configured addresses will be needed for AL_PAs in order to insure that known addresses are provided between loop reconfigurations.

[0038] With respect to addressing, FCP and SCSI 2 systems employ different methods of addressing target devices. Additionally, the inclusion of a storage router means that a method of translating device IDs needs to be implemented. In addition, the storage router can respond to commands without passing the commands through to the opposite interface. This can be implemented to allow all generic FCP and SCSI commands to pass through the storage router to address attached devices, but allow for configuration and diagnostics to be performed directly on the storage router through the FC and SCSI interfaces.

- [0039] Management commands are those intended to be processed by the storage router controller directly. This may include diagnostic, mode, and log commands as well as other vendor-specific commands. These commands can be received and processed by both the FOP and SCSI interfaces, but are not typically bridged to the opposite interface. These commands may also have side effects on the operation of the storage router, and cause other storage router operations to change or terminate.
- [0040] A primary method of addressing management commands though the FCP and SCSI interfaces can be through peripheral device type addressing. For example, the storage router can respond to all operations addressed to logical unit (LUN) zero as a controller device. Commands that the storage router will support can

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include INQUIRY as well as vendor-specific management commands. These are to be generally consistent with SCC standard commands.

[0041] The SCSI bus is capable of establishing bus connections between targets. These targets may internally address logical units. Thus, the prioritized addressing scheme used by SCSI subsystems can be represented as follows: BUS:TARGET:LOGICAL UNIT. The BUS identification is intrinsic in the configuration, as a SCSI initiator is attached to only one bus. Target addressing is handled by bus arbitration from information provided to the arbitrating device. Target addresses are assigned to SCSI devices directly through some means of configuration, such as a hardware jumper, switch setting, or device specific software configuration. As such, the SCSI protocol provides only logical unit addressing within the Identify message. Bus and target information is implied by the established connection.

- [0042] Fibre Channel devices within a fabric are addressed by a unique port identifier. This identifier is assigned to a port during certain well-defined states of the FC protocol. Individual ports are allowed to arbitrate for a known, user defined address. If such an address is not provided, or if arbitration for a particular-user address fails, the port is assigned a unique address by the FC protocol. This address is generally not guaranteed to be unique between instances. Various scenarios exist where the AL-PA of a device will change, either after power cycle or loop reconfiguration.
- [0043] The FC protocol also provides a logical unit address field within command structures to provide addressing to devices internal to a port. The FCP_CMD payload specifies an eight byte LUN field. Subsequent identification of the exchange between devices is provided by the FQXID (Fully Qualified Exchange ID).
- [0044] FC ports can be required to have specific addresses assigned. Although basic functionality is not dependent on this, changes in the loop configuration could

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result in disk targets changing identifiers with the potential risk of data corruption or loss. This configuration can be straightforward, and can consist of providing the device a loop-unique ID (AL_PA) in the range of " 01h" to "EFh." Storage routers could be shipped with a default value with the assumption that most configurations will be using single storage routers and no other devices requesting the present ID. This would provide a minimum amount of initial configuration to the system administrator. Alternately, storage routers could be defaulted to assume any address so that configurations requiring multiple storage routers on a loop would not require that the administrator assign a unique ID to the additional storage routers.

[0045] Address translation is needed where commands are issued in the cases FC Initiator to SCSI Target and SCSI Initiator to FC Target. Target responses are qualified by the FQXID and will retain the translation acquired at the beginning of the exchange. This prevents configuration changes occurring during the course of execution of a command from causing data or state information to be inadvertently misdirected. Configuration can be required in cases of SCSI Initiator to FC Target, as discovery may not effectively allow for FCP targets to consistently be found. This is due to an FC arbitrated loop supporting addressing of a larger number of devices than a SCSI bus and the possibility of FC devices changing their AL-PA due to device insertion or other loop initialization.

[0046] In the direct method, the translation to BUS:TARGET:LUN of the SCSI address information will be direct. That is, the values represented in the FCP LUN field will directly map to the values in effect on the SCSI bus. This provides a clean translation and does not require SCSI bus discovery. It also allows devices to be dynamically added to the SCSI bus without modifying the address map. It may not allow for complete discovery by FCP initiator devices, as gaps between device addresses may halt the discovery process. Legacy SCSI device drivers typically halt discovery on a target device at the first unoccupied LUN, and proceed to the next target. This would lead to some devices not being Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 35 of 225

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discovered. However, this allows for hot plugged devices and other changes to the loop addressing.

- [0047] In the ordered method, ordered translation requires that the storage router perform discovery on reset, and collapses the addresses on the SCSI bus to sequential FSP LUN values. Thus, the FCP LUN values 0-N can represent N+1 SCSI devices, regardless of SCSI address values, in the order in which they are isolated during the SCSI discovery process. This would allow the FCP initiator discovery process to identify all mapped SCSI devices without further configuration. This has the limitation that hot-plugged devices will not be identified until the next reset cycle. In this case, the address may also be altered as well.
- [0048] In addition to addressing, according to the present invention, the storage router provides configuration and access controls that cause certain requests from FC Initiators to be directed to assigned virtual local storage partitioned on SCSI storage devices. For example, the same request for LUN 0 (local storage) by two different FC Initiators can be directed to two separate subsets of storage. The storage router can use tables to map, for each initiator, what storage access is available and what partition is being addressed by a particular request. In this manner, the storage space provided by SCSI storage devices can be allocated to FC initiators to provide virtual local storage as well as to create any other desired configuration for secured access.
- [0049] Although the present invention has been described in detail, it should be understood that various changes, substitutions, and alterations can be made hereto without departing from the spirit and scope of the invention as defined by the appended claims.

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WHAT IS CLAIMED IS:

1. A storage router for providing virtual local storage on remote storage devices, comprising:

a first controller operable to interface with a first transport medium, wherein the first medium is a serial transport media; and

a processing device coupled to the first controller, wherein the processing device is configured to:

maintain a map to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with representations of storage space on the remote storage devices, wherein each representation of a device connected to the first transport medium is associated with one or more representations of storage space on the remote storage devices;

control access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map; and

allow access from devices connected to the first transport medium to the remote storage devices using native low level block protocol.

2. The storage router of Claim 1, wherein the map associates a representation of storage space on the remote storage devices with multiple devices connected to the first transport medium.

3. The storage router of Claim 1, wherein the storage space on the remote storage devices comprises storage space on multiple remote storage devices.

4. The storage router of Claim 1, wherein the map associates a representation of a device connected to the first transport medium with a representation of an entire storage space of at least one remote storage device.

5. The storage router of Claim 1, wherein the map resides at the storage router and is maintained at the storage router.

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6. The storage router of Claim 1, wherein the native low level block protocol is received at the storage router via the first transport medium and the processing device uses the received native low level block protocol to allow the devices connected to the first transport medium access to storage space specifically allocated to them in the map.

7. The storage router of Claim 1, wherein the storage router is configured to receive commands according to a first low level block protocol from the device connected to the first transport medium and forward commands according to a second low level block protocol to the remote storage devices.

8. The storage router of Claim 7, wherein the first low level block protocol is an FCP protocol and the second low level block protocol is a protocol other than FCP.

9. The storage router of Claim 1, wherein the map comprises one or more tables.

10. The storage router of Claim 1, wherein the virtual local storage is provided to the devices connected to the first transport medium in a manner that is transparent to the devices and wherein the storage space allocated to the devices connected to the first transport medium appears to the devices as local storage.

11. The storage router of Claim 1, wherein the storage router provides centralized control of what the devices connected to the first transport medium see as local storage.

12. The storage router of Claim 1, wherein the representations of storage space comprise logical unit numbers that represent a subset of storage on the remote storage devices.

13. The storage router of Claim 12, wherein the storage router is operable to route requests to the same logical unit number from different devices connected to the first transport medium to different subsets of storage space on the remote storage devices.

14. The storage router of Claim 1, wherein the representations of devices connected to the first transport medium are unique identifiers.

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15. The storage router of Claim 14, wherein the unique identifiers are world wide names.

16. The storage router of Claim 1, wherein the storage router is configured to allow modification of the map in a manner transparent to and without involvement of the devices connected to the first transport medium.

17. The storage router of Claim 1, wherein the processing device is a microprocessor.

18. The storage router of Claim 1, wherein the processing device is a microprocessor and associated logic to implement a stand-alone processing system.

19. The storage router of Claim 1, wherein the first transport medium is a fibre channel transport medium and further comprising a second transport medium connected to the remote storage devices that is a fibre channel transport medium.

20. A storage network comprising:

a set of devices connected a first transport medium, wherein the first transport medium; a set of remote storage devices connected to a second transport medium;

a storage router connected to the serial transport medium;

a storage router connected to the first transport medium and second transport medium to provide virtual local storage on the remote storage devices, the storage router configured to:

maintain a map to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with representations of storage space on the remote storage devices, wherein each representation of a device connected to the first transport medium is associated with one or more representations of storage space on the remote storage devices;

control access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map; and

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allow access from devices connected to the first transport medium to the remote storage devices using native low level block protocol.

21. The storage network of Claim 20, wherein the map associates a representation of storage space on the remote storage devices with multiple devices connected to the first transport medium.

22. The storage network of Claim 20, wherein the storage space on the remote storage devices comprises storage space on multiple remote storage devices.

23. The storage network of Claim 20, wherein the map associates a representation of a device connected to the first transport medium with a representation of an entire storage space of at least one remote storage device.

24. The storage network of Claim 20, wherein the map resides at the storage router and is maintained at the storage router.

25. The storage network of Claim 20, wherein the native low level block protocol is received at the storage router via the first transport medium and the storage router uses the received native low level block protocol to allow the devices connected to the first transport medium access to storage space specifically allocated to them in the map.

26. The storage router of Claim 20, wherein the storage router is configured to receive commands according to a first low level block protocol from the device connected to the first transport medium and forward commands according to a second low level block protocol to the remote storage devices.

27. The storage network of Claim 20, wherein the first low level block protocol is an FCP protocol and the second low level block protocol is a protocol other than FCP.

28. The storage network of Claim 20, wherein the map comprises one or more tables.

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29. The storage network of Claim 20, wherein the virtual local storage is provided to the devices connected to the first transport medium in a manner that is transparent to the devices and wherein the storage space allocated to the devices connected to the first transport medium appears to the devices as local storage.

30. The storage network of Claim 20, wherein the storage router provides centralized control of what the devices connected to the first transport medium see as local storage.

31. The storage network of Claim 20, wherein the representations of storage space comprise logical unit numbers that represent a subset of storage on the remote storage devices.

32. The storage network of Claim 31, wherein the storage router is operable to route requests to the same logical unit number from different devices connected to the first transport medium to different subsets of storage space on the remote storage devices.

33. The storage network of Claim 20, wherein the representations of devices connected to the first transport medium are unique identifiers.

34. The storage network of Claim 33, wherein the unique identifiers are world wide names.

35. The storage network of Claim 20, wherein the storage router is configured to allow modification of the map in a manner transparent to and without involvement of the devices connected to the first transport medium.

36. The storage network of Claim 20, wherein the first transport medium is a fibre channel transport medium and the second transport medium is a fibre channel transport medium.

37. A method for providing virtual local storage on remote storage devices comprising:

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connecting a storage router between a set of devices connected to a first transport medium and a set of remote storage devices, wherein the first transport medium is a serial transport medium;

maintaining a map at the storage router to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with representations of storage space on the remote storage devices, wherein each representation of a device connected to the first transport medium is associated with one or more representations of storage space on the remote storage devices;

controlling access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map; and

allowing access from devices connected to the first transport medium to the remote storage devices using native low level block protocol.

38. The method of Claim 37, wherein the map associates a representation of storage space on the remote storage devices with multiple devices connected to the first transport medium.

39. The method of Claim 37, wherein the storage space on the remote storage devices comprises storage space on multiple remote storage devices.

40. The method of Claim 37, wherein the map associates a representation of a device connected to the first transport medium with a representation of an entire storage space of at least one remote storage device.

41. The method of Claim 37, wherein the map resides at the storage router and is maintained at the storage router.

42. The method of Claim 37, further comprising:

receiving the native low level block protocol at the storage router via the first transport medium;

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using the received native low level block protocol at the storage router to allow the devices connected to the first transport medium access to storage space specifically allocated to them in the map.

43. The method of Claim 37, further comprising receiving commands at the storage router according to a first low level block protocol from the device connected to the first transport medium and forwarding commands according to a second low level block protocol to the remote storage devices.

44. The method of Claim 43, wherein the first low level block protocol is an FCP protocol and the second low level block protocol is a protocol other than FCP.

45. The method of Claim 37, wherein the map comprises one or more tables.

46. The method of Claim 37, wherein the virtual local storage is provided to the devices connected to the first transport medium in a manner that is transparent to the devices and wherein the storage space allocated to the devices connected to the first transport medium appears to the devices as local storage.

47. The method of Claim 37, wherein the storage router provides centralized control of what the devices connected to the first transport medium see as local storage.

48. The method of Claim 37, wherein the representations of storage space comprise logical unit numbers that represent a subset of storage on the remote storage devices.

49. The method of Claim 48, wherein the storage router is operable to route requests to the same logical unit number from different devices connected to the first transport medium to different subsets of storage space on the remote storage devices.

50. The method of Claim 37, wherein the representations of devices connected to the first transport medium are unique identifiers.

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51. The method of Claim 50, wherein the unique identifiers are world wide names.

52. The method of Claim 51, wherein the storage router is configured to allow modification of the map in a manner transparent to and without involvement of the devices connected to the first transport medium.

53. The method of Claim 1 wherein connecting the storage router between a set of devices connected to a first transport medium and a set of remote storage devices further comprises connecting the storage router between a first fibre channel transport medium and a second fibre channel transport medium.

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STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

ABSTRACT OF THE DISCLOSURE

[0050] A storage router and storage network provide virtual local storage on remote storage devices. A plurality of devices are connected to a first transport medium. In one embodiment, a storage router maintains a map to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with representations of storage space on the remote storage devices. The storage router controls access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map and allows access from devices connected to the first transport medium to the remote storage devices using native low level block protocol.

Electronic Patent Application Fee Transmittal					
Application Number:					
Filing Date:					
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE				
First Named Inventor/Applicant Name:	Geoffrey B. Hoese				
Filer:	Joh	n L. Adair/Delia Na	rvaiz		
Attorney Docket Number:	CROSS1120-33				
Filed as Large Entity					
Utility under 35 USC 111(a) Filing Fees					
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:					
Utility application filing		1011	1	330	330
Utility Search Fee		1111	1	540	540
Utility Examination Fee		1311	1	220	220
Pages:					
Claims:					
Claims in excess of 20 1202 33 52 1716					1716
Miscellaneous-Filing:					
Petition:					

Case 1:13-cv-00895-SS Document Description	131-18 Filed Fee Code	04/09/14 Quantity	Page 46 of 2 Amount	25 Sub-Total in USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
	Tot	al in USD)(\$)	2806

Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 47 of 225 Electronic Acknowledgement Receipt				
EFS ID:	6845953			
Application Number:	12690592			
International Application Number:				
Confirmation Number:	8115			
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE			
First Named Inventor/Applicant Name:	Geoffrey B. Hoese			
Customer Number:	44654			
Filer:	John L. Adair/Delia Narvaiz			
Filer Authorized By:	John L. Adair			
Attorney Docket Number:	CROSS1120-33			
Receipt Date:	20-JAN-2010			
Filing Date:				
Time Stamp:	16:24:15			
Application Type:	Utility under 35 USC 111(a)			

Payment information:

Submitted with Payment	yes			
Payment Type	Deposit Account			
Payment was successfully received in RAM	\$2806			
RAM confirmation Number	3127			
Deposit Account	503183			
Authorized User				
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:				
Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)				
Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)				

Charge and Asteritorial Feet Page 48 of 225

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing	g:				
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	CROSS1120-33_Cert_Transmiss	23572	P 0	1
	Miscellaneous incoming Letter	ion.pdf	7d03f1dc62be0e2f8fd6d2793fc0af2a9d51a 966	110	
Warnings:		·			
Information:					
2	2 Missellaneous Incoming Letter	CROSS1120-33_Id_chg_POA.	153882	no	6
-		pdf	c7162bfeeceb5044f313e4c768dc96c5d595 1a60	110	0
Warnings:					
Information:					
з	Oath or Declaration filed	CROSS1120-33_Declaration_fr_	125807	no	А
5	out of Declaration med	parent.pdf	c84a7ce304d738dabf74ae001585566f64a8 a261	110	-
Warnings:					
Information:					
4	Drawings-only black and white line	CROSS1120-33_Drawings.pdf	36044	no	2
	drawings		f06f4160ea41d04338498da87a96713f1652 c97b		-
Warnings:					
Information:					
5	Transmittal of New Application	CROSS1120-33 Transmittal pdf	75251	no	1
5			bcbbc251aa07bf22f000918791a0e6c8517f dac9	110	
Warnings:					
Information:					
6		CROSS1120-33 Application pdf	89877	Vac	25
, , , , , , , , , , , , , , , , , , ,			516836a9c3cb832e9c0eee0634652871cfb 45e3a	,	
	Multip	oart Description/PDF files in .	zip description		
	Document De	scription	Start	E	nd
	Specification		1	16	
	Claims		17	24	
	Abstrac	ct	25	2	25
Warnings:					

Information	Case 1:13-cv-00895-SS Do	cument 31-18 Filed 04/	09/14 Page 49 0	of 225			
7	Fee Worksheet (PTO-875)	fee-info.pdf	36748	no	2		
Warnings:							
Information							
		Total Files Size (in bytes):	54	1181			
characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.							
National Stage of an International Application under 35 U.S.C. 371 If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.							
<u>New Interna</u> If a new inte an internatio and of the In national sec	New International Application Filed with the USPTO as a Receiving Office If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning						

the application.

Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 50 of 225 Electronic Acknowledgement Receipt				
EFS ID:	6845953			
Application Number:	12690592			
International Application Number:				
Confirmation Number:	8115			
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE			
First Named Inventor/Applicant Name:	Geoffrey B. Hoese			
Customer Number:	44654			
Filer:	John L. Adair/Delia Narvaiz			
Filer Authorized By:	John L. Adair			
Attorney Docket Number:	CROSS1120-33			
Receipt Date:	20-JAN-2010			
Filing Date:				
Time Stamp:	16:24:15			
Application Type:	Utility under 35 USC 111(a)			

Payment information:

Submitted with Payment	yes			
Payment Type	Deposit Account			
Payment was successfully received in RAM	\$2806			
RAM confirmation Number	3127			
Deposit Account	503183			
Authorized User				
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:				
Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)				
Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)				

Charge and Asteritoria Feet required in the second for the second second

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing	g:				
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	CROSS1120-33_Cert_Transmiss	23572	P 0	1
	Miscellaneous incoming Letter	ion.pdf	7d03f1dc62be0e2f8fd6d2793fc0af2a9d51a 966	110	
Warnings:		·			
Information:					
2	2 Missellaneous Incoming Letter	CROSS1120-33_Id_chg_POA.	153882	no	6
-		pdf	c7162bfeeceb5044f313e4c768dc96c5d595 1a60	110	0
Warnings:					
Information:					
з	Oath or Declaration filed	CROSS1120-33_Declaration_fr_	125807	no	А
5	out of Declaration med	parent.pdf	c84a7ce304d738dabf74ae001585566f64a8 a261	110	-
Warnings:					
Information:					
4	Drawings-only black and white line	CROSS1120-33_Drawings.pdf	36044	no	2
	drawings		f06f4160ea41d04338498da87a96713f1652 c97b		-
Warnings:					
Information:					
5	Transmittal of New Application	CROSS1120-33 Transmittal pdf	75251	no	1
5			bcbbc251aa07bf22f000918791a0e6c8517f dac9	110	
Warnings:					
Information:					
6		CROSS1120-33 Application pdf	89877	Vac	25
, , , , , , , , , , , , , , , , , , ,			516836a9c3cb832e9c0eee0634652871cfb 45e3a	,	
	Multip	oart Description/PDF files in .	zip description		
	Document De	scription	Start	E	nd
	Specification		1	16	
	Claims		17	24	
	Abstrac	ct	25	2	25
Warnings:					

Information	Case 1:13-cv-00895-SS Do	cument 31-18 Filed 04/	09/14 Page 52 (of 225		
7	Fee Worksheet (PTO-875)	fee-info.pdf	36748 13f98da56b3ebe3eaa50c5aeefcc73a79b31 0d2f	no	2	
Warnings:		· · · · · · · · · · · · · · · · · · ·				
Information	1					
		Total Files Size (in bytes):	54	41181		
characterize Post Card, as <u>New Applica</u> If a new appl 1.53(b)-(d) a Acknowledg	d by the applicant, and including page d by the applicant, and including page described in MPEP 503. <u>tions Under 35 U.S.C. 111</u> lication is being filed and the applica nd MPEP 506), a Filing Receipt (37 CF ement Receipt will establish the filin	tion includes the necessary c R 1.54) will be issued in due o g date of the application.	omponents for a filin course and the date s	of receipt s g date (see hown on th	s, similar to a 37 CFR iis	
National Sta	<u>ge of an International Application ur</u> Ibmission to enter the national stage	<u>nder 35 U.S.C. 371</u> of an international applicativ	on is compliant with	the conditiv	ons of 35	
U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.						
<u>New Interna</u> If a new inter an internation and of the In national second the application	tional Application Filed with the USP rnational application is being filed a onal filing date (see PCT Article 11 an ternational Filing Date (Form PCT/R(urity, and the date shown on this Ack ion.	<u>PTO as a Receiving Office</u> nd the international applicati d MPEP 1810), a Notification D/105) will be issued in due co nowledgement Receipt will e	ion includes the nece of the International ourse, subject to pres establish the internat	ssary comp Application scriptions co tional filing	onents for Number oncerning date of	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE						
CERTIFICATE OF TRANSMISSION VIA EFS-WEB SYSTEM Atty Docket No. CROSS1120-33						
	In the Application of: Geoffre	ey B. Hoese				
Mail Stop: Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Date Filed: Herewith					
	Title: Storage Router and M Loca	lethod for Providing Virtual al Storage				

Dear Sir:

I hereby certify that the attached Utility Patent Application Transmittal Form, Declaration (copy from parent), Identification of Change in Power of Attorney Under 37 CFR 1.63(d)(4), Continuation Patent Application and copies of Drawings (2 sheets) are being deposited electronically using the United States Patent Office EFS-Web System on January 20, 2010

> Respectfully submitted, Sprinkle IP Law Group

lia nawarz

Delia Narvaiz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE						
IDENTIFICATION OF CHANG UNDER 37 C.F	E IN POWER OF ATTORN F.R. 1.63(d)(4)	EY	Atty CRC	Docket No. DSS1120-33		
	Applicant Geoffrey B. Hoese, et a	al.		· · · · ·		
	Application Number Date Filed Unknown January, 2010 Title Storage Router and Method for Providing Virtu Local Storage Date Filed					
	Confirmation Number: Group Art Unit Unknown Unknown					
Commissioner for Patents	Certificate of Transmis	sion Und	er 37 (.F.R. § 1.8		
P.O. Box 1450	I hereby certify that this corre-	I hereby certify that this correspondence is being transmitted to				
Alexandria, VA 22313-1450	system on January $\frac{20}{2010}$					

Dear Sir:

The above-referenced application is a continuation application of and claims priority from U.S. Patent Application No. 12/552,885 filed on 09/02/2009 ("Prior Application"). The power of attorney and correspondence address were changed during the prosecution of the Prior Application. 37 C.F.R. 1.63(d)(4) states:

Where the power of attorney or correspondence address was changed during the prosecution of the prior application, the change in power of attorney or correspondence address must be identified in the continuation or divisional application. Otherwise, the Office may not recognize in the continuation or divisional application the change of power of attorney or correspondence address during the prosecution of the prior application.

As evidenced by Exhibit A submitted herewith, during the prosecution of Prior Application, the power of attorney was changed to attorneys under Customer No. 44654, all of the firm of Sprinkle IP Law Group, and the correspondence address was changed to:

Customer No. 44654 Sprinkle IP Law Group 1301 W. 25th Street, Suite 408 Austin, Texas 78705 У

Delia Narvaiz

Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 55 of 225

ATTORNEY DOCKET NO. CROSS1120-33 Patent Application Customer ID: 44654

Please recognize these changes in U.S. instant application. Please call the undersigned with any question you may have regarding this matter.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant John L. Adair

Reg. No. 48,828

Dated: Jan 20,2010

1301 W. 25th Street, Suite 408 Austin, Texas, 78705 Tel. (512) 637-9220 Fax. (512) 317-9088

EXHIBIT "A"
UNITED STATES PATENT AND TRADEMA		IARK OFFICE UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Advance: COMMISSIONER FOR PATENTS PO. Box 149 Alexandra, Virginia 22313-1450 www.uspb.gov		
APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE	
12/552,885	09/02/2009	Geoffrey B. Hoese	CROSS1120-30	
			CONFIRMATION NO. 5484	
44654		POA ACC	EPTANCE LETTER	
SPRINKLE IP LAW GROUP 1301 W. 25TH STREET)			
SUITE 408 AUSTIN, TX 78705		······································	OC00000037859989*	

Date Mailed: 09/22/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2009.

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The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/bcao/

. .

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

page 1 of 1

Case 1:13-cv-00895-SS Docume	nt 31-18 Filed 04/09/14	Page 58 of 225	<u>6590</u>
IN TEL STATED STAT	TES PATENT AND TRADE		Prom
REVOCATION AND POWER CHANGE OF MAILIN	Atty. Docket No. CROSS1120-	(Operent 13	
	Applicants Geoffrey B Hoese, et. a	<u></u>	
	Application Number 10/658,163	Filed 9/9/2003	
	For Storage Router and M Virtual Local Storage		3
	Group Art Unit 2186	Examiner Unknown	
	5675		
	<u>Certification Unc</u>	ier 37 C.F.R. §1.6	
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	I hereby certify that this document is being transmitted to COMMISSIONER FOR PATENTS via facsimile on, 2004. 		SSIONER
Dear Sir:	Reynetto Delleau		

Crossroads Systems, Inc., 100% owner of the above-identified patent application, as evidenced by the Assignment recorded on December 31, 1997 on Reel/Frame: 8929/0290, hereby revokes all previous Powers of Attorney and appoints the following attorneys under Customer No. 44654, all of the firm of SPRINKLE IP LAW GROUP, to prosecute the above-identified Patent and to transact all business in the Patent and Trademark Office connected therewith.

> STEVEN R. SPRINKLE JOHN ADAIR ARI AKMAL

Registration No. 40,825 Registration No. 48,828 Registration No. 51,388

Direct all telephone calls and correspondence to:

Customer No. 44654 SPRINKLE IP LAW GROUP P.O. Box 684767 Austin, TX 78768-4767 Attn: Steven Sprinkle Tel. (512) 637.9220 / Fax (512) 371.9088

I hereby state I am authorized to act on behalf of CROSSROADS SYSTEMS, INC.

Respectfully submitted,

Crossroads Systems, Inc.

Bv: Robert Sims, Fresident & CEO

Dated: 8/11, 2004

Case 1:13-cv-0089	5-SS Document 31-18	B Filed 04/09/14 Pag	Froffrom Pareart
		UNITED S' United Sta Address COM RO. B Alext Varia	PATES DEPARTMENT OF COMMERCE tes Patent and Tradenuch Office MISHONER FOR PATENTS ox 1450 utis, Viginia 22313-1450 spinsov
APPLICATION NUMBER	FLING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/658,163	09/09/2003	Geoffrey B. Hoese	CROSS1120-13
			CONFIRMATION NO 5675

44654 SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705

.

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THAL JACKSON

2100 (571) 272-3594

CONFIRMATION NO. 5675 *OC00000018039068* *OC00000018039068*

Date Mailed: 02/10/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/26/2005.

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The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

RECEIVED BY: D FEB 2 1 2006 Dockeled By Date Dockeled: Attorney C/M ND

ATTORNEY/APPLICANT COPY

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Oracle-Huawei-NetApp Ex. 1009, pg. 1023

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From Parent

DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name, that I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention or design entitled STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE, the specification of which (check one):

<u>X</u> is attached hereto; or

_____ was filed on _____ as Application Serial No. _____ and was

amended on ______ (if applicable); that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

				TTTOTTCY
		Date	•	Claimed
Number	Country	Filed		(Yes) (No)

None.

AUS01:123882.1

Oracle-Huawei-NetApp Ex. 1009, pg. 1024

Driority

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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Application Serial Number Date Filed Status

None.

I hereby appoint:

Jerry W. Mills	Reg.	No.	23,005
Robert M. Chiaviello, Jr.	Reg.	No.	32,461
Ann C. Livingston	Reg.	No.	32,479
William N. Hulsey III	Reg.	No.	33,402
Thomas R. Felger	Reg.	No.	28,842
Charles S. Fish	Reg.	No.	35,870
Wei Wei Jeang	Reg.	No.	33,305
Kevin J. Meek	Reg.	No.	33,738
Anthony E. Peterman	Reg.	No.	38,270
Barton E. Showalter	Reg.	No.	38,302
David G. Wille	Reg.	No.	38,363
Philip W. Woo	Reg.	No.	39,880
Bradley P. Williams	Reg.	No.	40,227
Terry J. Stalford	Reg.	No.	39,522
Christopher W. Kennerly	Reg.	No.	40,675
Daniel P. Stewart	Reg.	No.	41,332
Roger J. Fulghum	Reg.	No.	39,678
Rodger L. Tate	Reg.	No.	27,399
Scott F. Partridge	Reg.	No.	28,142
James B. Arpin	Reg.	No.	33,470
James Remenick	Reg.	No.	36,902

AUS01:123882.1

- <u>反保険</u> (前記) C (13.0103 - SS. Document 31-18 Filed 04/09/14 Page 62 of 225 PATENT 064113.0103

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Jay B. Johnson	Reg.	No.	38,193
Christopher C. Campbell	Reg.	No.	37,291
Stacy B. Margolies	Reg.	No.	39,760
Robert W. Holland	Reg.	No.	40,020
Steven R. Sprinkle	Reg.	No.	40,825

all of the firm of Baker & Botts, L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

<u>Send Correspondence To</u> :	<u>Direct Telephone Calls To</u> :
Baker & Botts, L.L.P.	Anthony E. Peterman
2001 Ross Avenue	at (512) 322-2599
Dallas, Texas 75201-2980	Atty. Docket No.064113.0103

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

AUS01:123882.1

Case 1:13-000895-SS Document 31-18 Filed 04/09/14 Page 63 of 225PATENT 064113.0103

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Full name of the first inventor

Geoffrey B. Hoese

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_____1

. ..

Residence (City, County, State)

Citizenship

Date

Post Office Address

Inventor's signature

Austin, Travis County, Texas

United States of America

1904 Ann Arbor Avenue Austin, Texas 78704

Full name of the second inventor

Inventor's signature

Date

Residence (City, County, State)

Citizenship

Post Office Address

Jeffry T. Russell 997

Cibolo, Guadalupe County, Texas

United States of America

205 Kariba Cove Cibolo, Texas 78108

AUS01:123882.1







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Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 66 of 225 TO/SB/06 (12-04)

Approved for use through 7/31/2006. OMB 0651-0032

Approved for use throut

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

01/20/10

Date:

APPLICATION AS FILED – PART I (Column 1) (Column 2) SMALL ENTITY OR FOR NUMBER FILED NUMBER EXTRA RATE (\$) FEE (\$) RATE (\$) FEE (\$) SMALL ENTITY OR Colspan="2">SMALL ENTITY OR RATE (\$) FEE (\$) RATE (\$) FEE (\$) (37 CFR 1.16(b), or (m)) N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A </th <th colspan="3">Application or Docket Number 12/690,592</th>	Application or Docket Number 12/690,592			
FOR NUMBER FILED NUMBER EXTRA BASIC FEE N/A N/A N/A SEARCH FEE N/A N/A N/A (37 CFR 1.16(a), (b), or (c)) N/A N/A N/A EXAMINATION FEE N/A N/A N/A (37 CFR 1.16(b), (p, or (m)) N/A N/A N/A TOTAL CLAIMS 53 minus 20 = 33 (37 CFR 1.16(b)) 1f the specification and drawings exceed 100 x\$26 OR INDEPENDENT CLAIMS 3 minus 3 = * (37 CFR 1.16(j)) 1f the specification and drawings exceed 100 sheets of paper, the application size fee due is 5260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 195 MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) 195 TOTAL T * 1f the difference in column 1 is less than zero, enter "0" in column 2. TOTAL T T APPLICATION AS AMENDED – PART II (Column 1) (Column 2) (Column 3) SMALL ENTITY OR If the difference in column 1 is less than zero, enter "0" in column 2. FEE ADDI- T CLAIMS HIGHEST </td <td>OTHER THAN SMALL ENTIT</td> <td>۷ ۲</td>	OTHER THAN SMALL ENTIT	۷ ۲		
BASIC FEE (37 CFR 1.16(a), (b), or (c)) N/A N/A N/A SEARCH FEE (37 CFR 1.16(b), (i), or (c)) N/A N/A N/A N/A SEARCH FEE (37 CFR 1.16(b), (p), or (c)) N/A N/A N/A N/A (37 CFR 1.16(b), (p), or (q)) TOTAL CLAIMS 53 minus 20 = 33 X\$26 OR (37 CFR 1.16(b)) Sinus 20 = 33 X\$110 X\$110 X\$110 X\$110 APPLICATION SIZE FEE Stable of paper, the application size fee due is \$260 (\$130 for small entity) for each additional (37 CFR 1.16(s)) So sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 195 TOTAL MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) TOTAL T T * 1f the difference in column 1 is less than zero, enter "0" in column 2. TOTAL T APPLICATION AS AMENDED – PART II (Column 1) (Column 2) (Column 3) SMALL ENTITY OR If the difference in column 1 is less than zero, enter "0" in column 3. SMALL ENTITY OR T If the difference in column 1 is less than zero, enter "0" in column 3. SMALL ENTITY OR C	ATE (\$) F	EE (\$)		
Intervention I	N/A	330		
(37 CFR 1.16(A), (0), 01 (m)) N/A N/A N/A (37 CFR 1.16(a), (p), or (q)) TOTAL CLAIMS 53 minus 20 = 33 (37 CFR 1.16(b)) 53 minus 20 = 33 x\$26 OR (37 CFR 1.16(b)) 10 11 the specification and drawings exceed 100 sheets of paper, the application size fee due is x\$110 x APPLICATION SIZE sheets of paper, the application size fee due is 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR MULTIPLE DEPENDENT CLAIM PRESENT 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 195 MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) 195 TOTAL T * 1f the difference in column 1 is less than zero, enter "0" in column 2. TOTAL T (Column 1) (Column 2) (Column 3) SMALL ENTITY OR (Column 1) (Column 2) (Column 3) SMALL ENTITY OR	N/A	540		
(37 CFR 1.16(0), (p), or (q)) TOTAL CLAIMS 53 minus 20 = 33 (37 CFR 1.16(0)) 53 minus 3 = * INDEPENDENT CLAIMS 3 minus 3 = * (37 CFR 1.16(n)) If the specification and drawings exceed 100 sheets of paper, the application size fee due is x\$110 > APPLICATION SIZE \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 195 MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) 195 TOTAL T * 1f the difference in column 1 is less than zero, enter "0" in column 2. TOTAL T T APPLICATION AS AMENDED – PART II (Column 1) (Column 2) (Column 3) SMALL ENTITY OR CLAIMS HIGHEST PRESENT RATE (\$) TIONAL R	N/A	220		
(37 CFR 1.18(i)) 00 minus 20 = 00 netco 0R INDEPENDENT CLAIMS 3 minus 3 = * * x\$110 (37 CFR 1.18(h)) If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$260 (\$130 for small entity) for each additional \$50 sheets or fraction thereof. See \$35 U.S.C. 41(a)(1)(G) and 37 CFR x\$110 MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) 195 * If the difference in column 1 is less than zero, enter "0" in column 2. TOTAL TOTAL T APPLICATION AS AMENDED – PART II (Column 1) (Column 2) (Column 3) SMALL ENTITY OR CLAIMS HIGHEST PRESENT REMAINING NUMBER PRESENT ADDI- MUBER NUMBER PRESENT RATE (\$) TIONAL R	x\$52	1716		
(37 CFR 1.16(h)) 3 minus 3 = X410 APPLICATION SIZE If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$260 (\$130 for small entity) for each additional \$0 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 195 MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) 195 1 * If the difference in column 1 is less than zero, enter "0" in column 2. TOTAL T APPLICATION AS AMENDED – PART II (Column 1) (Column 2) (Column 3) SMALL ENTITY OR CLAIMS HIGHEST REMAINING NUMBER NUMBER PRESENT REVENT RATE (\$) ADDI- TIONAL RC	(\$220			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) 195 16 the difference in column 1 is less than zero, enter "0" in column 2. APPLICATION AS AMENDED – PART II (Column 1) (Column 2) (Column 3) SMALL ENTITY OR CLAIMS HIGHEST PRESENT REMAINING NUMBER PRESENT RATE (\$) TIONAL R				
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Total • Minus • = X = OR X	=			
Independent Minus Minus = x = OR x	=			
Application Size Fee (37 CFR 1.16(s))				
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))	N/A			
ADD'T FEE				
(Column 1) (Column 2) (Column 3) OR				
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Independent Minus *** = x = OB x	=			
Application Size Fee (37 CFR 1.16(s))				
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) N/A OR	N/A			
TOTAL TOTA ADD'T FEE OR ADD'T	L I FEE			
 If the entry in column 1 is less than the entry in column 2, write "0" in column 3. If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1. This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the 				

including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patern and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Geoffrey B. Hoese, Austin, TX; Jeffry T. Russell, Cibolo, TX;

Power of Attorney: The patent practitioners associated with Customer Number 44654

Domestic Priority data as claimed by applicant

This application is a CON of 12/552,885 09/02/2009 which is a CON of 11/851,724 09/07/2007 which is a CON of 11/442,878 05/30/2006 ABN * which is a CON of 11/353,826 02/14/2006 PAT 7,340,549 which is a CON of 10/658,163 09/09/2003 PAT 7,051,147 which is a CON of 10/081,110 02/22/2002 PAT 6,789,152 which is a CON of 09/354,682 07/15/1999 PAT 6,421,753 which is a CON of 09/001,799 12/31/1997 PAT 5,941,972 (*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 02/02/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/690,592**

Projected Publication Date: 05/13/2010

Non-Publication Request: No

Early Publication Request: No

page 1 of 3

Title

STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

Preliminary Class

710

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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page 2 of 3

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page 3 of 3

UNITED ST.	ates Patent and Tradema	NRK OFFICE UNITED STA United State Address: COMMI PO. Box Alexandr www.usp	TES DEPARTMENT OF COMMERCE s Patent and Trademark Office SSIONER FOR PATENTS 140 a, Virginia 22313-1450 ogov
APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/690,592	01/20/2010	Geoffrey B. Hoese	CROSS1120-33
44654 SPRINKLE IP LAW GROU	JP		CONFIRMATION NO. 8115 EPTANCE LETTER
1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705			OC000000039985414*

Date Mailed: 02/03/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/20/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/abirhane/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

page 1 of 1



Title:STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

Publication No.US-2010-0121993-A1 Publication Date:05/13/2010

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

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page 1 of 1

Case 1:13-cy-00895-SS	Document 31-18	Filed 04/09/14	Page 72 of 225
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INFORMATION DISCLOSURE	
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STATEMENT BY APPLICANT	ŀ

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Application Number	12/690,592
Filing Date	01/20/2010
First Named Inventor	Geoffrey B. Hoese
Group Art Unit	2111
Examiner Name	Unknown
Attorney Docket Number	CROSS1120-33

Sheet	1	of 9				Attor	ney Docket Number	CROSS	61120-33
					U.S. PATEN	T DOC	CUMENTS		
Examiner	Cite	Docu	ument N	lumber	Publication D	ate	Name of Patentee of		Pages, Columns, Lines Where Balavant Passages or Figures
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				Applica	ation Number	12/690,592		
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Examiner	Cite	Document Number	Publication	Date	Name of Patentee o	۱ ۲	Pages, Columns, Lines Where Relevant Passages or Figures	
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				Ap	plication Number	12/690,592		
				Fil	ing Date	01/20/2	2010	
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Sheet	3	of 9		At	torney Docket Number	CROSS	\$1120-33	
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Examiner Signature					Consi	idered		

				Application Number			12/690,592			
J			DE	Fi	ling Date	01/	01/20/2010			
				Fi	rst Named Inventor	Ge	offr	ey B. Hoese		
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Sheet	4	of 9		Attorney Docket Number				CROSS1120-33		
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Examiner	Cite	Document Number	Publication Dat	te	Name of Patentee	pr		Pages, Columns, Lines Where Relevant Passages or Figures		
Initials	No.	Number-Kind Code (if known)	MM-DD-YYYY	(Applicant of Cited Doc	ment		Appear		
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				First Named Inventor	G	Geoffr	ey B. Hoese	
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	C44	Office Action dated 12/1	6/99 for 09/354,682 (CRO	SST120-1)	11/6/2002				
	C45	Office Action dated 11/0	16/02 for 10/023, /86 (CRO	SS1120-4) SS1120-5)	1/21/2002				
	C46 Office Action dated 01/21/03 for 10/081,110 (CROSS1120-5)								
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	<b>NFOF</b>	RMATIC	ON		Filing Date	01/20/2010	
	DISCI	LOSUF	RE		First Named Inventor	Geoffrey B. Hoese	
	STAT	EMEN	IT ·		Group Art Unit	2111	
			••		Examiner Name	Unknown	
Sheet 3		of	9		Atty Docket Number	CROSS1120-33	
Examiner	Cite No.	OTHE		RT	NON PATENT LITERATU	JRE DOCUMENTS	Date
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	C48	Office Ac 2005.	tion in Ex Pa	arte	e Reexamination 90/007,125	, mailed February 7,	2/7/2005
	C49	Office Ac 2005.	tion in Ex Pa	arte	Reexamination 90/007,126	, mailed February 7,	2/7/2005
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	C52	Europea 9896610	n Office Acti 4.6-2413	on	issued April 1, 2004 in Applic	cation No.	4/1/2004
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	C54	DIGITAL pgs 1-3	. "System Su	ibb	ort Addendum", SSA 40.78.0	)1-A, AE-PNZJB-TE,	4/1/1993
	C55	DIGITAL pgs 1-3	. "Software F	Proc	duct Description", SSA 40.78	.01, AE-PNZJB-TE,	4/1/1993
	C56	DIGITAL		NT (	CORPORATION, "InfoServe	r 100 Installation and	10/1/1000
		Owner's	Guide", Ord		NUMBER EK-DISTK-IN-001, F	r 100 System	10/1/1990
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		Index 5	·				10/1/1990
	C58	ELLIOT D, Revis	F, "Working [ ion 5, pgs. i-	Dra -43	ft American National Standa	rd, Project 110/1562-	7/9/2003
	C59	SATRAN	N, "Standards	s-T	rack," May 2001, iSCSI, pgs	. 9-87	11/1/2000
	C60	SATRAN	N, et al. "IPS	Int	ernet Draft, iSCSI, pgs 1-8		11/1/2000
	C61	APT TE		ES,	INC., "Serial ATA: High Spe	ed Serialized AI	1/7/2003
	C63	Defenda	nt's First Su	ppl	emental Trial Exhibit List. Cro	ossroads Systems,	
		Inc., v. C Tex. 200	Chaparral Ne	two n)	ork Storage, Inc., C.A. No. A-	00CA-217-SS (W.D.	
	C64	Defenda	int's Third Su	Jpp	lemental Trial Exhibit List, C	rossroads Systems,	
		Inc. v. P 2001) <b>(C</b>	athlight Tech CD-Rom)		logy, Inc., C.A. NO. A-UUCA-	240-33 (VV.D. Tex.	
	C65	Plaintiff's Chaparr	s Fourth Ame al Network S	enc Stor	led Trail Exhibit List, Crossro age, Inc, C.A. No. A-00CA-2	ads Systems, Inc. v. 17-SS (W.D. Tex.	
		2001) <b>(C</b>	D-Rom)				
	C66	Plaintiff's Technol	s Revised Tr ogy, Inc., C./	ial A. I	Exhibit List, Crossroads Syst No. A-00CA-248-SS (W.D. T	tems, Inc. v. Pathlight ex. 2001). (CD-Rom)	
	C67	Trail Tra	Inscripts, Cro	oss ∆_?	roads Systems, Inc. v. Chap 217-SS (W.D. Tex. 2001) Day	arral Network Storage, v 1 -5 (CD-Rom)	
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	DISCI	LOSURE	First Named Inventor	Geoffrey B. Hoese					
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Examiner	Cite No.	OTHER PRIOR ART	NON PATENT LITERA	URE DOCUMENTS	Date				
	C72	Datasheet for CrossPoir 41 (ANCT 117-120)) (CI	t 4100 Fibre Channel to S D-ROM Chaparral Exhibits	CSI Router (Dedek Ex D012)					
	C73	Symbios Logic- Software Controller Software Rele (CD-ROM Chaparral Ext	e Interface Specification Se ease 02.xx (Engelbrecht Ex hibits D013)	eries 3 SCSI RAID 2 (LSI 1421-1658))	12/3/1997				
	C74	Press Release- Symbios Channel at Fall Comdex Chaparral Exhibits D016	s Logic to Demonstrate Str (Engelbrecht 12 (LSI 2785 ))	ong Support for Fibre 5-86)) ( <b>CD-ROM</b>	11/13/1996				
	C75	OEM Datasheet on the 3 (CD-ROM Chaparral Ex	3701 Controller (Engelbrec hibits D017)	ht 13 (LSI 01837-38))	6/17/1905				
	C76	Nondisclosure Agreeme 10/17/96 (Quisenberry E D020)	nt Between Adaptec and C x 25 (CRDS 8196)) ( <b>CD-R</b>	rossroads Dated OM Chaparral Exhibits	10/17/1996				
	C77	Organizational Presenta (CNS 182242-255)) (CD	tion on the External Storage -ROM Chaparral Exhibits	je Group (Lavan Ex 1 0021)	4/11/1996				
	C78	Bridge Phase II Architec (CD-ROM Chaparral Ex	Bridge Phase II Architecture Presentation (Lavan Ex 2 (CNS 182287-295)) (CD-ROM Chaparral Exhibits D022)						
	C79	Bridge. C, Bridge Between SCSI-2 and SCSI-3 FCP (Fibre Channel Protocol) (CD-ROM Chaparral Exhibits P214)							
	C80	Attendees/Action Items from 4/12/96 Meeting at BTC (Lavan Ex 3 (CNS 182241)) (CD-ROM Chaparral Exhibits D023)							
	C81	Brooklyn Hardware Engineering Requirements Documents, Revision 1.4 (Lavan Ex 4 (CNS 178188-211)) ( <b>CD-ROM</b> Chaparral Exhibits D024) by							
	C82	Brooklyn Single-Ended SCSI RAID Bridge Controller Hardware OEM Manual, Revision 2.1 (Lavan EX 5 (CNS 177169-191)) (CD-ROM Chaparral Exhibits D025)							
	C83	Coronado Hardware En (Lavan Ex 7 (CNS 1769 O'Dell	ocument, Revision 0.0 rral Exhibits D027) by	9/30/1996					
	C84	ESS/FPG Organization Chaparral Exhibits D028	(Lavan Ex 8 (CNS 178639 3)	-652)) ( <b>CD-ROM</b>	12/6/1996				
	C85 Adaptec MCS ESS Presents: Intelligent External I/O Raid Controllers "Bridge" Strategy (Lavan Ex 9 (CNS 178606-638)). (CD-ROM Chaparral Exhibits D029)								
	C86	AEC-7313 Fibre Channel Daughter Board (for Brooklyn) Engineering Specification, Revision 1.0 (Lavan Ex 10 (CNS 176830-850)) ( <b>CD-ROM</b> Chaparral Exhibits D030)							
	C87	Bill of Material (Lavan Ex 14 (CNS 177211-214)) (CD-ROM Chaparral Exhibits D034)							
	C88	AEC 4412B, AEC-741 Manual, Revision 2.0 (L Chaparral Exhibits D03	2/B2 External RAID Contro avan Ex 15 (CNS 177082- 5)	oller Hardware 0EM 123)) (CD-ROM	6/27/1997				
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	-	C89	Coro	nado	o II, AEC-7312/	A Fibre Channel Daughter (	for Brooklyn) Hardware			
			Spec	Specification, Revision 1.2 (Lavan Ex 16 (CNS 177192-210)) ( <b>CD-ROM</b>						
	-+		Chap	arra	ALECTATO	) by IOM Yang	r Hardware OFM	11011991		
		C90	AEU-	-441. Jal F	20, MEC (412/3 Revision 3.0 (1	Lavan Ex 17 (CNS 177124	165)) ( <b>CD-ROM</b>			
			Chap	arra	I Exhibits D037	/)	// \	8/25/1997		
·		C91	Mem	o Da	ated 8/15/97 to	AEC-7312A Evaluation Un	it Customers re: B001			
			Relea	ase l	Notes (Lavan E	x 18 (CNS 182878-879)) (	CD-ROM Chaparral	0/4/5/4007		
	$\square$		Exhib	<u>oits L</u>	<u>2038)</u>			8/15/1997		
	1	C92	Brool	кіуп 59-7	Main Board (A (63)) (CD-ROM	ES-0302) MES Schedule (I Chaparral Exhibits D039)	Lavan EX 19 (UNS	2/11/1997		
<u> </u>		C93	News	3 Re	lease-Adaptec	Adds Fibre Channel Option	to its External RAID			
			Conti	rolle	r Family (Lavar	1 Ex 20 (CNS 182932-934)	) ( <b>CD-ROM</b> Chaparral			
			Exhib	<u>pits [</u>	D040)			5/6/1997		
	Ī	C94	AEC-4412B/7412B User's Guide, Rev. A (Lavan Ex 21) (CD-ROM							
	-+	C05	Unap Data	Unaparral EXHIDITS DU41) Data Book- AIC-7895 PCI Bus Master Single Chin SCSI Host Adapter						
L	_	690	(Davi	(Davies Ex 1 (CNS 182944-64)) (CD-ROM Chaparral Exhibits D046)						
	-	C96	Data	Boc	ok- AIC-1160 Fi	bre Channel Host Adapter	ASIC (Davies Ex 2 0047)	6/18/1905		
	+	- C07	Vikin	a R4	AID Software /	Davies Ex 3 (CNS 180969-	181026)) ( <b>CD-ROM</b>	3, 10, 1000		
		031	Chap	arra	1 Exhibits D048	3)		6/18/1905		
		C98	Head	der F	File with Structu	re Definitions (Davies Ex 4	(CNS 180009-018))	8/8/1996		
	+	Caa	C++	Sou	rceCode for the	SCSI Command Handler	(Davies Ex 5 (CNS			
			1791	36-1	168)) (CD-ROM	Chaparral Exhibits D050)	· · ·	8/8/1996		
		C100	Head	der F	File Data Struct	ure (Davies Ex 6 (CNS 179	997-180008)) ( <b>CD-</b>	1/2/1007		
	-+	C104	SCS		aparral EXHIDIts	r (Davies Ex 7 (CNS 1796)	76-719)) ( <b>CD-ROM</b>	121331		
		0101	Char	<u>par</u> ra	al Exhibits D052	<u>2)</u>		1/2/1997		
	$\neg$	C102	Coro	nad	o: Fibre Channe	el to SCSI Intelligent RAID	Controller Product Brief			
	(Kalwitz Ex I (CNS 182804-805)) (CD-ROM Chaparral Exhibits D053)									
		C103	Exhit	bits l	neriai (Kaiwitz I D054)	EX 2 (UNO 101032-033)) ((		3/17/1997		
		C104	Ema	mails Dated 1/13-3/31/97 from P. Collins to Mo re: Status Reports			: Status Reports			
	<u> </u>	040-	(Kalv	NITZ	EX 3 (UNS 182)	or the Fibre Channel David	arrai Exhibits 0000)			
		C105	∣ ⊓ard   (Kalv	war vitz l	Ex 4 (CNS 181)	639-648)) ( <b>CD-ROM</b> Chap	arral Exhibits D056)			
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			Application Number	ion Number 12/690,592		
	INFOF	RMATION	Filing Date	01/20/2010		
	DISC	LOSURE	First Named Inventor	Geoffrey B. Hoese		
	STAT	FMENT	Group Art Unit	2111		
			Examiner Name	Unknown		
Sheet 6		of 9	Atty Docket Number CROSS1120-33			
Examiner	Cite No	OTHER PRIOR ART	NON PATENT LITERA		Date	
Initials	C106	Adapter Schematics re	AAC-340 (Kalwitz Ex 14 C	NS 177215-251)) (CD-		
	0100	ROM Chaparral Exhibits	D057)			
	C107	Bridge Product Line Rev	iew (Manzanares Ex 3 (Cl	NS 177307-336)) (CD-		
	0400	ROM Chaparral Exhibits	U058)	troller RAID Products		
	C108	Pre-Release Draft, v.6 (I	Manzanares Ex 4 (CNS 17	4632-653)). ( <b>CD-ROM</b>		
		Chaparral Exhibits D059	)		10/28/1997	
	C109	Hewlett-Packard Rosevi	lle Site Property Pass for I	Brian Smith (Dunning Ex	44/7/4000	
		14 (HP 489) (CD-ROM (	Chaparral Exhibits D078)	and Craceroade	11///1996	
	C110	Distribution Agreement ( Dunning Ex 15 (HP 326)	3-33) (CD-ROM Chaparral	Exhibits D079)		
	C111	HPFC-5000 Tachyon Us	ser's Manuel, First Edition	(PTI 172419-839) (CD-		
		ROM Chaparral Exhibits	D084)		5/1/1996	
	C112	X3T10 994D - (Draft) Inf	ormation Technology: SC			
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	0113	Commands (SCC), Rev.	-ROM Chaparral			
		Exhibits D088)	9/3/1996			
	C114	X3T10 995D- (Draft) SC	Rev. 11 (Wanamaker	11/13/1996		
	C115	VBAR Volume Backup a	and Restore (CRDS 12200	-202) ( <b>CD-ROM</b>	11/10/1000	
	0113	Chaparral Exhibits D099	))			
	C116	Preliminary Product Lite	rature for Infinity Commsto	r's Fibre Channel to		
		SCSI Protocol Bridge (S	mith Ex 11; Quisenberry E	8/19/1996		
	C117	Letter dated 7/12/96 from	m J. Bovkin to B. Smith re:	0,10,1000		
		Evaluation Units from C	rossroads (Smith Ex 24) C	RDS 8556-57) ( <b>CD-</b>		
		ROM Chaparral Exhibits	D144)	Karlana Data ta t	7/12/1996	
	C118	CrossPoint 4100 Fibre C	Inannel to SCSI Router Pr (29-130)) (CD-ROM Chan	11/1/1996		
	C119	CrossPoint 4400 Fibre (	Channel to SCSI Router Pr	eliminary Datasheet		
		(Bardach Ex. 9, Quisent	perry Ex 33 (CRDS 25606-	607)) ( <b>CD-ROM</b>		
		Chaparral Exhibits D153	3)		11/1/1996	
	C120	Fax Dated 07/22/96 from	n L. Petti to B. Smith re: P	urchase Order from		
		Smith Ex 25: Ouisenbe	rry Fx 23 [.] Bardach Ex 11 (	ore to Channel SCSI Protocol Bridge Model 11		
		(CD-ROM Chaparral Ex	hibits D155)		7/22/1996	
C121 Email Dated 12/20/9			om J. Boykin to B. Smith r	e: Purchase Order for		
		Betas in February and N	larch (Hoese Ex 16, Quise 0) (CD-ROM Chaparral Ex	12/20/1996		
	C122	Infinity Commstor Fibre	Channel Demo for Fall Co	mdex, 1996 (Hoese Ex		
		15, Bardach Ex 13 (CRI	OS 27415) ( <b>CD-ROM</b> Cha	parral Exhibits D157)		
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		C123	Fax D						
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		C124	Unap Misco	arra		2) hts Regarding Comdex (Ou	senberry Ex 2 (CRDS	12/10/1000	
		6124	2741	5-46	5)) ( <b>CD-ROM</b>	Chaparral Exhibits D165)			
		C125	Cross	sPoi	nt 4100 Fibre C	Channel to SCSI Router Pre	eliminary Datasheet		
			(Quis		erry) Ex 3 (CRI A Chaparral Ev	JS 4933-34) (CD-KOM CN hibits D166)	apartai Exhibits D100)		
		C126	Cross	sPoi	nt 4400 Fibre t	o Channel to SCSI Router	Preliminary Datasheet;		
		0120	Cross	sroa	ds Company a	nd Product Overview (Quis	enberry Ex 4 (CRDS		
			2560	6; 1	6136)) (CD-RO	M Chaparral Exhibits D167	)		
	C127 Crossroads Purchase Order Log (Quisenberry Ex 9 (CRDS 14061-062))								
		C128	RAID	) Ma	nager 5 with R	DAC 5 for UNIX V.4 User's	Guide (LSI-01854)		
	(CD-ROM Chaparral Exh					hibits P062)		9/1/1996	
	C129 Letter dated May 12, 199					97 from Alan G. Leal to Ba	bara Bardach		
	enclosing the original OE				the original O	EM License and Purchase and Purchase and Crossroads System	Agreement between		
			(CD-I		Chaparral Ex	hibits P130)	no, mo. (01.00 02007)		
		C130	CR4>	x00	Product Specif	cation (CRDS 43929) (CD-	cation (CRDS 43929) (CD-ROM Chaparral		
			Exhib	oits I	P267)		for the Original sector	6/1/1998	
C131 Sy			Symb	Symbios Logic – Hardware Functional Specification for the Symbios Logic Series 3 Fibre Channel Disk Array Controller Model 3701 (Engelbrecht Ex					
			3 (LSI-1659-1733) ( <b>CD-ROM</b> Pathlight Exhibits D074)						
C132 Report of					ort of the Working Group on Storage I/O for Large Scale Computing;				
	Department of Co					er Science Duke University:	CS-1996-21 (PTI	ļ	
	173330-347). (CD-RON					rd Quarter Sales Plan (PD)	(38)CNS 022120-		
		6133	132))	) (CI	D-ROM Pathlig	ht Exhibits D201)		6/5/2001	
C134 Brooklyn SCSI-SCSI Inte						elligent External RAID Brid	ge Definition Phase		
External Documentation						((CD-ROM Pathlight Exhit	Dits D129)		
C135 StorageWorks HSx70 S					VORKS HSX/0 S Revision 4.	stem Specification by Ste	ve Sicola dated o/ 1 1/90	6/11/1996	
		C136	ANS	I TR	X3.xxx-199x,	Revision 9 of X3-991D. Dra	aft Proposed X3		
			Technical Report - Small Computer System Interface - 3 Generic						
			Pack	(etiz	ed Protocol (SC	CSI-GPP). Computer and	Business Equipment		
		C127	Ente	rprie	se Systems Co	nection (ESON) Implement	tation Guide, July 1996.		
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Sheet 8 of 9							Atty Docket N	umber	CROSS1120-33		
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			page	s by	Com	npany Ńew	s Oncall dated	09/09/04		9/9/2004	
		C139	Ame	ricar	Nati	ional Stand	dard for Information	tion Techn	ology – Fibre Channel	0/40/4005	
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			ULTRIX, Version 1.1, SPD 40.78.01							4/1/1993	
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		C151	l impa	iClO2 irati/	ataiN on of	iews Reiea FibreRAIF	ase. impacidata ) Il Storage Solu	and Stora	npactdata's Distributed	·	
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					Application Number	12/690,592			
	INFO	RMATI	ON		Filing Date	01/20/2010			
	DISC	LOSU	RE		First Named Inventor	Geoffrey B. Hoese	Geoffrey B. Hoese 2111		
	STA.	TEMEN	JT		Group Art Unit	2111			
	VIA		•••		Examiner Name	Unknown	Jnknown		
Sheet	9	of	9		Atty Docket Number	CROSS1120-33			
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	C164	Impactda Guide".	ata - I 44 Pa	DSNA Disti ges	ributed Storage Node Arc	nitecture "Reference			
	C165	5 F1710 Logic Specification							
	C166	Translati	on of	Final Offic	e Action issued in JP 526	Action issued in JP 526873/2000 mailed			
		05/14/08   4 Pages	<b>}.</b>			5/14/2008			
	C167	Office A	ction i	ssued in L	JSPA 11/851,837 dated 12	2/22/08, Hoese, 7 pages	12/22/2008		
	C168 English Translation of Japanese Laid-Open Publication No. 5-181609.								
C169 English Translation of Jap					apanese Laid-Open Public	ation No. 7-20994. 57	1/24/1995		
	C170	F1710 F	ile Co	ontrol Unit	(FCU) Logical Specifications. 11 Pages		12/9/1997		
Examiner Signature						Date Considered			



Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the information listed on the attached SB08A/B form(s) be considered and cited in the examination of the above-identified application. A copy of U.S. Patent(s) and U.S. Patent Application Publication(s) listed on the attached SB08A form is not being submitted with this Information Disclosure Statement pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i) by the U.S. Patent and Trademark Office. A copy of foreign patent documents as well as the information listed on the attached SB08B form is enclosed for the convenience of the Examiner.

This Information Disclosure Statement is being submitted within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d).

This Information Disclosure Statement is being submitted within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application;

This Information Disclosure Statement is being submitted before the mailing of a first Office action on the merits; or

#### Page 2 of 3

This Information Disclosure Statement is being submitted before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

This Information Disclosure Statement is being submitted after the period specified in 37 C.F.R. § 1.97(b) and before the mailing date of any of a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of:

The statement specified in 37 C.F.R. § 1.97(e); or

The fee set forth in 37 C.F.R. § 1.17(p). Applicant hereby authorizes the Commissioner to deduct the amount of \$180 from Deposit Account No. 50-3183 of Sprinkle IP Law Group for the filing fee of this Information Disclosure Statement.

This Information Disclosure Statement is being submitted after the period specified in 37 C.F.R. § 1.97(c) and on or before payment of the issue fee and is accompanied by:

- The statement specified in 37 C.F.R. § 1.97(e); and
- The fee set forth in 37 C.F.R. § 1.17(p). Applicant hereby authorizes the Commissioner to deduct the amount of \$180 from Deposit Account No. 50-3183 of Sprinkle IP Law Group for the filing fee of this Information Disclosure Statement.

Pursuant to 37 C.F.R. § 1.97(e), Applicant hereby states:

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that a search has been made or that this information is material to patentability of the present application.

## Page 3 of 3

Applicant respectfully submits that the claims of Applicant's above-referenced patent application are patentably distinguishable from the listed information.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

2

John L. Adair Reg. No. 48,828

Dated: 5-13-2010

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 317-9088
## Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 93 of 225

			Application Number	12/690,592				
	INFO	RMA1	ΓΙΟ	ON	Filing or 371 (c) Date:	January 20, 2010		
	DISC	LOSI	UR	(E	First Named Inventor	Geoffrey B. Hoese		
	STA	TEME	EN	Т	Group Art Unit	2182		
					Examiner Name	Unknown		
Sheet 1 of 1			1	Atty Docket Number	CROSS1120-33			
NON PATENT LITERATURE DOCUMENTS								
Examiner Initials	Cite No.	Include r the item	name (boo	e of the author (in C ok, magazine, journ number(s), p	APITAL LETTERS), title of the artic al, serial, symposium, catalog, etc. ublisher, city and/or country where	cle (when appropriate), title of ) date, page(s), volume-issue published	T ²	
	C171	Americ Cross-F 1.30. 1	an Poir 114	National Standa nt Switch Fabric pgs.	ard for Information Systems c Topology (FC-XS); X3T1	s: Fibre Channel I/Project 959D/Rev	6/17/1994	
					·····		· · · · · · · · · · · · · · · · · · ·	
Examiner	Signature					Date Considered		

Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 94 of 225 Electronic Acknowledgement Receipt			
EFS ID:	7781273		
Application Number:	12690592		
International Application Number:			
Confirmation Number:	8115		
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE		
First Named Inventor/Applicant Name:	Geoffrey B. Hoese		
Customer Number:	44654		
Filer:	John L. Adair/Betty Caldwell		
Filer Authorized By:	John L. Adair		
Attorney Docket Number:	CROSS1120-33		
Receipt Date:	09-JUN-2010		
Filing Date:	20-JAN-2010		
Time Stamp:	17:18:03		
Application Type:	Utility under 35 USC 111(a)		

# Payment information:

Submitted wi	th Payment	no			
File Listin	g:				
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		CROSS1120-33_IDS_06-09-10.	115678	Ves	з
		pdf	51aa5fa515cd40221bf9b52d7d5acc272995 1a66	y cs	

r	1 Case 1:12-01-00805-SS Door	ument 21-18 Filed 0/		of 225					
	Case 1.15-CV-00095-55 Multipart Description/PDF files in 21p description								
	Document Desc	Start	<b>End</b> 2						
	Transmittal Le	1							
	Information Disclosure Stateme	ent (IDS) Filed (SB/08)	3	3	1				
Warnings:			1						
Informatior	:								
			3613973		114				
2	NPL Documents	CROSS1120_Ret_C171.pdf	d445cf43c5f3deb791444e7c7cc7f749b39c b156	no	114				
Warnings:	· · · · ·		· · · · · ·						
Informatior	:								
		Total Files Size (in bytes)	37	29651					
This Acknow characterize Post Card, a <u>New Applic</u> If a new app 1.53(b)-(d) a Acknowledg <u>National Sta</u> If a timely st U.S.C. 371 a national sta	vledgement Receipt evidences receipt ed by the applicant, and including page s described in MPEP 503. <u>ations Under 35 U.S.C. 111</u> olication is being filed and the applicati and MPEP 506), a Filing Receipt (37 CFR gement Receipt will establish the filing age of an International Application unc ubmission to enter the national stage of nd other applicable requirements a Fo ge submission under 35 U.S.C. 371 will	on the noted date by the Us e counts, where applicable. ion includes the necessary of 1.54) will be issued in due date of the application. <u>der 35 U.S.C. 371</u> of an international applicati rm PCT/DO/EO/903 indicati l be issued in addition to the	SPTO of the indicated It serves as evidence components for a filin course and the date s on is compliant with ng acceptance of the e Filing Receipt, in du	documents, of receipt sing g date (see 3 hown on this the condition application e course.	milar to a 37 CFR s ns of 35 as a				
New Interna If a new inter an internati and of the In national see the applicat	ational Application Filed with the USPT ernational application is being filed and onal filing date (see PCT Article 11 and nternational Filing Date (Form PCT/RO, curity, and the date shown on this Ackn tion.	<u>O as a Receiving Office</u> d the international applicat MPEP 1810), a Notification /105) will be issued in due c nowledgement Receipt will	ion includes the nece of the International <i>I</i> ourse, subject to pres establish the internat	ssary compo Application M criptions cont cional filing c	nents for Number ncerning date of				

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE				
INFORMATION DISCLOS BY APPLIC	Atty. Docket No. (Opt.) CROSS1120-33			
	Applicant Geoffrey B. Hoese			
	Application Number 12/690,592	Filing or 371 (c) Date: January 20, 2010		
	For STORAGE ROUTER AND METHOD FOR PROVIDING VIRT LOCAL STORAGE			
	Group Art Unit	Examiner		
	Confirmation Number: 8115	OIKNOWN		
	Cartification of Transmis	cien Under 27.CED 4.9		
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	I hereby certify that this correspon Commissioner for Patents, P.O. F 1450 via the U.S. Patent and T System (EFS-Web) on	ndence is being transmitted to the Box 1450, Alexandria, VA 22312- irademark Office Electronic Filing 29 2010.		
Dear Sir,	Betty C	aldwell		

Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the information listed on the attached SB08A/B form(s) be considered and cited in the examination of the above-identified application. A copy of U.S. Patent(s) and U.S. Patent Application Publication(s) listed on the attached SB08A form is not being submitted with this Information Disclosure Statement pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i) by the U.S. Patent and Trademark Office. A copy of foreign patent documents as well as the information listed on the attached SB08B form is enclosed for the convenience of the Examiner.

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This Information Disclosure Statement is being submitted before the mailing of a first Office action on the merits; or

This Information Disclosure Statement is being submitted before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

#### Page 2 of 2

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- The statement specified in 37 C.F.R. § 1.97(e); or
- The fee set forth in 37 C.F.R. § 1.17(p). Applicant hereby authorizes the Commissioner to deduct the amount of \$180 from Deposit Account No. 50-3183 of Sprinkle IP Law Group for the filing fee of this Information Disclosure Statement.

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Applicant does not believe any fees are due for filing this Information Disclosure Statement; however, if Applicant is in error, the Director is hereby authorized to deduct any and all appropriate fees from Deposit Account 50-3183 of Sprinkle IP Law Group. Applicant respectfully submits that the claims of Applicant's above-referenced patent application are patentably distinguishable from the listed information.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

John L. Adair Reg. No. 48,828

Dated: June 8

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 317-9088

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE					
INFORMATION DISCLOS BY APPLIC	Atty. Docket No. (Opt.) CROSS1120-33				
	Applicant Geoffrey B. Hoese				
	Application Number 12/690,592	Filing or 371 (c) Date: January 20, 2010			
For STORAGE ROUTER AND METHOD FOR PROVIDING LOCAL STORAGE					
	Group Art Unit	Examiner			
	Confirmation Number: 8115	Onkilown			
	Certification of Transmis	sion Under 37 C.F.R. 1.8			
Commissioner for Patents	I hereby certify that this correspondence is being transmitted to the				
P.O. Box 1450	1450 via the U.S. Patent and T	rademark Office Electronic Filing			
Alexandria, VA 22313-1450	System (EFS-Web) on <u>8/9/</u> 2010. <u>Lanily Fampell</u>				
Dear Sir,	Janice	rampen /			

Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the information listed on the attached SB08A/B form(s) be considered and cited in the examination of the above-identified application. A copy of U.S. Patent(s) and U.S. Patent Application Publication(s) listed on the attached SB08A form is not being submitted with this Information Disclosure Statement pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i) by the U.S. Patent and Trademark Office. A copy of foreign patent documents as well as the information listed on the attached SB08B form is enclosed for the convenience of the Examiner.

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#### Page 2 of 2

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- The statement specified in 37 C.F.R. § 1.97(e); or
- The fee set forth in 37 C.F.R. § 1.17(p). Applicant hereby authorizes the Commissioner to deduct the amount of \$180 from Deposit Account No. 50-3183 of Sprinkle IP Law Group for the filing fee of this Information Disclosure Statement.

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- The statement specified in 37 C.F.R. § 1.97(e); and
- The fee set forth in 37 C.F.R. § 1.17(p). Applicant hereby authorizes the Commissioner to deduct the amount of \$180 from Deposit Account No. 50-3183 of Sprinkle IP Law Group for the filing fee of this Information Disclosure Statement.

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Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

lohn L. Adair Reg. No. 48,828

Dated:

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 317-9088

# Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 100 of 225

		Application Number	n Number 12/690,592				
	INFO	RMA	TIC	DN	Filing or 371 (c) Date:	January 20, 2010	
	DISC	LOS	UF	RE	First Named Inventor	Geoffrey B. Hoese	
	STA	TEM	EN	T	Group Art Unit	2182	
					Examiner Name	Unknown	
Sheet 1 of 1			1	Atty Docket Number	CROSS1120-33		
	NON PATENT LITERATURE DOCUMENTS						
Examiner Initials	Cite No.	Include the item	nam n (bo	e of the author (in ck, magazine, jour number(s), j	CAPITAL LETTERS), title of the arti nal, serial, symposium, catalog, etc publisher, city and/or country where	cle (when appropriate), title of ) date, page(s), volume-issue e published	T ²
	C172	QUES 52687	3/20	NING Mailed ( )00. 8 pages	06/08/2010 from JP Patent /	Application	06/08/10
	C173 Office Action Mailed 08/1 pgs.		17/2010 in U.S. Serial No. 1	1/947,499 to Hoese. 6	08/17/10		
Examiner	Signature					Date Considered	

.

Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 101 of 225 Electronic Acknowledgement Receipt			
EFS ID:	8262176		
Application Number:	12690592		
International Application Number:			
Confirmation Number:	8115		
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE		
First Named Inventor/Applicant Name:	Geoffrey B. Hoese		
Customer Number:	44654		
Filer:	John L. Adair/Janice Pampell		
Filer Authorized By:	John L. Adair		
Attorney Docket Number:	CROSS1120-33		
Receipt Date:	20-AUG-2010		
Filing Date:	20-JAN-2010		
Time Stamp:	17:26:49		
Application Type:	Utility under 35 USC 111(a)		

# Payment information:

Submitted wi	th Payment		no				
File Listing:							
Document Number	Document Description		File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)	
1	Information Disclosure Statement (IDS)		OSS1120-33_IDS_Filed_08-2	78419	no	3	
	Filed (SB/08)	0-10.pdf		ca3556359c8fac70e9f21e47262198ec9535 b507	5		
Warnings:							
Information:							

This is not an U	Case 1:13-CV-00895-SS DOC	ument 31-18 Filed 04/	09/14 Page 102	of 225			
2	NPL Documents	CROSS1120_Ref_C172.pdf	197554	no	8		
			f69f3813c29e318b796ff0f186ce0dd9b5f3b 5d4				
Warnings:							
Information							
3	NPL Documents	CROSS1120 Ref C173.pdf	175870	no	7		
			2f518144450f3e34d8d4f7cabc7ea31971be 6085				
Warnings:							
Information	:		-				
		Total Files Size (in bytes)	45	51843			
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u>							
U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.							
U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of							

Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 103 of 225



# United States Patent and Trademark Office

		UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	TMENT OF COMMERCE Trademark Office OR PATENTS 313-1450	
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/690,592	01/20/2010	Geoffrey B. Hoese	CROSS1120-33	8115
44654 SPRINKLE IP 1301 W. 25TH	7590 09/10/201 LAW GROUP STREET	EXAM SHIN, CHRIS	INER STOPHER B	
SUITE 408 AUSTIN, TX 7	78705		ART UNIT	PAPER NUMBER
,		2181		
			MAIL DATE	DELIVERY MODE
			09/10/2010	PAPER

#### Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)		
Interview Summary	12/690,592	HOESE ET AL.		
interview Summary	Examiner	Art Unit		
	Christopher B. Shin	2181		
All participants (applicant, applicant's representative, PTO	personnel):			
(1) <u>Christopher B. Shin</u> .	(3)			
(2) <u>John L. Adair</u> .	(4)			
Date of Interview: <u>30 August 2010</u> .				
Type: a)⊠ Telephonic b)⊡ Video Conference c)⊡ Personal [copy given to: 1)⊡ applicant	2) applicant's representative	e]		
Exhibit shown or demonstration conducted: d) Yes If Yes, brief description:	e) 🗌 No.			
Claim(s) discussed: <u>1-53</u> .				
Identification of prior art discussed:				
Agreement with respect to the claims f) was reached.	g)  was not reached. h)  ■	N/A.		
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: <u>In order to move the case in condition for allowance &amp; to be consistent with the all of the related/parent cases/specification, the applicant agreed to amend the claims to clearly recite that the claimed mediums (i.e., the first and second medims) are not the same mediums, but the protocols used on such mediums can be the same or different protocol types. Therefore, the native low level block protocols are used between different mediums that may use the same or different protocol types is consistent with the related cases and specification. In other words, one of the medium is remote, separate &amp; different from the other medium. The applicant also agreed to amend &amp; update the RELATED APPLICATIONS of the specification; &amp; the applicant agreed to file Terminal Disclaimer agriest all of the Related Applications.</u>				
(A fuller description, if necessary, and a copy of the amend allowable, if available, must be attached. Also, where no o allowable is available, a summary thereof must be attache	dments which the examiner ag copy of the amendments that v d.)	reed would rend vould render the	er the claims claims	
THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.				
	/Christopher B Shin/			
U.S. Patent and Trademark Office	Primary Examiner, Art Unit 2181			
PTOL-413 (Rev. 04-03) Interview	v Summary	Paper	No. 20100908	

### Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 104 of 225

Oracle-Huawei-NetApp Ex. 1009, pg. 1068

## Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 105 of 225 Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview

- A complete and proper recordation of the substance of any interview should include at least the following applicable items:
- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,

4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,

- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
- (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.) 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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# United States Patent and Trademark Office

			UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	TMENT OF COMMERCE Trademark Office OR PATENTS 313-1450
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/690,592	01/20/2010	Geoffrey B. Hoese	CROSS1120-33	8115
44654 SPRINKLE IP 1301 W. 25TH	7590 09/10/201 LAW GROUP STREET	0	EXAM SHIN, CHRIS	INER STOPHER B
SUITE 408 AUSTIN, TX 7	78705		ART UNIT	PAPER NUMBER
,			2181	
			MAIL DATE	DELIVERY MODE
			09/10/2010	PAPER

#### Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Case 1.15-00-00035-55		
	Application No.	Applicant(s)
	12/690,592	HOESE ET AL.
Office Action Summary	Examiner	Art Unit
	Christopher B. Shin	2181
The MAILING DATE of this commu Period for Reply	nication appears on the cover sheet w	ith the correspondence address
A SHORTENED STATUTORY PERIOD WHICHEVER IS LONGER, FROM THE - Extensions of time may be available under the provision after SIX (6) MONTHS from the mailing date of this con - If NO period for reply is specified above, the maximum - Failure to reply within the set or extended period for rep Any reply received by the Office later than three months earmed patent term adjustment. See 37 CFR 1.704(b).	FOR REPLY IS SET TO EXPIRE 3 M MAILING DATE OF THIS COMMUNI ns of 37 CFR 1.136(a). In no event, however, may a mmunication. statutory period will apply and will expire SIX (6) MON by will, by statute, cause the application to become AI s after the mailing date of this communication, even if	IONTH(S) OR THIRTY (30) DAYS, CATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133). timely filed, may reduce any
Status		
1) Responsive to communication(s) fi	led on	
(a) $(b)$ $(b)$ $(c)$	2b) This action is non-final.	
3) Since this application is in condition	n for allowance except for formal mat	ters prosecution as to the merits is
closed in accordance with the prac	tice under <i>Ex parte Quavle</i> . 1935 C.E	D. 11, 453 O.G. 213.
Disposition of Claims		
4)⊠ Claim(s) <u>1-53</u> is/are pending in the	application.	
4a) Of the above claim(s) is/	are withdrawn from consideration.	
5) Claim(s) is/are allowed.		
6)⊠ Claim(s) <u>1-53</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restr	iction and/or election requirement.	
Application Papers		
9) The specification is objected to by t	he Examiner.	
10) The drawing(s) filed on is/ard	e: a) accepted or b) objected to	by the Examiner.
Applicant may not request that any obj	ection to the drawing(s) be held in abeva	nce. See 37 CFR 1.85(a).
Replacement drawing sheet(s) includir	a the correction is required if the drawing	(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected	to by the Examiner Note the attache	d Office Action or form PTO-152
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a clain	n for foreign priority under 35 U.S.C. §	§ 119(a)-(d) or (f).
a) All b) Some * c) None of:		
1. Certified copies of the priorit	y documents have been received.	
2. Certified copies of the priorit	y documents have been received in A	Application No
3. Copies of the certified copies	s of the priority documents have beer	received in this National Stage
application from the Internat	ional Bureau (PCT Rule 17.2(a)).	
* See the attached detailed Office act	ion for a list of the certified copies not	received.
Attachment(s)		
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review</li> </ol>	4) LI Interview ( PTO-948) Paper Not	s)/Mail Date
3) X Information Disclosure Statement(s) (PTO/SB/08	) 5) D Notice of I	nformal Patent Application
Paper No(s)/Mail Date <u>Multiple Sheets</u> .	6) 🗌 Other:	<u> </u>
J.S. Patent and Trademark Office PTOL-326 (Rev. 08-06)	Office Action Summary	Part of Paper No./Mail Date 20100909

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#### **DETAILED ACTION**

#### Interview with agreement reached

1. An Agreement was reached during the interview conducted with John L. Adair on august 30, 2010 (See the interview Record). The examiner thanks the applicant for very helpful discussions & cooperation to make the case in condition for allowance. As can be seen from the plurality of related cases, the allowable subject matter over the prior art of record was identified and reached. In order to move the case in condition for allowance & to be consistent with the all of the related/parent cases/specification, the applicant agreed to amend the claims to clearly recite that the claimed mediums (i.e., the first and second medims) are not the same mediums, but the protocols used on such mediums can be the same or different protocol types. Therefore, the native low level block protocols are used between different mediums that may use the same or different protocol types is consistent with the related cases and specification. In other words, one of the medium is remote, separate & different from the other medium. The applicant also agreed to amend & update the RELATED APPLICATIONS of the specification; & the applicant agreed to file Terminal Disclaimer against all of the Related Applications. For the above reasons, the examiner implicitly gives rejection as follows.

#### Double Patenting/Allowable Subject Matter

2. After careful consideration of the present claims and in relation to all of the parent and/or related application, the examiner finds the claimed invention allowable over the

Application/Control Number: 12/690,592 Art Unit: 2181 Page 3

prior art of records (i.e., prior art of records of the parent & related cases). However, the present claimed invention does not overcome the Double patenting rejections against the parent and related patent/applications. The following interview was conducted with the applicant and the agreement was reached.

#### Interview/Double Patenting Rejection

3. On August 30, 2010, a telephonic interview was conducted and the applicant agreed to file additional Terminal Disclaimer against all of the remaining related pending applications and allowed applications. During the interview, the examiner kindly asks the applicant to make sure that the present and pending applications to be consistent with the related reexamination applications.

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

a. Since the applicant agreed with the examiner regarding the Double

Patenting rejection, the details of the rejection will be omitted.

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Application/Control Number: 12/690,592 Art Unit: 2181

b. The examiner kindly asks the applicant for help on identifying all of the related applications, if the examiner inadvertently makes a mistake.

5. Claims 1-53 are rejected under the judicially created doctrine of obviousnesstype double patenting as being unpatentable over claims of all of the related Patent/Applications as follows. Although the conflicting claims are not identical, they are not patentably distinct from each other because the related applications claim subject matter that are substantially identical to the present claimed invention. The following are the list of the related cases:

6. Claims 1-53 are rejected on the ground of nonstatutory double patenting over claims of U. S. Patent/Applications of all the related cases, since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

7. Examiner kindly asks applicant's help for identifying all the related cases (i.e., all the parent and child cases) and submitting T.D. to make the case in condition for

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allowance. Further more, the applicant should also submit IDS with all the related prior art of record.

#### Specification

8. The disclosure is objected to because of the following informalities:

As agreed by the applicant, the RELATED APPLICATIONS sections should be updated.

Appropriate correction is required.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Shin whose telephone number is 571-272-4159. The examiner can normally be reached on Monday Thruogh Friday 6:30AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kindred Alford can be reached on 571-272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Application/Control Number: 12/690,592 Art Unit: 2181

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

> /Christopher B Shin/ Primary Examiner, Art Unit 2181

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Application/Control No.	Applicant(s)/Patent under Reexamination				
12/690,592	HOESE ET AL.				
Examiner	Art Unit				
Christopher B. Shin	2181				

SEARCHED									
Class	Subclass	Date	Examiner						
710	1-5,8- 13,36- 38,126- 131	8/30/2010	CS						
710	250, 305-	8/30/2010	CS						
709	258	8/30/2010	CS						
714	714 42		CS						
711	110-113	8/30/2010	CS						

INTERFERENCE SEARCHED									
Class	Subclass	Date	Examiner						
710 305,11									
709	709 258								

SEARCH NOTES (INCLUDING SEARCH STRATEGY)								
	DATE	EXMR						
PLUS from the parent cases	8/30/2010	CS						
PALM- for double patenting	8/30/2010	CS						
EAST (See notes for parent)	8/30/2010	CS						
PARETN & RELATED CASES REVIEWED FOR THE ALOWANCE	8/30/2010	CS						
Reviewed IDS	8/30/2010	CS						

U.S. Patent and Trademark Office

Part of Paper No. 20100909

•	Case 1:13-cv-00895-55 Occument 31-18 Filed 04/09/14 Page 114 of 225										
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			w/	Appli	cation Number	12/690	) 592				
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S	TATE	MENT BY APPI IC.	ΔΝΤ	First	Named Inventor	Geonre	ey B. Hoese				
				Grou	p Art Unit	2111					
	Examiner Name Unknow										
Sheet	1	of <b>9</b>		Attor	ney Docket Number	CROSS	61120-33				
			U.S. PATEN	IT DOO	CUMENTS						
Examiner	Cite	Document Number	Publication D	Date	Name of Patentee of	r	Pages, Columns, Lines Where Bolovant Passages or Figures				
Initials	No.	Number-Kind Code (if known)	MM-DD-YY	YY	Applicant of Cited Docur	ment	Appear				
	A1	3,082,406	3/19/	1963	L.D. S	Stevens					
	A2	4,092,732	5/30/	1978		Ouchi					
· · · · · · · ·	A3	4,170,415	10/9/	1979	Lemeshewsk	y, et al.					
	A4	4,415,970	11/15/	1983	Swenso	n, et al.					
	A5	4,455,605	6/19/	1984	Cormie	er, et al.					
	A6	4,504,927	3/12/	1985		Callan					
	A7	4,533,996	8/6/	1985	Gartun	g, et al.					
	A8	4,573,152	2/25/	1986	Green	e, et al.					
	A9	4,603,380	10/29/	1900	Casio	den Ir					
·	A10	4,020,295	2/17/	1900	Matsubar	a et al					
		4,044,402	9/22/	1987	Blevin	is, et al.					
	Δ13	4 697 232	9/29/	1987	Brunell	Brunelle, et al.					
<b></b>	A14	4,715.030	12/22/	1987	Koch, et al.						
	A15	4,751,635	6/14/	1988	Kret						
	A16	4,787,028	11/22/	1988	Finford	k, et al.					
	A17	4,807,180	2/21/	1989	Takeuc	hi, et al.					
	A18	4,811,278	3/7/	1989	Bea	n, et al.					
	A19	4,821,179	4/11/	1989	Jense	en, et al.					
	A20	4,825,406	4/25/	1989	Bea	in, et al.					
	A21	4,827,411	5/2/	1909	Collin	ns et al					
	AZZ	4,835,074	7/4	1909	Ke	ent et al					
	A23	4,045,722	9/5/	1989	Reev	e. et al.					
	Δ25	4 897 874	1/30/	1990	Lidensk	y, et al.					
	A26	4.947,367	8/7/	/1990	Char	ng, et al.					
	A27	4,961,224	10/2	/1990		Yung					
	A28	5,072,378	12/10/	1991		Manka					
	A29	5,077,732	12/31	/1991	Fisch	er, et al.					
	A30	5,077,736	12/31/	/1991	Dunphy, J	ir., et al.					
	A31	5,124,987	6/23/	1992		al et al					
	A32	5,155,845	10/13/	1392	Ro	w et al					
	A33	5,103,131	2/0	/1002	Nauve	en, et al					
	A34	5 103 168	3/0	/1993	Corrioa	an, et al.					
	A30	5 193 184	3/9	/1993	Belsa	an, et al.					
	A37	5,202,856	4/13	/1993	Glid	er, et al.					
	A38	5,210,866	5/11	/1993	Milliga	an, et al.					
Examiner Signature		/Christopher	Shin/		Date Cons	idered	08/26/2010				

					ation Number	12/690,592		
18			IDE	Filing	Date	01/20/2010		
				First N	lamed Inventor	Geoffre	ey B. Hoese	
3	IAIE			Group	Art Unit	2111		
				Exami	ner Name	Unkno	wn	
Sheet	2	of <b>9</b>		Attorn	ey Docket Number	CROSS	61120-33	
	I		U.S. PATEN	T DOC	UMENTS			
Examiner	Cite	Document Number	Publication	Date	Name of Patentee of	r	Pages, Columns, Lines Where Relevant Passages or Figures	
Initials	No.	Number-Kind Code (if known)	MM-DD-Y	~~~	Applicant of Cited Docu	ment	Appear	
	A39	5,212,785	5/18	/1993	Power	s, et al.		
	A40	5,214,778	5/25	/1993	Glide	er, et al.		
	A41	5,226,143	7/6	/1993	Bair	d, et al.		
	A42	5,239,632	8/24	/1993		Larner		
	A43	5,239,643	8/24	/1993	Blour	nt, et al.		
	A44	5,239,654	8/24	/1993	Ing-Simmon	s, et al.		
	A45	5,247,638	9/21	/1993	O'Brie	n, et al.		
	A46	5,247,692	9/21	/1993	F	ujimura		
	A47	5,257,386	10/26	/1993	Saito			
	A48	5,297,262	3/22	/1994	Cox, et al.			
	A49	5,301,290	4/5	/1994	Tetzlaff, et al.		· · ·	
	A50	5,315,657	5/24	/1994	Aba	di, et al.		
	A51	5,317,693	5/31	/1994	Elko, et al.			
	A52	5,331,673	7/19	/1994	4 Elko, et al.			
	A53	5,347,384	9/13	/1994	McReynolds, et a			
	A54	5,355,453	10/11	/1994	Glide	er, et al.		
	A55	5,361,347	11/1	/1994	Glide	er, et al.		
	A56	5,367,646	11/22	2/1994	Pardillo	os, et al.		
	A57	5,379,385	1/3	8/1995		Shomler		
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	A59	5,388,243	2/7	/1995	Glide	er, et al.		
	A60	5,388,246	2/7	/1995		Kasi		
	A61	5,394,402	2/28	8/1995	Ros	ss, et al.		
	A62	5,394,526	2/28	8/1995	Crou	se et al.		
	A63	5,396,596	3/7	7/1995	Hasher	ni, et al.		
	A64	5,403,639	4/4	1/1995	Belsa	n, et al.		
	A65	5,410,667	4/25	5/1995	Belsa	an, et al.		
	A66	5,410,697	4/25	5/1995	Bai	rd, et al.		
	A67	5,414,820	10/9	9/1995	McFarlar	nd, et <u>a</u> l.		
	A68	5,416,915	5/16	6/1995	Mattso	on, et al.		
Examiner Signature		/Christopher Shir	/		Date Cons	idered	08/26/2010	

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11		MATION DISCLOSU		Fi	rst Named Inventor	Geoffre	ey B. Hoese
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Initials	No.	Number-Kind Code (if known)	MM-DD-YYYY	<b>r</b>	Applicant of Cited Docume	ent	Appear
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	A70	5,420,988	5/30/199	95		Elliott	
	A71	5.423.026	6/6/199	95	Coo	k, et al.	
	A72	5,423,044	6/6/199	95	Sutto	n, et al.	
	A73	5,426,637	6/20/199	95	Derl	oy, et al	
· · · · · · · · · · · · · · · · · · ·	A74	5,430,855	7/4/199	95	Was	h, et al.	
	A75	5 450 570	9/12/199	95	Riche	k, et al.	
	A76	5,452,421	9/19/199	95	Beardsle	y, et al.	
	A77	5 459 857	10/17/199	95	Ludlar	n, et al.	
	A78	5 463 754	10/31/199	95	Beausole	eil, et al.	
	A79	5,465,382	11/7/199	95	Day, I	II, et al.	
	A80	5.469.576	11/21/199	95	Dauere	er, et al.	
	A81	5.471.609	11/28/199	95	Yudenfrien	d, et al.	
	A82	5,487,077	1/23/199	96	Hassne	er, et al.	
	A83	5,491,812	2/13/199	96	Pisel	lo, et al.	
	A84	5,495,474	2/27/199	96	Olnowic	h, et al.	
	A85	5,496,576	3/5/199	96		Jeong	
	A86	5,504,857	4/2/199	96	Bair	d, et al.	
	A87	5,507,032	4/9/199	96		Kimura	
	A88	5,511,169	4/23/199	96		Suda	
	A89	5,519,695	5/21/199	96	Purot	nit, et al.	
1	A90	5,530,845	6/25/19	96	Hia	att, et al	
	A91	5,535,352	7/9/19	96	Bridge	es, et al.	
	A92	5,537,585	7/16/19	96	Blickersta	aff, et al.	
	A93	5,544,313	8/6/19	96	Shachn	ai, et al.	
	A94	5,548,791	8/20/19	96	Casp	er, et al.	
	A95	5,564,019	10/8/19	96	Beauso	eil, et al	
	A96	5,568,648	10/22/19	96	Coscarel	la, et al.	
	A97	5,581,709	12/3/19	96		to, et al.	
	A98	5,581,714	12/3/19	96	Ami	ni, et al.	
Examiner Signature		/Christophe	r Shin/		Date Cons	idered	08/26/2010

					Application Number		12/690,592	
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Examiner	Cite	Document Number	Publication Dat	te	Name of Patentee	or		Pages, Columns, Lines Where Relevant Passages or Figures
Initials	No.	Number-Kind Code (if known)	MM-DD-YYYY	(	Applicant of Cited Docu	iment		Appear
	A99	5,581,724	12/3/199	96	Ве	lsan et a	al.	
	A100	5,596,562	6/21/199	97		Che	en	
	A101	5,596,736	1/21/199	97		Kerr	าร	
	A102	5,598,541	1/28/199	97		Malla	di	
	A103	5,613,082	3/18/199	97	Bre	wer, et a	al.	
	A104	5,621,902	4/15/199	97	Ca	s <u>e</u> s, et a	al.	
	A105	5,632,012	5/20/199	97	Bel	san, et a	al.	
	A106	5,634,111	5/27/199	97	0	eda, et a	al.	
	A107	5,638,518	6/10/199	97	Malladi		di	
	A108	5,642,515	6/24/199	97	Jones, et al.		al.	
	A109	5,659,756	8/19/199	97	Hefferon, et al.		al.	
	A110	5,664,107	9/2/199	97	Chatwa	inni, et a	al.	
	A111	5,680,556	10/21/199	97	Ве	gun, et a	al.	
	A112	2 5,684,800	11/4/199	97	Dobl	oins, et a	al.	
	A113	5,701,491	12/23/199	97	D	unn, et a	al.	
	A114	5,712,976	1/27/199	98	Fal	con, et a	al.	
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			_		Application Number	12/690,592				
	NFOF	RMAT	ΓΙΟ	<b>N</b>	Filing Date	01/20/2010				
	DISC	LOSI	JF	RE	First Named Inventor	Geoffrey B. Hoese				
	STAT	FMF	=N	Τ.	Group Art Unit	2111				
				•	Examiner Name	Unknown				
Sheet 3		1	of	9	Atty Docket Number	CROSS1120-33				
Examiner	Cite No.	ОТ	HE	R PRIOR ART	NON PATENT LITERAT	TURE DOCUMENTS	Date			
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	C64	Defen Inc. v. 2001)	Defendant's Third Supplemental Trial Exhibit List, Crossroads Systems, Inc. v. Pathlight Technology, Inc., C.A. No. A-00CA-248-SS (W.D. Tex. 2001) (CD-Rom)							
	C65	Plaint Chapa 2001)	Plaintiff's Fourth Amended Trail Exhibit List, Crossroads Systems, Inc. v. Chaparral Network Storage, Inc, C.A. No. A-00CA-217-SS (W.D. Tex. 2001) (CD-Rom)							
	C66	Plaint Techr	Plaintiff's Revised Trial Exhibit List, Crossroads Systems, Inc. v. Pathlight Technology, Inc., C.A. No. A-00CA-248-SS (W.D. Tex. 2001). (CD-Rom)							
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					Application Number 12/690,592						
	INFOF	RMATI	ON		Filing Date	01/20/2010					
	DISC	LOSU	RE		First Named Inventor	Geoffrey B. I	loese				
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Examiner	Cite No.	OTHE	R PR	IOR ART	NON PATENT LITER	ATURE DOCUME	NTS	Date			
	C72	Datashe 41 (ANC	et for ( T 117-	CrossPoin -120)) ( <b>CE</b>	t 4100 Fibre Channel to D-ROM Chaparral Exhibi	SCSI Router (Ded s D012)	lek Ex				
	C73	Symbios Controlle (CD-RO	Logic er Soft M Cha	- Software ware Rele parral Ext	e Interface Specification ase 02.xx (Engelbrecht hibits D013)	Series 3 SCSI RAI Ex 2 (LSI 1421-16	D 58))	12/3/1997			
	C74	Press Re Channel	elease at Fal	- Symbios I Comdex	ELogic to Demonstrate S (Engelbrecht 12 (LSI 27	trong Support for 85-86)) ( <b>CD-ROM</b>	Fibre	11/13/1996			
	C75	OEM Da	ai ⊑x∩ itashe M Cha	et on the 3	701 Controller (Engelbr hibits D017)	echt 13 (LSI 01837	7-38))	6/17/1905			
	C76	Nondisc 10/17/96 D020)	losure 6 (Quis	Agreeme enberry E	nt Between Adaptec and x 25 (CRDS 8196)) ( <b>CD</b>	Crossroads Dated ROM Chaparral E	d Exhibits	10/17/1996			
	C77	Organiza (CNS 18	ational 32242-	Presenta 255)) ( <b>CD</b>	tion on the External Stor -ROM Chaparral Exhibit	age Group (Lavan s D021)	Ex 1	4/11/1996			
	C78	Bridge P	hase l M Cha	II Architec	ture Presentation (Lavar hibits D022)	Ex 2 (CNS 18228	87-295))	4/12/1996			
	C79	Bridge.	C, Brid	ge Betwe	en SCSI-2 and SCSI-3 F	CP (Fibre Channe	el				
		Protocol	) (CD-	ROM Cha	parral Exhibits P214)						
	C80	Attendee 182241)	es/Acti ) (CD-	ion Items f <b>ROM</b> Cha	rom 4/12/96 Meeting at parral Exhibits D023)	BTC (Lavan Ex 3 (	CNS	4/12/1996			
	C81	Brooklyr (Lavan E Pecone	n Hard Ex 4 (C	ware Engi CNS 1781	neering Requirements E 88-211)) ( <b>CD-ROM</b> Chaj	ocuments, Revisio parral Exhibits D02	on 1.4 24) by	5/26/1996			
	C82	Brooklyr Manual, Chaparr	n Singl Revis al Exh	e-Ended S ion 2.1 (La ibits D025	SCSI RAID Bridge Contr avan EX 5 (CNS 177169 j)	oller Hardware OE -191)) ( <b>CD-ROM</b>	M	3/2/1996			
	C83	Coronac (Lavan E O'Dell	do Har Ex 7 (C	dware Eng CNS 1769	gineering Requirements 17-932)) ( <b>CD-ROM</b> Cha	Document, Revisio parral Exhibits D02	on 0.0 27) by	9/30/1996			
	C84	ESS/FP Chaparr	G Org al Exh	anization ibits D028	(Lavan Ex 8 (CNS 17863 3)	9-652)) ( <b>CD-ROM</b>	l 	12/6/1996			
	C85	Adaptec "Bridge" Exhibits	MCS Strate	ESS Pres egy (Lavar )	ents: Intelligent Externa n Ex 9 (CNS 178606-638	I/O Raid Controlle )). ( <b>CD-ROM</b> Cha	ers parral	2/6/1996			
	C86	AEC-73 Specific Chaparr	AEC-7313 Fibre Channel Daughter Board (for Brooklyn) Engineering Specification, Revision 1.0 (Lavan Ex 10 (CNS 176830-850)) ( <b>CD-ROM</b> Chaparral Exhibits D030)								
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	C88	AEC 4 Manual, Chaparr	412B, Revis ral Exh	AEC-741 ion 2.0 (L iibits D03	2/B2 External RAID Con avan Ex 15 (CNS 17708 5)	roller Hardware 0l 2-123)) ( <b>CD-ROM</b>	EM	6/27/1997			
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	I	NFOF	RMA'	TIC	ON	Filing Date	01/20/2010			
		DISCI	LOS	UF	RE	First Named Inventor	Geoffrey B. Hoese			
		STAT	FM	FN	T	Group Art Unit	2111			
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Sheet	5			of	9	Atty Docket Number	CROSS1120-33			
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		C90	Manu	⊶441 Jal F	20, AEC/412/3 Revision 3.0. (1	avan Ex 17 (CNS 177124	-165)) ( <b>CD-ROM</b>			
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		C91	Memo	o Da	ated 8/15/97 to	AEC-7312A Evaluation Un	it Customers re: B001			
			Relea	ase	Notes (Lavan E	x 18 (CNS 182878-879)) (	CD-ROM Chaparral	8/15/1007		
		000	Exhib	oits L	JU38) Main Board (Al	-S-0302) MES Schedule (	avan Ex 19 (CNS	010/1991		
		C92	1777	59-7	(CD-ROM) (CD-ROM	Chaparral Exhibits D039)		2/11/1997		
		C93	News	s Re	lease-Adaptec	Adds Fibre Channel Option	n to its External RAID			
			Contr	rolle	r Family (Lavan	Ex 20 (CNS 182932-934)	) (CD-ROM Chaparral	5/6/1007		
			Exhib		<u>JU4U)</u> 28/74128 Lloor	's Guide Rev. A (Lavan F	x 21) (CD-ROM	0/0/1997		
	ļ	C94		AEC-4412B/7412B User's Guide, Rev. A (Lavan Ex 21) (CD-ROM Chaparral Exhibits D041)						
		C95	Data	Data Book- AIC-7895 PCI Bus Master Single Chip SCSI Host Adapter						
		<u></u>	(Davi	Boc	=x 1 (CNS 1829	bre Channel Host Adapter	5/21/1990			
		C30	(CNS	<u>5 18</u>	1800-825)) ( <b>CD</b>	-ROM Chaparral Exhibits	D047)	6/18/1905		
		C97	Viking	g R/	AID Software (D	Davies Ex 3 (CNS 180969-	181026)) ( <b>CD-ROM</b>	6/18/1905		
		C98	Head	ler F	File with Structu	re Definitions (Davies Ex 4	(CNS 180009-018))			
			(CD-I	ROM	M Chaparral Ex	hibits D049)	Device Ex E (CND	8/8/1996		
		C99	C++	Sou 36-1	rceCode for the 168)) ( <b>CD-ROM</b>	Chaparral Exhibits D050)	(Davies Ex 3 (CINS	8/8/1996		
		C100	Head	ler F	ile Data Struct	ure (Davies Ex 6 (CNS 179	9997-180008)) ( <b>CD-</b>	4/0/4007		
		-	ROM	Ch	aparral Exhibits	D051)	76-719)) (CD-ROM	1/2/199/		
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		C102	Coro	nad	o: Fibre Channe	el to SCSI Intelligent RAID	Controller Product Brief			
	(Kalwitz Ex I (CNS 182804-805)) (CD-ROM Chaparral Exhibits D053)									
C103   Bill of Material (Kalwitz E Exhibits D054)					neriai (Kaiwitz t D054)	EX 2 (UNO 101032-033)) ((		3/17/1997		
		C104	Emai	ils D	ated 1/13-3/31/	97 from P. Collins to Mo re	e: Status Reports			
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	INFOF	RMATIO	ON		Filing Date	01/20/2010			
	DISC	LOSUF	RE		First Named Inventor	Geoffrey B. Hoese			
	STAT		IT		Group Art Unit	2111			
					Examiner Name	Unknown			
Sheet 6		of	9		Atty Docket Number CROSS1120-33				
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	C100	ROM Ch	aparr	al Exhibits	D057)				
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	C108	AEC Bric	lge S	eries Prod	ucts-Adaptec External Con	ntroller RAID Products			
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	C110	Distributi	on Ag	greement I	Between Hewlett-Packard	and Crossroads			
	0111		<u>Ex 1</u>	15 (HP 326	-33) (CD-ROM Chaparral	EXHIBITS DU/9)			
	C111	ROM Ch	aparr	achyon Us		(P111/2419-039) ( <b>CD</b> -	5/1/1996		
	C112	X3T10 9	94D -	(Draft) Inf	ormation Technology: SCS	SI-3 Architecture Model,			
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	C114	X3T10.9	95D-	(Draft) SC	SI-3 Primary Commands.	Rev. 11 (Wanamaker	0,0,1000		
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	C115	VBAR V	olume	e Backup a	and Restore (CRDS 12200				
		Chaparra		hibits D099	)) 				
	C116	SCSI Pro	ary Pi	roduct Lite   Bridge (S	mith Ex 11. Quisenberry F				
		(CD-RO	VI Ch	aparral Ex	hibits D143)	8/19/1996			
	C117	Letter da	ted 7	7/12/96 from	m J. Boykin to B. Smith re:				
		Evaluatio	on Un	its from C	rossroads (Smith Ex 24) C	7/12/1006			
	C449		apari	al Exhibits	(D144) Channel to SCSI Router Pr	7/12/1990			
	0110	(Hulsev I	Ex 9 (	(CRDS 16	129-130)) ( <b>CD-ROM</b> Chap	29-130)) ( <b>CD-ROM</b> Chaparral Exhibits D145)			
-	C119	CrossPo	int 44	00 Fibre 0	Channel to SCSI Router Pr	eliminary Datasheet			
		(Bardach	IEX.	9, Quisent	perry Ex 33 (CRDS 25606-	607)) ( <b>CD-ROM</b>	11/1/1006		
		Chaparra Eav Data		hibits D150	3) n L. Dotti to B. Smith re: Pi	Irchase Order from	11/1/1996		
	C120	Data Ge	neral	for FC2S	Fibre to Channel SCSI Pro	tocol Bridge Model 11			
		(Smith E	CRDS 8552-55; 8558)						
		(CD-ROM Chaparral Exhibits D155)							
	C121	Email Da	ated 1	12/20/96 fr	om J. Boykin to B. Smith re	e: Purchase Order for			
		E Betas In	RDS	13644-65	0) (CD-ROM Chaparral Ex	12/20/1996			
	C122	Infinity C	omm	stor Fibre	Channel Demo for Fall Co	mdex, 1996 (Hoese Ex			
		15, Bard	ach E	Ex 13 (CRI	DS 27415) ( <b>CD-ROM</b> Cha	parral Exhibits D157)			
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		C124	Misce 2741	ellan 5-46	eous Docume ( <b>CD-ROM</b>	nts Regarding Comdex (Qui Chaparral Exhibits D165)	senberry Ex 2 (CRDS				
	C125 CrossPoint 4100 Fibre Channel to SCSI Router Preliminary Datasheet										
			(Quis	senb	erry) Ex 3 (CR	DS 4933-34) ( <b>CD-ROM</b> Cha	aparral Exhibits D166)				
	(CD-ROM Chaparral Exhibits D166)										
		C126	Cross	SPOI	nt 4400 Fibre t	o Unannel to SUSI Router H nd Product Overview (Ouise	anberry Ex 4 (CRDS				
25606: 16136)) ( <b>CD-ROM</b> Chaparral Exhibits D167)											
C127 Crossroads Purchase Order Log (Quisenberry Ex 9 (CRDS 14061-062))											
			(CD-ROM Chaparral Exhibits D172)								
	C128 RAID Manager 5 with RDAC 5 for UNIX V.4 User's Guide (LSI-01854)										
ļ		0400	(CD-ROM Chaparral Exhibits P062)								
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			Hewl	lett-F	Package Comp	any and Crossroads System	ns, Inc. (CRDS 02057)				
			(CD-	RO	I Chaparral Ex	hibits P130)					
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			Exhil	oits	P20/)	are Eurotional Consiliantian	for the Symbios Logic	0/1/1990			
		C131	Symi Serie	2010S	Fibre Channel	Disk Array Controller Model	3701 (Enaelbrecht Ex				
			3 (LS	SI-16	59-1733) ( <b>CD</b> ·	ROM Pathlight Exhibits D0	74)				
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		C134	Broo	klyn	SCSI-SCSI In	telligent External RAID Bridg	ge Definition Phase				
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C135 StorageWorks HSx70 System Specification by Steve Sicola dated 6/							ve Sicola dated 6/11/96	6/11/1996			
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		<u> </u>			Application Number 12/690,592				
	INFOF	RMATI	ON		Filing Date	01/20/2010			
	DISC	LOSU	RE		First Named Inventor	Geoffrey B. Hoese			
	STAT	EMEN	JT		Group Art Unit	2111			
					Examiner Name	Unknown			
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		Version	Version 1.1 SPD 38.59.00						
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C156 Impactdata - INFA (Network Peripheral Interface) 2 Pages									
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	C161	Impactd	ata - Cor	porate	Fact Sheet. 1 Page				
Examiner Si	gnature		/Chri	istopher S	Shin/	Date Considered	08/26/2010		

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. 7C.S./

Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 131 of 225

				Application Number	12/690,592			
	INFOF	RMATI	ON	Filing Date	01/20/2010	01/20/2010		
	DISC	LOSU	RE	First Named Inventor	Geoffrey B. Hoese			
	STA		JT	Group Art Unit	2111			
			• •	Examiner Name	Unknown	Unknown		
Sheet 9		of	9	Atty Docket Number	CROSS1120-33	DSS1120-33		
Examiner	Cite No.	ОТНЕ	R PRIOR AR	T NON PATENT LITERA	TURE DOCUMENTS	Date		
migaio	C162	Raider-5 0013-00	i "Disk Array M 2. 191 Pages	anual for the UltraSCSI Co	ntroller". Part No. 261-			
	C163 Impactdata - White Paper: Distributed Storage Node Architecture (DSNA). January, 1997							
	C164	Impactda Guide".	ata - DSNA Dis 44 Pages	stributed Storage Node Arc	hitecture "Reference			
	C165	F1710 L	ogic Specificat	ion				
	C166	Translat	ion of Final Of	ice Action issued in JP 526	873/2000 mailed			
		05/14/08 4 Pages	3.			5/14/2008		
	C167	Office A	ction issued in	USPA 11/851,837 dated 12	2/22/08, Hoese, 7 pages	12/22/2008		
	C168	English pgs.	Translation of	Japanese Laid-Open Public	ation No. 5-181609. 9	7/23/1993		
	C169	English pas	Translation of	Japanese Laid-Open Public	cation No. 7-20994. 57	1/24/1995		
	C170	F1710 F	ile Control Uni	t (FCU) Logical Specificatio	ons. 11 Pages	12/9/1997		
Examiner Si	ignature		/Christopher Shin	/	Date Considered	08/26/2010		

## ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.S./

### Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 132 of 225

	Туре	Hits	Search Text	DBs		
1	IS&R	6	(("7340549") or("7051147") or("6789152") or ("6421753") or("5941972") or ("20080307444")).PN.	US-PG PUB; USPAT		
2	BRS	175	c ro ssro a d s.a s.	US-PG PUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB		
3	BRS	21357	geoffrey.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB		
4	BRS	119	storage and S2	US-PG PUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB		
5	BRS	84	routerand S5	US-PG PUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB		
6	BRS	176	c ro ssro a d s.a s.	US-PG PUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB		
7	BRS	21454	geoffrey.in.	US-PG PUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB		
8	BRS	24	S7 and S8	US-PG PUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB		
9	IS&R	3	(("7051147") or("6738854") or ("6425035")).PN.	US-PG PUB; USPAT		

9/9/10, EAST Version: 2.4.1.1

## Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 133 of 225

	Time Stamp	Comments	Enor Definition	Errors	Ref#
1	2010/07/22 15:13				$\mathbf{S1}$
2	2010/07/22 15:14				S2
3	2010/07/22 15:15				S3
4	2010/07/22 15:15				S5
5	2010/07/22 15:15				<b>S</b> 6
6	2010/08/25 15:35				S7
7	2010/08/25 15:35				S8
8	2010/08/25 15:35				<b>S</b> 9
9	2010/09/08 12:21				S10

9/9/10, EAST Version: 2.4.1.1

### Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 134 of 225

						Application Number	r	12/690,592					
	INFO	RMA	TIC	ON			Filing or 371 (c) Dat	e:	January 20, 2010				
	DISC	LOS	UF	RE			First Named Invento	or	Geoffrey B. Hoese	Geoffrey B. Hoese			
	STA	TEM	EN	IT			Group Art Unit		2182				
	-						Examiner Name		Unknown				
Sheet	1		of		1		Atty Docket Numbe	r	CROSS1120-33				
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	C172 QUESTIONING Mailed 06/08/2010 from JP Patent Application 526873/2000. 8 pages								0	3/08/10			
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Examiner	r Signature			,	Christoph	ner S	hin/		Date Considered		09/09/20		

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### Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 135 of 225

		Application Number	12/690,592					
	INFO	RMA	TIC	ON	Filing or 371 (c) Date:	January 20, 2010		
	DISC	CLOS	UF	RE	First Named Inventor	Geoffrey B. Hoese		
	STA	TEM	ΕN	IT	Group Art Unit	2182		
					Examiner Name	Unknown		
Sheet	1		of	1	Atty Docket Number	CROSS1120-33		
				NON PATE	NT LITERATURE DOCUME	NTS		
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C171 American National Stan Cross-Point Switch Fab 1.30. 114 pgs.					ard for Information System c Topology (FC-XS); X3T1	s: Fibre Channel 1/Project 959D/Rev	6/17/1994	
Examiner	r Signature		/(	Christopher Shin/		Date Considered	08/26/201	

## ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.S./



### UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Wiginia 22313-1450 www.uspto.gov

### **BIB DATA SHEET**

#### **CONFIRMATION NO. 8115**

SERIAL NUME	BER	FILING	- 371(c)		CLASS	GRO	OUP ART	UNIT	ΑΤΤΟ	RNEY DOCKET
12/690,592	2	01/20/2	2010		710		2181		CF	ROSS1120-33
		RUL	E							
APPLICANTS Geoffrey E Jeffry T. R	APPLICANTS Geoffrey B. Hoese, Austin, TX; Jeffry T. Russell, Cibolo, TX;									
which is a CON of 11/851,724 09/07/2007 PAT 7,689,754 which is a CON of 11/42,878 05/30/2006 ABN * which is a CON of 11/353,826 02/14/2006 PAT 7,340,549 which is a CON of 10/658,163 09/09/2003 PAT 7,051,147 which is a CON of 10/081,110 02/22/2002 PAT 6,789,152 which is a CON of 09/354,682 07/15/1999 PAT 6,421,753 which is a CON of 09/001,799 12/31/1997 PAT 5,941,972 (*)Data provided by applicant is not consistent with PTO records.										
** FOREIGN APPLICATIONS ************************************										
** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 02/02/2010										
Foreign Priority claimed	d		⊡ Metaf	ter	STATE OR	SH	IEETS	TOT		
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	Examiner's	Signature	Initials							
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE								
REPLY TO OFFICE ACTION D	Atty. Docket No. CROSS1120-33							
	Applicant Geoffrey B. Hoese							
	Application Number 12/690,592	Date Filed 01/20/10						
	Title Storage Router and Met Local Storage	thod for Providing Virtual						
	Group Art Unit <b>2181</b>	Examiner Shin. Christopher						
	Confirmation Number: 8115							
	Certificate of Transmis	sion Under 37 C.F.R. § 1.8						
Commissioner for Patents P.O. Box 1450	I hereby certify that this correspondence is being deposited electronically with the U.S. Patent and Trademark Office using the United States Patent and Trademark Office's							
Alexandria, VA 22313-1450	EFS-Web system on <b>December</b> <u>[]</u> , 2010.							
Dear Sir:	<u>Allia Marvarz</u> Delia Narvaiz							

In response to the Official Action mailed September 10, 2010, Applicant respectfully requests the Examiner reconsider the rejections of the Claims in view of this reply.

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#### IN THE SPECIFICATION:

Please replace paragraph [0001] with the following paragraph.

[0001] This application is a continuation of, and claims a benefit of priority under 35 U.S.C. 120 of the filing date of U.S. Patent Application Serial No. 12/552,885 entitled "Storage Router and Method for Providing Virtual Local Storage" filed 09/02/2009, which is a continuation of and claims the benefit of priority of U.S. Application Serial No. 11/851,724 entitled "Storage Router and Method for Providing Virtual Local Storage" filed 09/07/2007, now U.S. Patent No. 7,689,754 issued 03/30/2010, which is a continuation of and claims the benefit of priority of U.S. Patent Application Serial No. 11/442,878 entitled "Storage Router and Method for Providing Virtual Local Storage" filed 09/07/2007, now abandoned, which is a continuation of and claims the benefit of priority of U.S. Patent Application Serial No. 11/353,826 entitled "Storage Router and Method for Providing Virtual Local Storage" filed on 02/14/2006, now U.S. Patent No. 7,340,549 issued 03/04/2008, which is a continuation of and claims the benefit of priority of U.S. Patent Application Serial No. 10/658,163 entitled "Storage Router and Method for Providing Virtual Local Storage" filed on 09/09/2003 now U.S. Patent No. 7,051,147 issued 05/23/2006, which is a continuation of and claims the benefit of benefit of priority of U.S. Patent Application Serial No. 10/081,110 by inventors Geoffrey B. Hoese and Jeffery T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on 02/22/2002, now U.S. Patent No. 6,789,152 issued on 09/07/2004, which in turn is a continuation of and claims benefit of priority of U.S. Application No. 09/354,682 by inventors Geoffrey B. Hoese and Jeffrey T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on 07/15/1999, now U.S. Patent No. 6,421,753 issued on 07/16/2002, which in turn is a continuation of and claims benefit of priority of U.S. Patent Application Serial No. 09/001,799, filed on 12/31/1997, now U.S. Patent No. 5,941,972 issued on 08/24/1999, and hereby incorporates these applications and patents by reference in their entireties as if they had been fully set forth herein.

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#### IN THE CLAIMS:

Please amend the claims as follows:

1. (Original) A storage router for providing virtual local storage on remote storage devices, comprising:

a first controller operable to interface with a first transport medium, wherein the first medium is a serial transport media; and

a processing device coupled to the first controller, wherein the processing device is configured to:

maintain a map to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with representations of storage space on the remote storage devices, wherein each representation of a device connected to the first transport medium is associated with one or more representations of storage space on the remote storage devices;

control access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map; and

allow access from devices connected to the first transport medium to the remote storage devices using native low level block protocol.

2. (Original)The storage router of Claim 1, wherein the map associates a representation of storage space on the remote storage devices with multiple devices connected to the first transport medium.

3. (Original)The storage router of Claim 1, wherein the storage space on the remote storage devices comprises storage space on multiple remote storage devices.

4. (Original)The storage router of Claim 1, wherein the map associates a representation of a device connected to the first transport medium with a representation of an entire storage space of at least one remote storage device.

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5. (Original)The storage router of Claim 1, wherein the map resides at the storage router and is maintained at the storage router.

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6. (Original)The storage router of Claim 1, wherein the native low level block protocol is received at the storage router via the first transport medium and the processing device uses the received native low level block protocol to allow the devices connected to the first transport medium access to storage space specifically allocated to them in the map.

7. (Original)The storage router of Claim 1, wherein the storage router is configured to receive commands according to a first low level block protocol from the device connected to the first transport medium and forward commands according to a second low level block protocol to the remote storage devices.

8. (Original)The storage router of Claim 7, wherein the first low level block protocol is an FCP protocol and the second low level block protocol is a protocol other than FCP.

9. (Original)The storage router of Claim 1, wherein the map comprises one or more tables.

10. (Original)The storage router of Claim 1, wherein the virtual local storage is provided to the devices connected to the first transport medium in a manner that is transparent to the devices and wherein the storage space allocated to the devices connected to the first transport medium appears to the devices as local storage.

11. (Original)The storage router of Claim 1, wherein the storage router provides centralized control of what the devices connected to the first transport medium see as local storage.

12. (Original)The storage router of Claim 1, wherein the representations of storage space comprise logical unit numbers that represent a subset of storage on the remote storage devices.

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13. (Original)The storage router of Claim 12, wherein the storage router is operable to route requests to the same logical unit number from different devices connected to the first transport medium to different subsets of storage space on the remote storage devices.

14. (Original)The storage router of Claim 1, wherein the representations of devices connected to the first transport medium are unique identifiers.

15. (Original)The storage router of Claim 14, wherein the unique identifiers are world wide names.

16. (Original)The storage router of Claim 1, wherein the storage router is configured to allow modification of the map in a manner transparent to and without involvement of the devices connected to the first transport medium.

17. (Original)The storage router of Claim 1, wherein the processing device is a microprocessor.

18. (Original)The storage router of Claim 1, wherein the processing device is a microprocessor and associated logic to implement a stand-alone processing system.

19. (Original)The storage router of Claim 1, wherein the first transport medium is a fibre channel transport medium and further comprising a second transport medium connected to the remote storage devices that is a fibre channel transport medium.

20. (Original)A storage network comprising:

a set of devices connected a first transport medium, wherein the first transport medium; a set of remote storage devices connected to a second transport medium;

a storage router connected to the serial transport medium;

a storage router connected to the first transport medium and second transport medium to provide virtual local storage on the remote storage devices, the storage router configured to:

maintain a map to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with representations of storage space on the remote

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storage devices, wherein each representation of a device connected to the first transport medium is associated with one or more representations of storage space on the remote storage devices;

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control access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map; and

allow access from devices connected to the first transport medium to the remote storage devices using native low level block protocol.

21. (Original)The storage network of Claim 20, wherein the map associates a representation of storage space on the remote storage devices with multiple devices connected to the first transport medium.

22. (Original)The storage network of Claim 20, wherein the storage space on the remote storage devices comprises storage space on multiple remote storage devices.

23. (Original)The storage network of Claim 20, wherein the map associates a representation of a device connected to the first transport medium with a representation of an entire storage space of at least one remote storage device.

24. (Original)The storage network of Claim 20, wherein the map resides at the storage router and is maintained at the storage router.

25. (Original)The storage network of Claim 20, wherein the native low level block protocol is received at the storage router via the first transport medium and the storage router uses the received native low level block protocol to allow the devices connected to the first transport medium access to storage space specifically allocated to them in the map.

26. (Original)The storage router of Claim 20, wherein the storage router is configured to receive commands according to a first low level block protocol from the device connected to the first transport medium and forward commands according to a second low level block protocol to the remote storage devices.

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27. (Original)The storage network of Claim 20, wherein the first low level block protocol is an FCP protocol and the second low level block protocol is a protocol other than FCP.

28. (Original)The storage network of Claim 20, wherein the map comprises one or more tables.

29. (Original)The storage network of Claim 20, wherein the virtual local storage is provided to the devices connected to the first transport medium in a manner that is transparent to the devices and wherein the storage space allocated to the devices connected to the first transport medium appears to the devices as local storage.

30. (Original)The storage network of Claim 20, wherein the storage router provides centralized control of what the devices connected to the first transport medium see as local storage.

31. (Original)The storage network of Claim 20, wherein the representations of storage space comprise logical unit numbers that represent a subset of storage on the remote storage devices.

32. (Original)The storage network of Claim 31, wherein the storage router is operable to route requests to the same logical unit number from different devices connected to the first transport medium to different subsets of storage space on the remote storage devices.

33. (Original)The storage network of Claim 20, wherein the representations of devices connected to the first transport medium are unique identifiers.

34. (Original)The storage network of Claim 33, wherein the unique identifiers are world wide names.

35. (Original)The storage network of Claim 20, wherein the storage router is configured to allow modification of the map in a manner transparent to and without involvement of the devices connected to the first transport medium.

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36. (Original)The storage network of Claim 20, wherein the first transport medium is a fibre channel transport medium and the second transport medium is a fibre channel transport medium.

37. (Original)A method for providing virtual local storage on remote storage devices comprising:

connecting a storage router between a set of devices connected to a first transport medium and a set of remote storage devices, wherein the first transport medium is a serial transport medium;

maintaining a map at the storage router to allocate storage space on the remote storage devices to devices connected to the first transport medium by associating representations of the devices connected to the first transport medium with representations of storage space on the remote storage devices, wherein each representation of a device connected to the first transport medium is associated with one or more representations of storage space on the remote storage devices;

controlling access from the devices connected to the first transport medium to the storage space on the remote storage devices in accordance with the map; and

allowing access from devices connected to the first transport medium to the remote storage devices using native low level block protocol.

38. (Original)The method of Claim 37, wherein the map associates a representation of storage space on the remote storage devices with multiple devices connected to the first transport medium.

39. (Original)The method of Claim 37, wherein the storage space on the remote storage devices comprises storage space on multiple remote storage devices.

40. (Original)The method of Claim 37, wherein the map associates a representation of a device connected to the first transport medium with a representation of an entire storage space of at least one remote storage device.

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41. (Original)The method of Claim 37, wherein the map resides at the storage router and is maintained at the storage router.

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42. (Original)The method of Claim 37, further comprising:

receiving the native low level block protocol at the storage router via the first transport medium;

using the received native low level block protocol at the storage router to allow the devices connected to the first transport medium access to storage space specifically allocated to them in the map.

43. (Original)The method of Claim 37, further comprising receiving commands at the storage router according to a first low level block protocol from the device connected to the first transport medium and forwarding commands according to a second low level block protocol to the remote storage devices.

44. (Original)The method of Claim 43, wherein the first low level block protocol is an FCP protocol and the second low level block protocol is a protocol other than FCP.

45. (Original)The method of Claim 37, wherein the map comprises one or more tables.

46. (Original)The method of Claim 37, wherein the virtual local storage is provided to the devices connected to the first transport medium in a manner that is transparent to the devices and wherein the storage space allocated to the devices connected to the first transport medium appears to the devices as local storage.

47. (Original)The method of Claim 37, wherein the storage router provides centralized control of what the devices connected to the first transport medium see as local storage.

48. (Original)The method of Claim 37, wherein the representations of storage space comprise logical unit numbers that represent a subset of storage on the remote storage devices.

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49. (Original)The method of Claim 48, wherein the storage router is operable to route requests to the same logical unit number from different devices connected to the first transport medium to different subsets of storage space on the remote storage devices.

50. (Original)The method of Claim 37, wherein the representations of devices connected to the first transport medium are unique identifiers.

51. (Original)The method of Claim 50, wherein the unique identifiers are world wide names.

52. (Original)The method of Claim 51, wherein the storage router is configured to allow modification of the map in a manner transparent to and without involvement of the devices connected to the first transport medium.

53. (Original)The method of Claim 1 wherein connecting the storage router between a set of devices connected to a first transport medium and a set of remote storage devices further comprises connecting the storage router between a first fibre channel transport medium and a second fibre channel transport medium.

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#### **INTERVIEW SUMMARY**

On August 30, 2010, John L. Adair and Examiner Shin held a telephonic interview regarding United States Patent Application Serial No. 11/947,499 (the "499 Application"), United States Patent Application Serial No. 11/980,909 (the "909 Application"), United States Patent Application Serial No. 12/552,885 and United States Patent Application Serial No. 12/552,913 and United States Patent Application No. 12/690,592 (the '592 Application). Applicant pointed out the transport mediums could be the same or different types of transport mediums and, for example, that i) the specification describes a Fibre Channel-to-Fibre Channel mode of operation and ii) issued United States Patent No. 7,051,147 claims a Fibre Channel-to-Fibre Channel system. Applicant also pointed out that other patents have issued that recite first and second transport mediums without requiring that the transport mediums may be different (e.g., separated by a storage router in the case of Claim 1 of the '499 Application), the transport mediums can use the same or different protocols and the 'low level block protocol' in the same medium types is consistent with the parent patents/specifications.

Furthermore, in the August 30, 2010 interview, Applicant pointed out that the term "remote" was construed to mean "indirectly connected through at least one serial network transport medium" (emphasis added). <u>Crossroads v. Dot Hill Systems Corporation</u>, Western District of Texas, Civil Action No. A-03-CA-754-SS. Therefore, the recitation of "remote" in various claims of the related applications addresses the fact that the transport mediums are different so that storage is indirectly connected to hosts (e.g., through a storage router in the case of Claim 1 of the '499 Application). Applicant agreed to review the claims of the related applications and specifically to amend the claims of the '909 Application to clarify that the storage devices are remote from the hosts. While Applicant and the Examiner discussed the other related cases generally, they did not discuss specific claims.

To the extent the Examiner's statement that one transport medium is "remote, separate and different" may be interpreted to mean anything different than that the transport mediums are different/separate so that storage is indirectly connected to hosts (e.g., through a storage router in the case of Claim 1 of the '499 Application) and that at least one of the transport mediums is a serial transport medium, Applicant disagrees with such an interpretation. As pointed out in the interview, the transport mediums can be the same type of transport mediums or different types of transport mediums. Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 148 of 225

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Applicant agreed to file an updated terminal disclaimer and amend the Related Applications section as needed.

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### REMARKS

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Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed September 10, 2010. Applicant respectfully requests reconsideration and favorable action in this case.

#### **Double Patenting Rejection**

Claims 1-53 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent Nos. 7,051,147, 5,941,972, 7,340,549, 7,689,754, 7,552,266, 7,694,058, 6,421,753, 6,425,036, 6,425,035, 6,789,152, 6,738,854 and 6,763,419 and were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent Application Nos. 11/980,909, 11/947,499, 12/220,431, 12/552,807, 12/552,885, 12/552,913, 12/910,431, 12/910,375, 12/910,476 and 12/910,515. Applicant is including with this reply a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). U.S. Patent Nos. 7,051,147, 5,941,972, 7,340,549, 7,689,754, 7,552,266, 7,694,058, 6,421,753, 6,425,036, 6,425,035, 6,789,152, 6,738,854 and 6,763,419 and U.S. Patent Application Nos. 11/980,909, 11/947,499, 12/220,431, 12/552,807, 12/552,913, 12/910,431, 12/910,375, 12/910,476 and 12/910,515 and the current Application are commonly owned. Accordingly, withdrawal of this rejection is respectfully requested.

#### **Specification**

The specification was objected to for informalities. An amended paragraph [0001] is submitted to update the related applications. Accordingly, withdrawal of this objection is requested.

#### **IDS REFERENCES**

Applicant filed information disclosure statements (IDS) citing the related art of record in the present application on May 21, 2010, June 9, 2010 and August 20, 2010. The Applicant notes that the Office Action mailed September 10, 2010 was accompanied by a copy of the listing of references, with an indication by the Examiner to indicate what references cited therein were considered.

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#### **Conclusion**

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-53. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

John L. Adair Reg. No. 48,828

Date: December 10, 2010

1301 W. 25th Street, Suite 408 Austin, TX 78705 Tel. (512) 637-9220 Fax. (512) 371-9088

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE								
Terminal Disc	laimer	Atty. Docket No.						
		CROSS1120-33						
	Applicant Geoffrey B. Hoese, et al.							
	Application Number 12/690,592	Date Filed 09/02/2009						
	OD FOR PROVIDING							
	Group Art Unit 2181	Examiner SHIN, Christopher B.						
	Confirmation Number: 5330							
Commissioner for Patents	Certificate o	of Mailing						
P.O. Box 1450	I hereby certify that this correspond	dence is being filed via						
Alexandria, VA 22313-1450	electronically using the U.S. Patent Office EFS-Web system on							
Dear Sir:	<u>Villiob</u> Signat	láwazz ure						
	<u>Delin Narvaiz</u>							

Crossroads Systems, Inc., the owner of one hundred percent (100%) interest in the instant application, except as provided below:

i) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 5,941,972. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 5,941,972, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

ii) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 6,421,753 as presently shortened by terminal disclaimer. In making the above disclaimer, the owner does not disclaim the terminal part of any patent

granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 6,421,753, as presently shortened by terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by terminal disclaimer.

iii) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173, as presently shortened by terminal disclaimer, of U.S. Patent No. 6,425,036. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 6,425,036, as presently shorted by terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

iv) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173, as presently shortened by terminal disclaimer, of U.S. Patent No. 6,425,035. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 6,425,035, as presently shorted by terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

v) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173, as presently shortened by terminal disclaimer, of U.S. Patent No. 6,789,152. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 6,789,152, as presently shorted by terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

vi) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173, as presently shortened by terminal disclaimer, of U.S. Patent No. 6,738,854. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 6,738,854, as presently shorted by terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

vii) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173, as presently shortened by terminal disclaimer, of U.S. Patent No. 6,763,419. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 6,763,419, as presently shorted by terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by

a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

viii) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173, as presently shortened by terminal disclaimer, of U.S. Patent No. 7,051,147. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 7,051,147, as presently shorted by terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

ix) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173, as presently shortened by terminal disclaimer, of U.S. Patent No. 7,340,549. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 7,340,549, as presently shorted by terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

x) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173, as presently shortened by terminal disclaimer, of U.S. Patent No. 7,689,754. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 7,689,754, as presently

shorted by terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

xi) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173, as presently shortened by terminal disclaimer, of U.S. Patent No. 7,552,266. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 7,552,266, as presently shorted by terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

xii) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173, as presently shortened by terminal disclaimer, of U.S. Patent No. 7,694,058. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of U.S. Patent No. 7,694,058, as presently shorted by terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

xiii) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on United States Patent Application No. 11/947,499 as defined in 35 U.S.C.

§ 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 11/947,499. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 11/947,499, in the event that any such patent granted on the co-pending application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to the expiration.

xiv) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on United States Patent Application No. 12/220,431 as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/220,431. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/220,431. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/220,431, in the event that any such patent granted on the co-pending application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

xv) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on United States Patent Application No. 11/980,909 as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 11/980,909. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would

extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 11/980,909, in the event that any such patent granted on the co-pending application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

xvi) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on United States Patent Application No. 12/552,885 as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/552,885. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application to the grant of any patent on United States Patent Application No. 12/552,885, in the event that any such patent on United States Patent Application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

xvii) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on United States Patent Application No. 12/552,913 as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/552,913. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of united States Patent Application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/552,913, in the event that any such patent granted on the co-pending

application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

xviii) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on United States Patent Application No. 12/552,807 as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/552,807. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application to the grant of any patent on United States Patent Application No. 12/552,807, in the event that any such patent granted on the co-pending application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

xix) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on United States Patent Application No. 12/910,375 as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/910,375. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/910,375, in the event that any such patent granted on the co-pending application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is

in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant

xx) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on United States Patent Application No. 12/910,431 as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/910,431. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application to the grant of any patent on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/910,431, in the event that any such patent granted on the co-pending application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

xxi) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on United States Patent Application No. 12/910,476 as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/910,476. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/910,476. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/910,476, in the event that any such patent granted on the co-pending application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant

xxii) The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on United States Patent Application No. 12/910,515 as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/910,515. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application to the grant of any patent on the instant application that would extend to the expiration date of the full term as defined in 35 U.S.C. § 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on United States Patent Application No. 12/910,515, in the event that any such patent granted on the co-pending application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it, the above-referenced patents and the abovereferenced co-pending applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

#### Check box 1, 2, 3, or 4 as appropriate.

1. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

* Statement under 37 C.R.F. 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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 Filed 04/09/14
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 Attorney Docket:
 Customer ID: 44654

 CROSS1120-33
 Application No. 12/690,592

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- 2. The undersigned is an attorney or agent of record.
- 3. Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
- 4. X Terminal disclaimer fee under 37 C.F.R. 1.20(d). The Commissioner is hereby authorized to deduct \$130.00 representing the above-noted filing fee from Deposit Account. No. 50-3183 of Sprinkle IP Law Group. The Commissioner is hereby further authorized to deduct any deficiencies or credit any overpayments regarding this application from the same account.

12-10-10

John L. Adair Reg. No. 48,828

Dated

Electronic Patent Application Fee Transmittal								
Application Number:	12	590592						
Filing Date:	20	-Jan-2010						
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE							
First Named Inventor/Applicant Name:	Geoffrey B. Hoese							
Filer:	John L. Adair/Delia Narvaiz							
Attorney Docket Number:	CROSS1120-33							
Filed as Large Entity								
Utility under 35 USC 111(a) Filing Fees								
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)			
Basic Filing:								
Pages:								
Claims:								
Miscellaneous-Filing:								
Petition:								
Patent-Appeals-and-Interference:								
Post-Allowance-and-Post-Issuance:								
Extension-of-Time:								

Case 1:13-cv-00895-SS Document Description	31-18 Filed ( Fee Code	04/09/14 Quantity	Page 163 of 2 Amount	25 Sub-Total in USD(\$)
Miscellaneous:				
Statutory or terminal disclaimer	1814	1	140	140
	Tot	al in USD	(\$)	140

Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 164 of 225 Electronic Acknowledgement Receipt	
EFS ID:	9010738
Application Number:	12690592
International Application Number:	
Confirmation Number:	8115
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE
First Named Inventor/Applicant Name:	Geoffrey B. Hoese
Customer Number:	44654
Filer:	John L. Adair/Delia Narvaiz
Filer Authorized By:	John L. Adair
Attorney Docket Number:	CROSS1120-33
Receipt Date:	10-DEC-2010
Filing Date:	20-JAN-2010
Time Stamp:	15:14:59
Application Type:	Utility under 35 USC 111(a)

# Payment information:

Submitted with Payment	yes	
Payment Type	Deposit Account	
Payment was successfully received in RAM	\$140	
RAM confirmation Number	1520	
Deposit Account	503183	
Authorized User		
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:		
Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)		
Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)		
# Charge Sof Additional Fets Red Bies - Sof 225

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listin	g:						
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)		
1		CROSS1120-33_ROA_121010.	537418		14		
I		6e59822f22b7f7497f1f7d6964bbad6891b6 3029	yes	14			
	Multij	part Description/PDF files in	.zip description				
	Document De	scription	Start	E	nd		
	Amendment/Req. Reconsiderat	ion-After Non-Final Reject	1		1		
	Specifica	2		2			
	Claim	3		10			
	Applicant summary of inte	Applicant summary of interview with examiner					
	Applicant Arguments/Remarks	Made in an Amendment	13		14		
Warnings:							
Information:							
2	Terminal Disclaimer Filed	CROSS1120-33 TD pdf	616456	no	11		
-			66a9e07300ed52edbfd6d6c196cff077829d 7245				
Warnings:							
Information:							
3	Fee Worksheet (PTO-875)	fee-info pdf	30397	no	2		
		2ccb2d240efe13efa583b68a4c5d6a2d45cf cd56		-			
Warnings:							
Information:	1		1				
		Total Files Size (in bytes)	11	84271			

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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

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# Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 167 of 225

					Application Number 12/690,592					
	INFO	RMA	TIC	ON		Filing or 371 (c) Date		January 20, 2010		
	DISC	CLOS	SUF	RE		First Named Inventor Geoffrey B. Hoese				
STATEMENT						Group Art Unit		2182		
						Examiner Name		Unknown		
Sheet	1		of	1		Atty Docket Number		CROSS1120-33		
				NO	N PATE	NT LITERATURE DOCUM	MENT	ſS		
Examiner Initials	Cite No.	Include the iter	nam n (bo	e of the au ok, magazi num	thor (in C ine, journ iber(s), pi	APITAL LETTERS), title of the al, serial, symposium, catalog, ublisher, city and/or country w	article , etc.) e here p	e (when appropriate), title of date, page(s), volume-issue published		T ²
	C174	Office	e Ac	tion Ma	iled 09	/13/10 in U.S. Serial N	No. 1	1/980,909	0	9/13/10
	C175	Office	office Action Mailed 09/13/10 in U.S. Serial No. 12/552,807							9/13/10
	C176	Office	Office Action Mailed 09/15/10 in U.S. Serial No. 12/552,885						0	9/15/10
	C177	Office	e Ac	tion Ma	iled 09	/23/10 in U.S. Serial N	No. 1	2/552,913	0	9/23/10
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Examiner	Signature						Da	ate Considered		

Electronic Patent Application Fee Transmittal									
Application Number:									
Filing Date:	20-Jan-2010								
Title of Invention: STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL									
First Named Inventor/Applicant Name:	Geoffrey B. Hoese								
Filer:	John L. Adair/Delia Narvaiz								
Attorney Docket Number:	CR	OSS1120-33							
Filed as Large Entity									
Utility under 35 USC 111(a) Filing Fees									
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)				
Basic Filing:									
Pages:									
Claims:									
Miscellaneous-Filing:									
Petition:									
Patent-Appeals-and-Interference:									
Post-Allowance-and-Post-Issuance:									
Extension-of-Time:									

Case 1:13-cv-00895-SS Document Description	31-18 Filed ( Fee Code	04/09/14 Quantity	Page 169 of 2 Amount	25 Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
	Tot	al in USD	) (\$)	180

Electronic Acknowledgement Receipt							
EFS ID:	9013238						
Application Number:	12690592						
International Application Number:							
Confirmation Number:	8115						
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE						
First Named Inventor/Applicant Name:	Geoffrey B. Hoese						
Customer Number:	44654						
Filer:	John L. Adair/Delia Narvaiz						
Filer Authorized By:	John L. Adair						
Attorney Docket Number:	CROSS1120-33						
Receipt Date:	10-DEC-2010						
Filing Date:	20-JAN-2010						
Time Stamp:	16:54:55						
Application Type:	Utility under 35 USC 111(a)						

# Payment information:

Submitted with Payment	yes						
Payment Type	Deposit Account						
Payment was successfully received in RAM	\$180						
RAM confirmation Number	3549						
Deposit Account	503183						
Authorized User							
The Director of the USPTO is hereby authorized to charge	e indicated fees and credit any overpayment as follows:						
Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)							
Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)							

Charge an	Additional	Tees lee	Gired unde	r 3 P.O.F.R. Beetloh 3.49	Document	suppl	$\left( \frac{1}{4} \right) \left( \frac{1}{4} \right) $	Page 171 of 225

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

Document	Document Description	Eilo Namo	File Size(Bytes)/	Multi	Pages
Number	Document Description	File Name	Message Digest	Part /.zip	(if appl.)
1		CROSS1120-33_IDS_121010.	118713	ves	3
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	Multi	part Description/PDF files in	.zip description		
	Document De	escription	Start	E	nd
	Transmittal	Letter	1		2
	Information Disclosure State	ment (IDS) Filed (SB/08)	3		3
Warnings:					
Information:		1			
2	NPL Documents	CROSS1120 Ref C174.pdf	164812	no	7
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Warnings:					
Information:		1			
3	NPL Documents	CROSS1120 Ref C175 pdf	163965	no	7
			8fcd974da4623a8ebce94e62a091e0e52cc0 c2cd		
Warnings:					
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4	NPL Documents	CROSS1120 Ref C176 pdf	165757	no	7
-	Ni E Documents	choss 120_hei_c170.pdf	21708767ba58acd885ba4bd417d71084f4d c1459	110	,
Warnings:					
Information:					
F		CROSS1120 Rof C177 rdf	166395		7
	NFL Documents	CR0531120_Rel_C177.pu	aaf9f5ef1eb835af156987ab4f354f6f0a206b a1	110	/
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Warnings:		•			
Information:					
		Total Files Size (in bytes)	8	10155	

#### Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 172 of 225

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

#### New Applications Under 35 U.S.C. 111

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE								
INFORMATION DISCLOS	SURE STATEMENT	Atty. Docket No. (Opt.)						
BY APPLIC	CANT	CROSS1120-33						
	Applicant Geoffrey B. Hoese							
	Application Number 12/690,592	Filing or 371 (c) Date: January 20, 2010						
	For Storage Router and Metho Local Storage	DD FOR PROVIDING VIRTUAL						
	Group Art Unit	Examiner						
	2181 Confirmation Number:	Shin, Christopher						
	8115							
	Certification of Transmis	sion Under 37 C.F.R. 1.8						
Commissioner for Patents	I hereby certify that this correspor	dence is being transmitted to the						
P.O. Box 1450	Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312- 1450, via the U.S. Patent and Trademark Office Electronic Filing							
Alexandria, VA 22313-1450	System (EFS-Web) on December_	10, 2010. Mawaiz						
Dear Sir,	Delia Nárvaiz							

Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the information listed on the attached SB08A/B form(s) be considered and cited in the examination of the above-identified application. A copy of U.S. Patent(s) and U.S. Patent Application Publication(s) listed on the attached SB08A form is not being submitted with this Information Disclosure Statement pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i) by the U.S. Patent and Trademark Office. A copy of foreign patent documents as well as the information listed on the attached SB08B form is enclosed for the convenience of the Examiner.

This Information Disclosure Statement is being submitted within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d).

This Information Disclosure Statement is being submitted within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application;

This Information Disclosure Statement is being submitted before the mailing of a first Office action on the merits; or

This Information Disclosure Statement is being submitted before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

#### Page 2 of 2

This Information Disclosure Statement is being submitted after the period specified in 37 C.F.R. § 1.97(b) and before the mailing date of any of a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of:

- The statement specified in 37 C.F.R. § 1.97(e); or
- The fee set forth in 37 C.F.R. § 1.17(p). Applicant hereby authorizes the Commissioner to deduct the amount of \$180 from Deposit Account No. 50-3183 of Sprinkle IP Law Group for the filing fee of this Information Disclosure Statement.

This Information Disclosure Statement is being submitted after the period specified in 37 C.F.R. § 1.97(c) and on or before payment of the issue fee and is accompanied by:

- The statement specified in 37 C.F.R. § 1.97(e); and
- The fee set forth in 37 C.F.R. § 1.17(p). Applicant hereby authorizes the Commissioner to deduct the amount of \$180 from Deposit Account No. 50-3183 of Sprinkle IP Law Group for the filing fee of this Information Disclosure Statement.

Applicant does not believe any fees are due for filing this Information Disclosure Statement; however, if Applicant is in error, the Director is hereby authorized to deduct any and all appropriate fees from Deposit Account 50-3183 of Sprinkle IP Law Group. Applicant respectfully submits that the claims of Applicant's above-referenced patent application are patentably distinguishable from the listed information.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant løhn L. Adair

Reg. No. 48,828

Dated: December 10, 2010

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 317-9088

#### Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 175 of 225

PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

	Under the Pa	perwork Redu	ction Act of 19	95, no persons are	required to respo	nd to	a collection of	of information unle	ess it dis	splays a valid	OMB control number.
P	ATENT APPL	ERMINATION TO-875	Δ	Application or Docket Number 12/690,592			ing Date 20/2010	To be Mailed			
	AF	PPLICATIO	N AS FILE	D – PART I					от	HER THAN	
(Column 1) (Column 2)								ENTITY	OR	SMA	ALL ENTITY
FOR NUMBER FILED NUMBER EXTRA							RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)
	BASIC FEE (37 CFR 1.16(a), (b),	or (c))	N/A		N/A		N/A			N/A	
	SEARCH FEE (37 CFR 1.16(k), (i), c	or (m))	N/A		N/A		N/A			N/A	
	EXAMINATION FE (37 CFR 1.16(o), (p),	E or (q))	N/A		N/A		N/A			N/A	
TO (37	TAL CLAIMS CFR 1.16(i))		mir	ius 20 = *			X \$ =		OR	X\$ =	
IND (37	EPENDENT CLAIM CFR 1.16(h))	IS	m	inus 3 = *			X \$ =			X\$ =	
	APPLICATION SIZE 37 CFR 1.16(s))	FEE is au 3	the specifica heets of pape \$250 (\$125 dditional 50 5 U.S.C. 41(	ation and drawing er, the application for small entity) sheets or fraction a)(1)(G) and 37	gs exceed 100 in size fee due for each n thereof. See CFR 1.16(s).						
	MULTIPLE DEPEN	IDENT CLAIM	PRESENT (3	7 CFR 1.16(j))		1					
* If i	he difference in colu	umn 1 is less t	han zero, ente	r "0" in column 2.			TOTAL		J	TOTAL	
	APP	(Column 1	AS AMENE	DED – PART II (Column 2)	(Column 3)	-	SMAL	L ENTITY	OR	OTH SM/	ER THAN ALL ENTITY
ENT	12/10/2010	CLAIMS REMAINING AFTER AMENDMEI	G NT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	additional Fee (\$)		RATE (\$)	ADDITIONAL FEE (\$)
ME	Total (37 CFR 1,16(i))	* 53	Minus	** 53	= 0	1	X \$ =		OR	X \$52=	0
UN ND	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	1	X\$ =		OR	X \$220=	0
ME	Application Si	ize Fee (37 CF	- R 1.16(s))			1					
∢		NTATION OF MU	ILTIPLE DEPEN	DENT CLAIM (37 CFI	R 1.16(j))	1			OR		
							TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0
		(Column 1	)	(Column 2)	(Column 3)						
Г		CLAIMS REMAININ AFTER AMENDMEI	G NT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
Ľ	Total (37 CFR 1.16(i))	*	Minus	**	=		X \$ =		OR	X \$ =	
M	Independent (37 CFR 1.16(h))	*	Minus	***	=	1	X \$ =		OR	X\$ =	
EN	Application Si	ize Fee (37 CF	R 1.16(s))			1			1		
AMI	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								OR		
						•	TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If ** If *** I The	If the entry in column 1 is less than the entry in column 2, write "0" in column 3.     If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".     //ARQUITA D. JONES/										

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE										
INFORMATION DISCLOS	SURE STATEMENT	Atty. Docket No. (Opt.)								
BY APPLIC	CANT	CROSS1120-33								
	Applicant Geoffrey B. Hoese									
	Application Number 12/690,592	Filing or 371 (c) Date: 01/20/2010								
	For Storage Router and Method for Providing Virtual Local Storage									
	Group Art Unit <b>2181</b>	Examiner Shin, Christopher								
	Confirmation Number: 8115									
	Certification of Transmis	sion Under 37 C.F.R. 1.8								
Commissioner for Patents	I hereby certify that this correspond	ndence is being transmitted to the								
P.O. Box 1450	1450 via the U.S. Patent and T	rademark Office Electronic Filing								
Alexandria, VA 22313-1450	System (EFS-Web) on December <u>17</u> 2010.									
	balliee									

Dear Sir,

Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the information listed on the attached SB08B form be considered and cited in the examination of the above-identified application. A copy of the information listed on the attached SB08B form is enclosed for the convenience of the Examiner.

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This Information Disclosure Statement is being submitted before the mailing of a first Office action on the merits; or

This Information Disclosure Statement is being submitted before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

This Information Disclosure Statement is being submitted after the period specified in 37 C.F.R. § 1.97(b) and before the mailing date of any of a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of:

# Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 177 of 225 ATTORNEY DOCKET NO. Customer No. 44654 Serial No. 12/690,592

#### Page 2 of 2

- The statement specified in 37 C.F.R. § 1.97(e); or
- The fee set forth in 37 C.F.R. § 1.17(p). Applicant hereby authorizes the Commissioner to deduct the amount of \$180 from Deposit Account No. 50-3183 of Sprinkle IP Law Group for the filing fee of this Information Disclosure Statement.

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- The fee set forth in 37 C.F.R. § 1.17(p). Applicant hereby authorizes the Commissioner to deduct the amount of \$180 from Deposit Account No. 50-3183 of Sprinkle IP Law Group for the filing fee of this Information Disclosure Statement.

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Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

John L. Adair Reg. No. 48,828

Per. 15,2010 Dated:

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 317-9088

# Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 178 of 225

					Application Number 12/690,592			
	INFO	RMA	TI	ON	Filing or 371 (c) Date:	January 20, 2010		
	DISC	LOS	SUF	RE	First Named Inventor	Geoffrey B. Hoese		
STATEMENT					Group Art Unit	2181		
					Examiner Name	Shin, Christopher		
Sheet	1		of	1	Atty Docket Number	CROSS1120-33		
				NON PATE	NT LITERATURE DOCUME	NTS		
Examiner Initials	Cite No.	Include the ite	e nam m (bo	e of the author (in C ok, magazine, journ number(s), p	CAPITAL LETTERS), title of the arti al, serial, symposium, catalog, etc ublisher, city and/or country wher	cle (when appropriate), title of .) date, page(s), volume-issue e published	$T^2$	
	C179	Office	e Act	ion Mailed 12/0	2/10 in U.S. Serial No. 12/	910,375	12/2/2010	
	C180	Office	Act	ion Mailed 12/0	3/10 in U.S. Serial No. 12/	910,431	12/3/2010	
	C181	81 Office Action Mailed 12/03/10 in U.S. Serial No. 12/910,515					12/3/2010	
Examine	er Signature					Date Considered		

Electronic Patent Application Fee Transmittal						
Application Number:	12	590592				
Filing Date:	20	Jan-2010				
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE					
First Named Inventor/Applicant Name:	Geoffrey B. Hoese					
Filer:	John L. Adair/Janice Pampell					
Attorney Docket Number:	CROSS1120-33					
Filed as Large Entity						
Utility under 35 USC 111(a) Filing Fees						
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)	
Basic Filing:						
Pages:						
Claims:						
Miscellaneous-Filing:						
Petition:						
Patent-Appeals-and-Interference:						
Post-Allowance-and-Post-Issuance:						
Extension-of-Time:						

Case 1:13-cv-00895-SS Document Description	31-18 Filed ( Fee Code	04/09/14 Quantity	Page 180 of 2 Amount	25 Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
	180			

Case 1:13-cv-00895-55 Document 31-18 Filed 04/09/14 Page 181 0/ 225 Electronic Acknowledgement Receipt				
EFS ID:	9062027			
Application Number:	12690592			
International Application Number:				
Confirmation Number:	8115			
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE			
First Named Inventor/Applicant Name:	Geoffrey B. Hoese			
Customer Number:	44654			
Filer:	John L. Adair/Janice Pampell			
Filer Authorized By:	John L. Adair			
Attorney Docket Number:	CROSS1120-33			
Receipt Date:	17-DEC-2010			
Filing Date:	20-JAN-2010			
Time Stamp:	14:07:18			
Application Type:	Utility under 35 USC 111(a)			

# Payment information:

Submitted with Payment	yes				
Payment Type	Deposit Account				
Payment was successfully received in RAM	\$180				
RAM confirmation Number	322				
Deposit Account	503183				
Authorized User					
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:					
Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)					
Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)					

Charge	Case 1:13-cv-00895-SS DOC any Additional Fees required under 37 C.F.	Ument 31-18 Filed 04/ R. Section 1.21 (Miscellaneous fee	09/14 Page 182 s and charges)	of 225					
File Listin	g:								
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)				
1	Information Disclosure Statement (IDS) Filed (SB/08)	CROSS1120-33_IDS_Filed_12-1 7-10.pdf	109107 80a5654afdcd449d01308e69e23ef5e4869 95055	no	3				
Warnings:			· · ·						
Information:									
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2	NPL Documents	CROSS1120 Ref C179.pdf	252415	no	7				
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Warnings:									
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3	NPL Documents	CROSS1120_Ref_C180.pdf	254399 	no	7				
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Warnings:									
Information:									
		Total Files Size (in bytes)	: 80	54590					

#### Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 183 of 225

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#### New Applications Under 35 U.S.C. 111

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#### New International Application Filed with the USPTO as a Receiving Office

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

### NOTICE OF ALLOWANCE AND FEE(S) DUE

44654	7590	01/10/2011		EXAN	IINER
Sprinkle IP	Law Group			SHIN, CHRI	STOPHER B
1301 W. 25th	Street			ART UNIT	PAPER NUMBER
Site 408 Austin TX 7	8705			2181	
Austin, IA /	0705			DATE MAILED: 01/10/201	1

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/690,592	01/20/2010	Geoffrey B. Hoese	CROSS1120-33	8115

TITLE OF INVENTION: STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	04/11/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS</u> <u>STATUTORY PERIOD CANNOT BE EXTENDED</u>. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:	If the SMALL ENTITY is shown as NO:
A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.	A. Pay TOTAL FEE(S) DUE shown above, or
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or	B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

### Case 1:13-cv-00895-SSpARogument(s)1rkansingth04/09/14 Page 185 of 225

Complete and send this form, together with applicable fee(s), to: <u>Mail</u> Mail Stop ISSUE FEE Commissioner for Patents

				or <u>Fax</u>	P.C Ale (57	D. Box 1450 exandria, Virg (1)-273-2885	inia 2	22313-1450	
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Austin, TX 7870	5								(Depositor's name)
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APPLICATION NO.	FILING DATE			FIRST NAMED INVER	NTOR		ATTO	DRNEY DOCKET NO.	CONFIRMATION NO.
12/690,592	01/20/2010			Geoffrey B. Hoe	se		(	CROSS1120-33	8115
TITLE OF INVENTION:	: STORAGE ROUTER .	AND MI	ETHOD FOR PF	OVIDING VIRTUA	l lo	CAL STORAGE			
APPLN. TYPE	SMALL ENTITY	ISS	UE FEE DUE	PUBLICATION FEE	DUE	PREV. PAID ISSU	E FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO		\$1510	\$300		\$0		\$1810	04/11/2011
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#### Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 186 of 225

	NITED STATES PATE	NT AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F O. Box 1450 Alexandria, Virginia 22: www.uspto.gov	TMENT OF COMMERCE Trademark Office OR PATENTS 313-1450
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/690,592	01/20/2010	Geoffrey B. Hoese	CROSS1120-33	8115
44654	7590 01/10/2011		EXAN	AINER
Sprinkle IP Lav	v Group		SHIN, CHRI	ISTOPHER B
1301 W. 25th Str	eet		ART UNIT	PAPER NUMBER
Site 408 Austin, TX 7870	5		2181 DATE MAILED: 01/10/201	1

#### Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

THURSDAND TRADA

	Application No.	Applicant(s)
	12/690 592	
Notice of Allowability	Examiner	Art Unit
	Obvieten ben D. Obin	
	Christopher B. Shin	2181
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	ears on the cover sheet will (OR REMAINS) CLOSED in ) or other appropriate commu IGHTS. This application is s 3 and MPEP 1308.	th the correspondence address this application. If not included unication will be mailed in due course. THIS ubject to withdrawal from issue at the initiative
1. X This communication is responsive to the Amendment rece	eived December 10, 2010.	
2. 🔀 The allowed claim(s) is/are <u>1-53</u> .		
<ul> <li>3. ☐ Acknowledgment is made of a claim for foreign priority u</li> <li>a) ☐ All</li> <li>b) ☐ Some* c) ☐ None of the:</li> <li>1. ☐ Certified copies of the priority documents hav</li> </ul>	nder 35 U.S.C. § 119(a)-(d) o e been received	pr (f).
2 Certified copies of the priority documents hav	e been received in Applicatio	n No
3. Copies of the certified copies of the priority do	ocuments have been received	in this national stage application from the
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDON THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file /IENT of this application.	a reply complying with the requirements
4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which giv	nitted. Note the attached EXA es reason(s) why the oath or	MINER'S AMENDMENT or NOTICE OF declaration is deficient.
5. 🔲 CORRECTED DRAWINGS ( as "replacement sheets") mu	st be submitted.	
(a) 🔲 including changes required by the Notice of Draftsper	son's Patent Drawing Review	v ( PTO-948) attached
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(b) including changes required by the attached Examiner Paper No./Mail Date	's Amendment / Comment or	in the Office action of
Identifying indicia such as the application number (see 37 CFR each sheet. Replacement sheet(s) should be labeled as such in	I.84(c)) should be written on th the header according to 37 CF	ne drawings in the front (not the back) of R 1.121(d).
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1. INOTICE OF HEFERENCES CITED (PTO-892)	5. U Notice of Inf	formal Patent Application
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3. Information Disclosure Statements (PTO/SB/08),	7. 🗌 Examiner's	Amendment/Comment
4. Examiner's Comment Regarding Requirement for Deposit	8. 🗌 Examiner's	Statement of Reasons for Allowance
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	/Christopher B Primary Examin	Shin/ er, Art Unit 2181
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Application/Control No.	Applicant(s)/Pate Reexamination	ent under
12/690,592	HOESE ET AL.	
Examiner	Art Unit	
Christopher B. Shin	2181	

SEARCHED									
Class	Subclass	Date	Examiner						
710	1-5,8- 13,36- 38,126- 131	8/30/2010	CS						
710	250, 305-	8/30/2010	CS						
709	709 258		CS						
714	714 42		CS						
711	110-113	8/30/2010	CS						

INTERFERENCE SEARCHED								
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710	305,11	12/15/2010	cs					
709	258	12/15/2010	cs					
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SEARCH NOTES (INCLUDING SEARCH STRATEGY)								
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PLUS from the parent cases	8/30/2010	CS						
PALM- for double patenting	8/30/2010	CS						
EAST (See notes for parent)	8/30/2010	CS						
PARETN & RELATED CASES REVIEWED FOR THE ALOWANCE	8/30/2010	CS						
Reviewed IDS	8/30/2010	CS						

U.S. Patent and Trademark Office

Part of Paper No. 20101217

# Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 189 of 225

				Application Number	12/690,592			
	INFO	RMATI	ON	Filing or 371 (c) Date:	January 20, 2010			
	DISC	CLOSU	RE	First Named Inventor				
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			~ _	Examiner Name	Shin, Christopher			
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# ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.S./

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Case 1:13-cv-00895-SS Document 31-18 Fil	iled 04/09/14	Page 190 of 225
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Application/Control No.
12/690,592
Examiner
Christopher B. Shin

Applicant(s)/Patent under Reexamination HOESE ET AL. Art Unit 2181

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U.S. Patent and Trademark Office

Part of Paper No. 20101217

# Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 191 of 225

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12/17/10, EAST Version: 2.4.2.1

# Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 192 of 225

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1	2010/07/22 15:13				S1

12/17/10, EAST Version: 2.4.2.1

# Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 193 of 225

				Application Number	12/690,592			
	INFO	RMATIC	NC	Filing or 371 (c) Date:	January 20, 2010			
	DISC	CLOSUF	RE	First Named Inventor				
	STATEMENT Group Art Unit 2182							
	Examiner Name Unknown							
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Examiner	Signature		/Christopher Shin	/	Date Considered	12/17/201		

# Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 194 of 225

					Application Number	12/690,592					
	INFO	RMA		N	Filing or 371 (c) Date:	January 20, 2010					
	DISC	LOS	UR	E	First Named Inventor						
	STA	TEM	EN	Γ	Group Art Unit	2181					
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Sheet	1		of	1	Atty Docket Number	CROSS1120-33					
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Case 1:13-cv-00895-SS Application Number	Document 3: Application/Co	1-18 Filed 0 ntrol No.	4/09/14 Page 195 of 225 Applicant(s)/Patent under Reexamination		
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TERMINAL DISCLAIMER		
Date Filed : 12/10/10	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:	
Td has wrong filling date it should be 1/20/10 not 9/2/09. Jean Proctor	

U.S. Patent and Trademark Office

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	1.			DE	Filing Date		01/20/2010	
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PART B - FEE(S) TRANSMITTAL

Complete and send this f	°orm, together w	ith applicable f	ee(s), to: <u>Mail</u> or <u>Fax</u>	Mail Stop ISS Commissione P.O. Box 1450 Alexandria, V (571)-273-288	UE FEE r for Paten ) /irginia 223 5	ts 313-1450	
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Austin, TX 78705				Janice March	Pampel $1$ , 20	ampels	(Depositor's name) (Signature) (Date)
APPLICATION NO.	FILING DATE	I	IRST NAMED INVEI	NTOR	ATTOR	NEY DOCKET NO.	CONFIRMATION NO.
12/690,592 TITLE OF INVENTION: STORA	01/20/2010 GE ROUTER AND N	METHOD FOR PR	Geoffrey B. Hoe OVIDING VIRTUA	se L LOCAL STORA	.GE	ROSS1120-33	8115
APPLN. TYPE SMAI	L ENTITY IS	SUE FEE DUE	PUBLICATION FEE	DUE PREV. PAID	ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$	0	\$1810	04/11/2011
EXAMINER		ART UNIT	CLASS-SUBCLAS	s			
SHIN, CHRISTOPHE	R B	2181	710-305000				
<ol> <li>Change of correspondence addr CFR 1.363).</li> <li>Change of correspondence Address form PTO/SB/122) att</li> <li>"Fee Address" indication (c PTO/SB/47; Rev 03-02 or mon Number is required.</li> </ol>	ess or indication of "H address (or Change of lached. or "Fee Address" Indic re recent) attached. Us	ee Address" (37 Correspondence cation form se of a Customer	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.				
3. ASSIGNEE NAME AND RES PLEASE NOTE: Unless an a recordation as set forth in 37 C (A) NAME OF ASSIGNEE Crossroads S	IDENCE DATA TO ssignee is identified I FR 3.11. Completion YStems, In	BE PRINTED ON ' pelow, no assignce a of this form is NO	the PATENT (prin data will appear on T a substitute for fill (B) RESIDENCE: Austin, T	t or type) the patent. If an ing an assignment. (CITY and STATI X	assignee is id 3 OR COUNT	entified below, the doc RY)	ument has been filed for
Please check the appropriate assig	gnee category or categ	ories (will not be p	inted on the patent)	: 🖵 Individual	Corporati	on or other private group	p entity 🖵 Government
4a. The following fee(s) are subm Size Fee Publication Fee (No small Advance Order - # of Cop	itted: entity discount permi ies	4 tted)	<ul> <li>Payment of Fee(s)</li> <li>A check is enc.</li> <li>Payment by creating</li> <li>The Director is overpayment, t</li> </ul>	): (Please first real losed. edit card. Form PT hereby authorized o Deposit Account	pply any prev O-2038 is atta to charge the Number <u>50</u>	iously paid issue fee sh uched. required fee(s), any defi - 3 1 8 3 (enclose an	town above) ciency, or credit any extra copy of this form).
5. Change in Entity Status (from a. Applicant claims SMAL NOTE: The Issue Fee and Public interest as shown by the records s	n status indicated abo L ENTITY status. Se ation Fee (if required of the United States P	vel e37 CFB-1:27. will pot be accepte atent and Trademar	b. Applicant is d from anyone othe office.	no longer claiming r than the applican	3 SMALL EN	TITY status. See 37 CFI attorney or agent; or the	R 1.27(g)(2). assignee or other party in
Authorized Signature Typed or printed nameA	ri G. Akma			Date Regist	 ration No	2//// 51,388	
This collection of information is an application. Confidentiality is submitting the completed applic this form and/or suggestions for Box 1450, Alexandria, Virginia Alexandria, Virginia 22313-1450 Under the Paperwork Reduction	required by 37 CFR 1 governed by 35 U.S. ation form to the USI reducing this burden, 22313-1450. DO NO ). Act of 1995, no perso	.311. The informati C. 122 and 37 CFR PTO. Time will var should be sent to the T SEND FEES OR ons are required to r	on is required to ob 1.14. This collectic y depending upon the Chief Information COMPLETED FOI espond to a collectic	tain or retain a ben- on is estimated to ta- ne individual case. n Officer, U.S. Pat- RMS TO THIS AL on of information u	efit by the pub ake 12 minute Any commen ent and Trade DRESS, SEN nless it display	lic which is to file (and s to complete, including ts on the amount of tim mark Office, U.S. Depan D TO: Commissioner for rs a valid OMB control n	by the USPTO to process) gathering, preparing, and e you require to complete tment of Commerce, P.O. or Patents, P.O. Box 1450, number.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

IN THE UNITED STATES					
AMENDMENT UNDER 3	Atty. Docket No. (Opt.) CROSS1120-33				
· · · · · · · · · · · · · · · · · · ·	Applicants: Geoffrey B. H	loese			
	Application Number 12/690,592	Filed 01/20/2010			
	For:				
	Storage Router and Met Local Storage	hod for Providing Virtual			
	Group Art Unit	Confirmation Number:			
	2181	8115			
	Certification Under 37 C.F.R. §1.10				
Mail Stop: Issue Fee	I hereby certify that this correspondence is being deposited electronically with the U.S. Patent and Trademark Office using the United States Patent and Trademark Office's EFS-Web system on				
Commissioner for Patents P.O. Box 1450					
Alexandria, VA 22313	Jani	rampel 1			
Dear Sir:	Janice	e Pampell '			

A Notice of Allowance and Fee(s) Due was issued by the Examiner on January 10, 2011. The Applicant therefore respectfully requests that the Examiner enter the following amendment under 37 CFR 1.312. While Applicant understands that entry of an Amendment after the notice of allowance is a matter of discretion and not of right, Applicant respectfully requests that the Examiner consider and enter the following changes to the specification.
Attorney Docket No. CROSS1120-33 12/690,592 Customer ID: 44654

2

Please amend the application as follows:

## IN THE SPECIFICATION

Following the title, please replace the first paragraph of page one the following paragraph:

[0001] This application is a continuation of, and claims a benefit of priority under [0001] 35 U.S.C. 120 of the filing date of U.S. Patent Application Serial No. 12/552,885 entitled "Storage Router and Method for Providing Virtual Local Storage" filed 09/02/2009, which is a continuation of and claims the benefit of priority of U.S. Application Serial No. 11/851,724 entitled "Storage Router and Method for Providing Virtual Local Storage" filed 09/07/2007, now U.S. Patent No. 7,689,754 issued 03/30/2010, which is a continuation of and claims the benefit of priority of U.S. Patent Application Serial No. 11/442,878 entitled "Storage Router and Method for Providing Virtual Local Storage" filed 05/30/2006, now abandoned, which is a continuation of and claims the benefit of priority of U.S. Patent Application Serial No. 11/353,826 entitled "Storage Router and Method for Providing Virtual Local Storage" filed on 02/14/2006, now U.S. Patent No. 7,340,549 issued 03/04/2008, which is a continuation of and claims the benefit of priority of U.S. Patent Application Serial No. 10/658,163 entitled "Storage Router and Method for Providing Virtual Local Storage" filed on 09/09/2003 now U.S. Patent No. 7,051,147 issued 05/23/2006, which is a continuation of and claims the benefit of benefit of priority of U.S. Patent Application Serial No. 10/081,110 by inventors Geoffrey B. Hoese and Jeffery T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on 02/22/2002, now U.S. Patent No. 6,789,152 issued on 09/07/2004, which in turn is a continuation of and claims benefit of priority of U.S. Application No. 09/354,682 by inventors Geoffrey B. Hoese and Jeffrey T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on 07/15/1999, now U.S. Patent No. 6,421,753 issued on 07/16/2002, which in turn is a continuation of and claims benefit of priority of U.S. Patent Application Serial No. 09/001,799, filed on 12/31/1997, now U.S. Patent No. 5,941,972 issued on 08/24/1999, and hereby incorporates these applications and patents by reference in their entireties as if they had been fully set forth herein.

Attorney Docket No. CROSS1120-33 12/690,592 Customer ID: 44654

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## **REMARKS**

Applicants appreciate the time taken by the Examiner to review the present amendment. Applicant submits that the priority information in the new paragraph above was recognized by the United States Patent and Trademark office as shown by its inclusion in the official filing receipt. It is respectfully submitted that the amendment does not affect the merits of the application and is proper subject matter for an Amendment Under 37 CFR 1.312. The Applicant therefore respectfully requests entry of the amendment.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-3183.

Respectfully submitted,

Sprinkle IP Law Group Ari Q. Akma

Reg. No. 51,388

Dated: March <u></u>, 2011

1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. 512-637-9220 Fax. 512-371-9088

Electronic Patent Application Fee Transmittal						
Application Number:	120	12690592				
Filing Date:	20-	-Jan-2010				
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE					
First Named Inventor/Applicant Name:	Geoffrey B. Hoese					
Filer:	Ari G. Akmal/Janice Pampell					
Attorney Docket Number:	CR	OSS1120-33				
Filed as Large Entity						
Utility under 35 USC 111(a) Filing Fees						
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)	
Basic Filing:						
Pages:						
Claims:						
Miscellaneous-Filing:						
Petition:						
Patent-Appeals-and-Interference:						
Post-Allowance-and-Post-Issuance:						
Utility Appl issue fee		1501	1	1510	1510	
Publ. Fee- early, voluntary, or normal		1504	1	300	300	

Case 1:13-cv-00895-SS Document Description	31-18 Filed ( Fee Code	04/09/14 Quantity	Page 204 of 2 Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
	Tot	al in USD	) (\$)	1810

Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 205 of 225 Electronic Acknowledgement Receipt			
EFS ID:	9696893		
Application Number:	12690592		
International Application Number:			
Confirmation Number:	8115		
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE		
First Named Inventor/Applicant Name:	Geoffrey B. Hoese		
Customer Number:	44654		
Filer:	Ari G. Akmal/Janice Pampell		
Filer Authorized By:	Ari G. Akmal		
Attorney Docket Number:	CROSS1120-33		
Receipt Date:	21-MAR-2011		
Filing Date:	20-JAN-2010		
Time Stamp:	11:47:44		
Application Type:	Utility under 35 USC 111(a)		

# Payment information:

Submitted with Payment	yes			
Payment Type	Deposit Account			
Payment was successfully received in RAM	\$1810			
RAM confirmation Number	8781			
Deposit Account 503183				
Authorized User				
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:				
Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)				
Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)				

Charge	Case 1:13-cv-00895-SS Doc any Additional Fees required under 37 C.F.	R. Section 1.21 (Miscellaneous fee	5 and charges)	of 225	
File Listin	g:				
Document Number	<b>Document Description</b>	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	CROSS1120-33_Transmittal_of	38692	no	1
	-	_Payment_of_Issue_Fee.pdf	0ed3d30a44ed45ee1cf37580d97b0bbad11 eb3ba		
Warnings:					
Information:					
2	lssue Fee Payment (PTO-85B)	CROSS1120-33_PTOL-85.pdf	96691	no	1
			2081e8bddfd0c06c1b420644747322b881b 52ec5		
Warnings:					
Information:		I			
3	Amendment after Notice of Allowance	CROSS1120-33_Amendment_U	104947	no	3
	(nule 312)	nder_312.pdf	3146295b48db3e23309885ba8408b8a8cf7 cd713		
Warnings:					
Information:					
4	4 Fee Worksheet (PTO-875)	fee-info.pdf	31982	no	2
			35c157186b5d2bc9d857dba7280faf1357b 9fdc8		
Warnings:					
Information:					
		Total Files Size (in bytes)	27	72312	
This Acknow characterized Post Card, as <u>New Applica</u> If a new appl 1.53(b)-(d) an Acknowledge	ledgement Receipt evidences receip d by the applicant, and including pag described in MPEP 503. tions Under 35 U.S.C. 111 ication is being filed and the applica nd MPEP 506), a Filing Receipt (37 CF ement Receipt will establish the filin	t on the noted date by the US ge counts, where applicable. tion includes the necessary c R 1.54) will be issued in due g date of the application.	SPTO of the indicated It serves as evidence omponents for a filin course and the date s	documents of receipt s g date (see hown on th	s, similar to a 37 CFR is
National Star If a timely su U.S.C. 371 an national stag <u>New Internat</u> If a new inter an internatio and of the In- national sect	ge of an International Application un bmission to enter the national stage of other applicable requirements a F ge submission under 35 U.S.C. 371 wi tional Application Filed with the USP mational application is being filed an onal filing date (see PCT Article 11 an ternational Filing Date (Form PCT/RG urity, and the date shown on this Ack	nder 35 U.S.C. 371 of an international applicati orm PCT/DO/EO/903 indicati ill be issued in addition to the <u>PTO as a Receiving Office</u> nd the international applicat d MPEP 1810), a Notification D/105) will be issued in due c knowledgement Receipt will d	on is compliant with ng acceptance of the Filing Receipt, in du ion includes the nece of the International <i>J</i> ourse, subject to pres establish the internat	the condition application e course. ssary comp Application scriptions co tional filing	ons of 35 as a onents for Number oncerning date of
the applicati	on.	-			

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TRANS (	MITTAL OF	PAYMENT OF ISS ity) 37 C.F.R. 1.311	UE FEE  )	Docket No. CROSS1120-33		
		Applicant(s) Geoffrey B. Hoese				
Application No.Filing DateExaminerGroup Art UnitConfirmation No.12/690,59201/20/2010SHIN, Christopher B.21818115						
Title: STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE						

# Mail Stop: Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Transmitted herewith are the following items in reference to the above-identified application:

- Issue Fee Transmittal Form PTOL-85
- Since See: \$1,510.00
- Publication Fee \$300.00
- Amendment Under 1.312
- The Director is hereby authorized to charge Deposit Account No. 50-3183 of Sprinkle IP Law Group.
- The Director is hereby authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Ari G. Ákmal

Reg. No. 48,828

Customer No. 44654 Sprinkle IP Law Group 1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 371-9088

## Certificate of Transmission Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited electronically with the U.S. Patent and Trademark Office using the United States Patent and Trademark Office's EFS-Web system on ______

Inne tamp Janice Pampell

Case UNIT	1:13-cv-00895-SS ed States Patent a	Document 31-18 Filed 0 IND TRADEMARK OFFICE	4/09/14 Page 208 of UNITED STATES DEPAR United States Patent and Address: COMMISSIONER f Addression COMMISSIONER f Alexandria, Virginia 22 www.uspto.gov	225 TMENT OF COMMERC Trademark Office FOR PATENTS 313-1450
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
12/690,592	01/20/2010	Geoffrey B. Hoese	CROSS1120-33	8115
44654	7590 03/23/2011		EXAM	IINER
1301 W. 25th S	treet		SHIN, CHRI	STOPHER B
Suite 408 Austin, TX 787	05		ART UNIT	PAPER NUMBER
,,,			2181	
			MAIL DATE	DELIVERY MODE
			03/23/2011	PAPER

# Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Response to Rule 312 Communication		12/690,592	HOESE ET AL.
		Examiner	Art Unit
	The MAILING DATE of this communication	appears on the cover sheet w	vith the correspondence address –
. 🛛 The a) 🖾	amendment filed on <u>21 March 2011</u> under 37 CFR entered.	1.312 has been considered, a	nd has been:
b) 🗌	entered as directed to matters of form not affectin	g the scope of the invention.	
c) 🗌	disapproved because the amendment was filed a Any amendment filed after the date the issue f and the required fee to withdraw the application	fter the payment of the issue fe ee is paid must be accompanie n from issue.	ee. ed by a petition under 37 CFR 1.313(c)(1)
d) 🗌	disapproved. See explanation below.		
e) 🗌	entered in part. See explanation below.		
			,
			1
·			Timothy Caldwell Publishing Division
Patent and T	rademark Office		Part of Paper No. 20110323

## Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 210 of 225

UNITED STATES DEPARTMENT OF COMMERCE



## UNITED STATES PATENT AND TRADEMARK OFFICE

	/			Address: COMMISSIO P.O. Box 1450 Alexandria, Virg www.uspto.gov	nia 22313-1450
APPLICATION NO.		ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/690,592	12/690,592 04/26/2011 7		7934041	CROSS1120-33	8115
44654	7590	04/06/2011			

7590

Sprinkle IP Law Group 1301 W. 25th Street Suite 408 Austin, TX 78705

# **ISSUE NOTIFICATION**

The projected patent number and issue date are specified above.

# Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Geoffrey B. Hoese, Austin, TX; Jeffry T. Russell, Cibolo, TX;

IR103 (Rev. 10/09)

## Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 211 of 225

Approved for use through 08/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. (Also Form PTO-1050) UNITED STATES PATENT AND TRADEMARK OFFICE **CERTIFICATE OF CORRECTION** Page 1 of 1 PATENT NO. 7,934,041 APPLICATION NO.: 12/690,592 ISSUE DATE: 04/26/2011 It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below: A set of devices connected --to-- a first transport medium, wherein the first transport medium --is a serial transport medium --;

MAILING ADDRESS OF SENDER:

Customer No. 44654 Sprinkle IP Law Group 1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9220 Fax. (512) 371-9088

This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231

PTO/SB/44 (09/07)

INVENTOR(S): Geoffrey B. Hoese, et al.

Claim 20:

Electronic Patent Application Fee Transmittal						
Application Number:	12690592					
Filing Date:	20	-Jan-2010				
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE					
First Named Inventor/Applicant Name:	Ge	offrey B. Hoese				
Filer:	John L. Adair/Janice Pampell					
Attorney Docket Number:	CR	OSS1120-33				
Filed as Large Entity						
Utility under 35 USC 111(a) Filing Fees						
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)	
Basic Filing:						
Pages:						
Claims:						
Miscellaneous-Filing:						
Petition:						
Patent-Appeals-and-Interference:						
Post-Allowance-and-Post-Issuance:						
Certificate of correction	_	1811	1	100	100	
Extension-of-Time:						

Case 1:13-cv-00895-SS Document Description	31-18 Filed Fee Code	04/09/14 Quantity	Page 213 of 2 Amount	225 Sub-Total in USD(\$)
Miscellaneous:				
	Tot	al in USD	(\$)	100

Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 214 of 225 Electronic Acknowledgement Receipt				
EFS ID:	10490129			
Application Number:	12690592			
International Application Number:				
Confirmation Number:	8115			
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE			
First Named Inventor/Applicant Name:	Geoffrey B. Hoese			
Customer Number:	44654			
Filer:	John L. Adair/Janice Pampell			
Filer Authorized By:	John L. Adair			
Attorney Docket Number:	CROSS1120-33			
Receipt Date:	11-JUL-2011			
Filing Date:	20-JAN-2010			
Time Stamp:	15:20:53			
Application Type:	Utility under 35 USC 111(a)			

# Payment information:

Submitted with Payment	yes			
Payment Type	Deposit Account			
Payment was successfully received in RAM	\$100			
RAM confirmation Number	1837			
Deposit Account	503183			
Authorized User				
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:				
Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)				
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)				

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	CROSS1120-33_Transmittal_Let	34484	no	1
'	Miscellaneous meoning Letter	ter.pdf	225180843b7e05f6c5ae82d25f3193d2f695 dd6d	110	
Warnings:					
Information:					
7	Paquast for Cartificate of Corraction	CROSS1120-33_Certificate_of_	31604		1
2	Request for Certificate of Correction	Correction.pdf	39defa7b887e73ea1a92b03836649154ba0 3f765	10	I
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			30191	no	2
3	Fee Worksheet (SB06)	fee-info.pdf	d67fb2524cf07f864b91d8088e775d1e1c54 d8dc		
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Information: This Acknowl characterized Post Card, as <u>New Applicat</u> If a new appli 1.53(b)-(d) ar Acknowledge <u>National Stag</u> If a timely sul U.S.C. 371 an national stag	edgement Receipt evidences receip d by the applicant, and including pa described in MPEP 503. tions Under 35 U.S.C. 111 dication is being filed and the applica of MPEP 506), a Filing Receipt (37 Cl ement Receipt will establish the filin ge of an International Application un omission to enter the national stage d other applicable requirements a F e submission under 35 U.S.C. 371 w	Total Files Size (in bytes) of on the noted date by the US ge counts, where applicable. The stress of the source of the application. The stress of the application. The stress of the application of the source of an international application form PCT/DO/EO/903 indication to the	SPTO of the indicated It serves as evidence components for a filin course and the date s fon is compliant with ng acceptance of the e Filing Receipt, in du	6279 documents of receipt s og date (see hown on th the conditic application e course.	5, imilar to 37 CFR is ons of 35 as a

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE			
TRANSMITTAL LET	Atty. Docket No. CROSS1120-33		
	Applicant Geoffrey B. Hoese, et a		
	Application No. <b>12/690,592</b>	Filing Date 01/20/2010	
	Patent Number <b>7.934.041</b>		
	For Storage Router and M Virtual Local Storage		
	Confirmation No. 8115		
Attention: Certificate of Correction Branch Office of Patent Publication Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Certificate of Mai	iling Under 37 C.F.R. 1.8 respondence is being deposited using the United States Patent and eb system on <u>7-////</u> U Pampull ice Pampell	
Dear Sir:			

Transmitted herewith for filing in the above-identified Patent is a Certificate of Correction. The error noted on the Certificate of Correction is on the part of the Applicant. The Commissioner is hereby authorized to charge the appropriate fee against Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted, SPRINKLE IP LAW GROUP John L. Adair Reg. No 48,828

Date: <u>7-8</u> _, 2011

Sprinkle IP Law Group 1301 W. 25th Street Suite 408 Austin, Texas 78705 Tel. (512) 637-9225 Fax. (512) 371-9088 

7/19/2111	
ARTLINIT 2181	-
: Request for Certificate of Correc	tion for Appl. No.: 12/690592 Patent No.: 793404/
	CofC mailroom date: 7/11/20/1
nd to this request for a cer	tificate of correction within 7 days.
<u>.ES</u> :	
v the requested changes/c ication image. No new ma ne claims be changed.	orrections as shown in the <b>COCIN</b> document(s) in the scope or the sco
lete the response (see belo ent code <b>COCX</b> .	ow) and forward the completed response to scanning
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v the requested changes/c lease complete this form (	orrections as shown in the attached certificate of see below) and forward it with the file to:
	Certificates of Correction Branch
	(571) 272-0460
or Your Assistance	
for issuing the above-ide	
on the appropriate box.	entitied correction(s) is hereby:
on the appropriate box. Approved	All changes apply.
on the appropriate box. Approved Approved in Part	All changes apply. Specify below which changes <b>do not</b> apply.
on the appropriate box. Approved Approved in Part Denied	All changes apply. Specify below which changes <b>do not</b> apply. State the reasons for denial below.
on the appropriate box. Approved Approved in Part Denied	All changes apply. Specify below which changes <b>do not</b> apply. State the reasons for denial below.
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DATE	1/19/20/1	, 
TO SPE OF	: ART UNIT <u>218/</u>	/
SUBJECT	: Request for Certificate of C	Correction for Appl. No.: <u>12/690593</u> Patent No.: <u>793404</u>
		CofC mailroom date: 7/11/2011
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FOR PAPE	<u>R FILES</u> :	
Please revie correction.	ew the requested chang Please complete this fo	es/corrections as shown in the attached certificate of rm (see below) and forward it with the file to:
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Note:		<i>Virginia Tolbert</i> Certificates of Correction Branch
Note:		<u> </u>
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Note: Thank You The reques Note your decision	For Your Assistance t for issuing the above to on the appropriate box. Approved	<u>Ovirginia Tolbert</u> Certificates of Correction Branch (571) 272-0460 e-identified correction(s) is hereby: All changes apply.
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# UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

 PATENT NO.
 : 7,934,041 B2

 APPLICATION NO.
 : 12/690592

 DATED
 : April 26, 2011

 INVENTOR(S)
 : Geoffrey B. Hoese et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Claim 20: Col. 10 line 56 should read -

A set of devices connected --to-- a first transport medium, wherein the first transport medium --is a serial transport medium--;

Signed and Sealed this Thirteenth Day of September, 2011

land J. Kappos

David J. Kappos Director of the United States Patent and Trademark Office

Oracle-Huawei-NetApp Ex. 1009, pg. 1183

# Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 220 of 225

OMB No. 0651-0027 (exp. 02/28/2009)	United States Patent and Trademark Office
RECORDATION FO	
To the Director of the U.S. Patent and Trademark Office: Please	se record the attached documents or the new address(es) below.
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	Name: Crossroads Systems, Inc.
Geoffrey B. Hoese Jeffrv T. Russell	Internal Address:
Additional name(s) of conveying party(ies) attached? Yes 🔀 No	
3. Nature of conveyance/Execution Date(s):	Street Address:9390 Research Bivd.,
Execution Date(s) December 22, 1997	Suite II-300
	City: Austin
Security Agreement Change of Name	
	State: Texas
	Country: USA Zip: 78759
Additional numbers at	
	tached? Yes XNo
5. Name and address to whom correspondence concerning document should be mailed:	tached? Yes No 6. Total number of applications and patents involved: 1
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### ASSIGNMENT

WHEREAS, we, the undersigned inventors of residence as listed, have invented certain new and useful improvements as below entitled, for which application for United States Letters Patent is made, said application having been executed on the date set forth below; and

WHEREAS, Crossroads Systems, Inc. (hereinafter referred to as "Assignee"), a Texas corporation, with its principal address at 9390 Research Blvd., Suite II-300, Austin, Texas 78759, desires to acquire our entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issue thereon;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we assign to Assignee, all right, title and interest in and to the said invention and in and to the said application and all patents which may be granted therefor, and all divisions, reissues, continuations, continuations-in-part and extensions thereof; and we authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as our interests are concerned, to Assignee.

We also assign to Assignee, all right, title and interest in and to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world, including all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and we further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right, title and interest in Assignee.

We will communicate to Assignee any facts known to us respecting any improvements; and, at the expense of Assignee, we will testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-inpart, reissue and substitute applications, make lawful oaths and declarations, and generally do everything possible to vest title in Assignee and to aid Assignee to obtain and enforce proper protection for said invention in all countries. Case 1:13-cv-00895-SS Document 31-18 Filed 04/09/14 Page 222 of 225

This Assignment shall be binding on the parties' successors, assigns and legal representatives.

Title of Invention: STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

Signature of first Inventor: Inventor's Name:

Geoffrey B. Hoese

Texas

Residence (City, County, State) ____ Austin, Travis County,

Date:

Date:

12/22/97

Date Application Executed:

Signature of second Inventor: Inventor's Name:

Residence (City, County, State)

Russell

Cibolo, Guadalupe County, Texas

Nocen ba 22, 1997

Date Application Executed:



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MARCH 31, 2011

PTAS .

SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN TX 78705



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RECORDATION DATE: 03/16/2011

REEL/FRAME: 025990/0714 NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS). DOCKET NUMBER: CROSS1120-33

ASSIGNOR:

HOESE, GEOFFREY B. DOC DATE: 12/22/1997

ASSIGNOR: RUSSELL, JEFFRY T.

DOC DATE: 12/22/1997

ASSIGNEE:

CROSSROADS SYSTEMS, INC. 9390 RESEARCH BLVD. SUITE II-300 AUSTIN, TEXAS 78759

P.O. Box 1450, Alexandria, Virginia 22313-1450 - WWW.USPTO.GOV

# · USPTOCase 1:13-cv-00895-55/2011 4:001 31-18 File 04/36914 Page 224 01225 TO:SPRINKLE IP LAW GROUP PANY:1301 W. 25TH STREET

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025990/0714 PAGE 2

APPLICATION NUMBER: 12690592 FILING DATE: 01/20/2010 PATENT NUMBER: ISSUE DATE: TITLE: STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

TONYA LEE, EXAMINER ASSIGNMENT SERVICES BRANCH PUBLIC RECORDS DIVISION ^{USPTO}Case 1:13-cv-00895455/2066ument 51-48 PAGE 04/09924 PEge 225 TO:SPRINKLE IP LAW GROUP (PANY:1301 W. 25TH STREET

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13 the Director of the U.S. Patent and Ti	rademark Office: Please	e record the attached documents or the new address(es) below.
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Geoffrey B. Hoese		Name: Crossroads Systems, Inc.
Jeffry T. Russell		Internal Address:
Additional name(s) of conveying party(ies) attac	shed?	
3. Nature of conveyance/Execution	Date(s):	Street Address: 9390 Recearch Blud
Execution Date(s) December 22, 199	7	Suite II 200
Assignment M	erger	
Security Agreement	ange of Name	City: Austin
Joint Research Agreement		State: Texas
Government Interest Assignment	1	Country 1/0A
Executive Order 9424, Confirmato	ry License	Country: USA Zip: <u>78759</u>
Other	A	Additional name(s) & address(es) attached?
4. Application or patent number(s):	This do	ocument is being filed together with a new application
A. Patent Application No.(s)		B. Patent No.(s)
12/690,592 (CROSS1120-33)		
Ac	iditional numbers attact	thed? Yes XNo
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Street Address, 1301 W. 2atri Street, 5	<u>uite 408</u>	Enclosed
	L	None required (government interest not affecting title)
City: Austin	8.	. Payment Information
State: Texas Zip: 78	1705	
Phone Number 512-637-9220		
Fax Number: 512-371-9088		Deposit Account Number: 503183
Email Address:	4	Authorized User Name: Ari G. Akmai
). Signature:		
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Ari G, Akmal (Reg. N	0. 51,388)	Total number of pages including over
Name of Person	Signing	sheet, strachments, and documents:

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US007051147B2

## (12) United States Patent Hoese et al.

## (54) STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

- (75) Inventors: Geoffrey B. Hoese, Austin, TX (US); Jeffry T. Russell, Cibolo, TX (US)
- (73) Assignee: Crossroads Systems, Inc., Austin, TX (US)
- (*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

- (21) Appl. No.: 10/658,163
- (22) Filed: Sep. 9, 2003

#### (65) Prior Publication Data

US 2004/0054838 A1 Mar. 18, 2004

#### Related U.S. Application Data

- (63) Continuation of application No. 10/081,110, filed on Feb. 22, 2002, now Pat. No. 6,789,152, which is a continuation of application No. 09/354,682, filed on Jul. 15, 1999, now Pat. No. 6,421,753, which is a continuation of application No. 09/001,799, filed on Dec. 31, 1997, now Pat. No. 5,941,972.
- (51) Int. Cl.
- G06F 13/00 (2006.01)

See application file for complete search history.

## (10) Patent No.: US 7,051,147 B2 (45) Date of Patent: *May 23, 2006

## (56)

EP

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## (Continued)

Primary Examiner—Christopher Shin (74) Attorney, Agent, or Firm—Sprinkle IP Law Group

#### (57) ABSTRACT

A storage router and storage network provide virtual local storage on remote storage devices to Fiber Channel devices. A plurality of Fiber Channel devices, such as workstations, are connected to a Fiber Channel transport medium, and a plurality of storage devices are connected to a second Fiber Channel transport medium. The storage router interfaces between the Fiber Channel transport media. The storage router maps between the workstations and the storage devices and implements access controls for storage space on the storage devices. The storage router then allows access from the workstations to the storage devices using native low level, block protocol in accordance with the mapping and the access controls.

#### 39 Claims, 2 Drawing Sheets



# Case 1:13-cv-00895-SS Document 31-19 Filed 04/09/14 Page 2 of 14

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211	PATENT	DOCIMENTS	5 487 077	٨	1/1006	Herenze et al
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#### STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

#### RELATED APPLICATIONS

This application is a continuation of and claims the benefit of the filing dates of U.S. patent application Ser. No. 10/081,110 by inventors Geoffrey B. Hoese and Jeffry T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Feb. 22, 2002, now U.S. Pat. 10 No. 6,789,152 which in turn is a continuation of U.S. application Ser. No. 09/354,682 by inventors Geoffrey B. Hoese and Jeffry T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Jul. 15, 1999, now U.S. Pat. No. 6,421,753, which in turn is a 15 continuation of U.S. patent application Ser. No. 09/001,799, filed on Dec. 31, 1997, now U.S. Pat. No. 5,941,972, and hereby incorporates these applications by reference in their entircties as if they had been fully set forth herein.

#### TECHNICAL FIELD OF THE INVENTION

This invention relates in general to network storage devices, and more particularly to a storage router and method for providing virtual local storage on remote SCSI 25 storage devices to Fibre Channel devices.

#### BACKGROUND OF THE INVENTION

Typical storage transport mediums provide for a relatively 30 small number of devices to be attached over relatively short distances. One such transport medium is a Small Computer System Interface (SCSI) protocol, the structure and operation of which is generally well known as is described, for example, in the SCSI-1, SCSI-2 and SCSI-3 specifications. 35 High speed serial interconnects provide enhanced capability to attach a large number of high speed devices to a common storage transport medium over large distances. One such serial interconnect is Fibre Channel, the structure and operation of which is described, for example, in *Fibre Channel* 40 *Physical and signaling Interface (FC-PH)*, ANSI X3.230 *Fibre Channel Arbitrated Loop (FC-AL)*, and ANSI X3.272 *Fibre Channel Private Loop Direct Attach (FC-PLDA)*.

Conventional computing devices, such as computer workstations, generally access storage locally or through network 45 interconnects. Local storage typically consists of a disk drive, tape drive, CD-ROM drive or other storage device contained within, or locally connected to the workstation. The workstation provides a file system structure, that includes security controls, with access to the local storage 50 device through native low level, block protocols. These protocols map directly to the mechanisms used by the storage device and consist of data requests without security controls. Network interconnects typically provide access for a large number of computing devices to data storage on a 55 remote network server. The remote network server provides file system structure, access control, and other miscellaneous capabilities that include the network interface. Access to data through the network server is through network protocols that the server must translate into low level requests to 60 the storage device. A workstation with access to the server storage must translate its file system protocols into network protocols that are used to communicate with the server. Consequently, from the perspective of a workstation, or other computing device, seeking to access such server data, 65 the access is much slower than access to data on a local storage device.

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#### SUMMARY OF THE INVENTION

In accordance with the present invention, a storage router and method for providing virtual local storage on remote ⁵ SCSI storage devices to Fibre Channel devices are disclosed that provide advantages over conventional network storage devices and methods.

According to one aspect of the present invention, a storage router and storage network provide virtual local 10 storage on remote SCSI storage devices to Fibre Channel devices. A plurality of Fibre Channel devices, such as workstations, are connected to a Fibre Channel transport medium, and a plurality of SCSI storage devices are connected to a SCSI bus transport medium. The storage router interfaces between the Fibre Channel transport medium and the SCSI bus transport medium. The storage router maps between the workstations and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. The storage router then allows access from 20 the workstations to the SCSI storage devices using native low level, block protocol in accordance with the mapping and the access controls.

According to another aspect of the present invention, virtual local storage on remote SCSI storage devices is provided to Fibre Channel devices. A Fibre Channel transport medium and a SCSI bus transport medium are interfaced with. A configuration is maintained for SCSI storage devices connected to the SCSI bus transport medium. The configuration maps between Fibre Channel devices and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. Access is then allowed from Fibre Channel initiator devices to SCSI storage devices using native low level, block protocol in accordance with the configuration.

A technical advantage of the present invention is the ability to centralize local storage for networked workstations without any cost of speed or overhead. Each workstation access its virtual local storage as if it work locally connected. Further, the centralized storage devices can be located in a significantly remote position even in excess of ten kilometers as defined by Fibre Channel standards.

Another technical advantage of the present invention is the ability to centrally control and administer storage space for connected users without limiting the speed with which the users can access local data. In addition, global access to data, backups, virus scanning and redundancy can be more easily accomplished by centrally located storage devices.

A further technical advantage of the present invention is providing support for SCSI storage devices as local storage for Fibre Channel hosts. In addition, the present invention helps to provide extended capabilities for Fibre Channel and for management of storage subsystems.

#### BRIEF DESCRIPTION OF THE DRAWINGS

A more complete understanding of the present invention and the advantages thereof may be acquired by referring to the following description taken in conjunction with the accompanying drawings, in which like reference numbers indicate like features, and wherein:

FIG. 1 is a block diagram of a conventional network that provides storage through a network server;

FIG. 2 is a block diagram of one embodiment of a storage network with a storage router that provides global access and routing; US 7.051.147 B2

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FIG. 3 is a block diagram of one embodiment of a storage network with a storage router that provides virtual local storage

FIG. 4 is a block diagram of one embodiment of the storage router of FIG. 3; and

FIG. 5 is a block diagram of one embodiment of data flow within the storage router of FIG. 4.

#### DETAILED DESCRIPTION OF THE INVENTION

FIG. 1 is a block diagram of a conventional network, indicated generally at 10, that provides access to storage through a network server. As shown, network 10 includes a plurality of workstations 12 interconnected with a network 15 server 14 via a network transport medium 16. Each workstation 12 can generally comprise a processor, memory, input/output devices, storage devices and a network adapter as well as other common computer components. Network server 14 uses a SCSI bus 18 as a storage transport medium 20 to interconnect with a plurality of storage devices 20 (tape drives, disk drives, etc.). In the embodiment of FIG. 1, network transport medium 16 is an network connection and storage devices 20 comprise hard disk drives, although there are numerous alternate transport mediums and storage 25 devices.

In network 10, each workstation 12 has access to its local storage device as well as network access to data on storage devices 20. The access to a local storage device is typically through native low level, block protocols. On the other hand, 30 access by a workstation 12 to storage devices 20 requires the participation of network server 14 which implements a file system and transfers data to workstations 12 only through high level file system protocols. Only network server 14 communicates with storage devices 20 via native low level, 35 block protocols. Consequently, the network access by workstations 12 through network server 14 is slow with respect to their access to local storage. In network 10, it can Also be a logistical problem to centrally manage and administer local data distributed across an organization, including 40 accomplishing tasks such as backups, virus scanning and redundancy.

FIG. 2 is a block diagram of one embodiment of a storage network, indicated generally at 30, with a storage router that provides global access and routing. This environment is 4 significantly different from that of FIG. 1 in that there is no network server involved. In FIG. 2, a Fibre Channel high speed serial transport 32 interconnects a plurality of workstations 36 and storage devices 38. A SCSI bus storage transport medium interconnects workstations 40 and storage devices 42. A storage router 44 then serves to interconnect these mediums and provide devices on either medium global, transparent access to devices on the other medium. Storage router 44 routes requests from initiator devices on one medium to target devices on the other medium and 55 routes data between the target and the initiator. Storage router 44 can allow initiators and targets to be on either side. In this manner, storage router 44 enhances the functionality of Fibre Channel 32 by providing access, for example, to legacy SCSI storage devices on SCSI bus 34. In the embodiment of FIG. 2, the operation of storage router 44 can be managed by a management station 46 connected to the storage router via a direct serial connection.

In storage network 30, any workstation 36 or workstation 40 can access any storage device 38 or storage device 42 65 through native low level, block protocols, and vice versa. This functionality is enabled by storage router 44 which

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routes requests and data as a generic transport between Fibre Channel 32 and SCSI bus 34. Storage router 44 uses tables to map devices from one medium to the other and distributes requests and data across Fibre Channel 32 and SCSI bus 34 without any security access controls. Although this extension of the high speed serial interconnect provided by Fibre Channel 32 is beneficial, it is desirable to provide security controls in addition to extended access to storage devices through a native low level, block protocol.

FIG. 3 is a block diagram of one embodiment of a storage 10 network, indicated generally at 50, with a storage router that provides virtual local storage. Similar to that of FIG. 2, storage network 50 includes a Fibre Channel high speed serial interconnect 52 and a SCSI bus 54 bridged by a storage router 56. Storage router 56 of FIG. 3 provides for a large number of workstations 58 to be interconnected on a common storage transport and to access common storage devices 60, 62 and 64 through native low level, block protocols.

According to the present invention, storage router 56 has enhanced functionality to implement security controls and routing such that each workstation 58 can have access to a specific subset of the overall data stored in storage devices 60, 62 and 64. This specific subset of data has the appearance and characteristics of local storage and is referred to herein as virtual local storage. Storage router 56 allows the configuration and modification of the storage allocated to each attached workstation 58 through the use of mapping tables or other mapping techniques.

As shown in FIG. 3, for example, storage device 60 can be configured to provide global data 65 which can be accessed by all workstations 58. Storage device 62 can be configured to provide partitioned subsets 66, 68, 70 and 72, where each partition is allocated to one of the workstations 58 (workstations A, B, C and D). These subsets 66, 68, 70 and 72 can only be accessed by the associated workstation 58 and appear to the associated workstation 58 as local storage accessed using native low level, block protocols. Similarly, storage device 64 can be allocated as storage for the remaining workstation 58 (workstation E).

Storage router 56 combines access control with routing such that each workstation 58 has controlled access to only the specified partition of storage device 62 which forms virtual local storage for the workstation 58. This access control allows security control for the specified data partitions. Storage router 56 allows this allocation of storage devices 60, 62 and 64 to be managed by a management station 76. Management station 76 can connect directly to storage router 56 via a direct connection or, alternately, can interface with storage router 56 through either Fibre Channel 52 or SCSI bus 54. In the latter case, management station 76 can be a workstation or other computing device with special rights such that storage router 56 allows access to mapping tables and shows storage devices 60, 62 and 64 as they exist physically rather than as they have been allocated.

The environment of FIG. 3 extends the concept of a single workstation having locally connected storage devices to a storage network 50 in which workstations 58 are provided virtual local storage in a manner transparent to workstations 58. Storage router 56 provides centralized control of what each workstation 58 sees as its local drive, as well as what data it sees as global data accessible by other workstations 58. Consequently, the storage space considered by the workstation 58 to be its local storage is actually a partition (i.e., logical storage definition) of a physically remote storage device 60, 62 or 64 connected through storage router 56. This means that similar requests from workstations 58 for

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access to their local storage devices produce different accesses to the storage space on storage devices 60, 62 and 64. Further, no access from a workstation 58 is allowed to the virtual local storage of another workstation 58.

The collective storage provided by storage devices 60, 62 and 64 can have blocks allocated by programming means within storage router 56. To accomplish this function, storage router 56 can include routing tables and security controls that define storage allocation for each workstation 58. The advantages provided by implementing virtual local storage in centralized storage devices include the ability to do collective backups and other collective administrative functions more easily. This is accomplished without limiting the performance of workstations 58 because storage access involves native low level, block protocols and does not 15 involve the overhead of high level protocols and file systems required by network servers.

FIG. 4 is a block diagram of one embodiment of storage router 56 of FIG. 3. Storage router 56 can comprise a Fibre Channel controller 80 that interfaces with Fibre Channel 52 and a SCSI controller 82 that interfaces with SCSI bus 54. A buffer 84 provides memory work space and is connected to both Fibre Channel controller 80 and to SCSI controller 82. A supervisor unit 86 is connected to Fibre Channel 25 controller 80, SCSI controller 82 and buffer 84. Supervisor unit 86 comprises a microprocessor for controlling operation of storage router 56 and to handle mapping and security access for requests between Fibre Channel 52 and SCSI bus 54.

FIG. 5 is a block diagram of one embodiment of data flow within storage router 56 of FIG. 4. As shown, data from Fibre Channel 52 is processed by a Fibre Channel (FC) protocol unit 88 and placed in a FIFO queue 90. A direct memory access (DMA) interface 92 then takes data out of FIFO queue 90 and places it in buffer 84. Supervisor unit 86 processes the data in buffer 84 as represented by supervisor processing 93. This processing involves mapping between Fibre Channel 52 and SCSI bus 54 and applying access controls and routing functions. A DMA interface 94 then pulls data from buffer 84 and places it into a buffer 96. A SCSI protocol unit 98 pulls data from buffer 96 and communicates the data on SCSI bus 54. Data flow in the reverse direction, from SCSI bus 54 to Fibre Channel 52, is accomplished in a reverse manner.

The storage router of the present invention is a bridge device that connects a Fibre Channel link directly to a SCSI bus and enables the exchange of SCSI command set information between application clients on SCSI bus devices and the Fibre Channel links. Further, the storage router applies 50 access controls such that virtual local storage can be established in remote SCSI storage devices for workstations on the Fibre Channel link. In one embodiment, the storage router provides a connection for Fibre Channel links running devices attached to a SCSI bus. The Fibre Channel topology is typically an Arbitrated Loop (FC_AL).

In part, the storage router enables a migration path to Fibre Channel based, serial SCSI networks by providing connectivity for legacy SCSI bus devices. The storage router 60 can be attached to a Fibre Channel Arbitrated Loop and a SCSI bus to support a number of SCSI devices. Using configuration settings, the storage router can make the SCSI bus devices available on the Fibre Channel network as FCP logical units. Once the configuration is defined, operation of 65 the storage router is transparent to application clients. In this manner, the storage router can form an integral part of the

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migration to new Fibre Channel based networks while providing a means to continue using legacy SCSI devices. In one implementation (not shown), the storage router can be a rack mount or free standing device with an internal power supply. The storage router can have a Fibre Channel and SCSI port, and a standard, detachable power cord can be used, the FC connector can be a copper DB9 connector, and the SCSI connector can be a 68-pin type. Additional modular jacks can be provided for a serial port and a 802.3 10BaseT port, i.e. twisted pair Ethernet, for management access. The

SCSI port of the storage router an support SCSI direct and sequential access target devices and can support SCSI initiators, as well. The Fibre Channel port can interface to SCSI-3 FCP enabled devices and initiators. To accomplish its functionality, one implementation of the storage router uses: a Fibre Channel interface based on the HEWLETT-PACKARD TACHYON HPFC-5000 con-

troller and a GLM media interface; an Intel 80960RP processor, incorporating independent data and program memory spaces, and associated logic required to implement a stand alone processing system; and a serial port for debug and system configuration. Further, this implementation includes a SCSI interface supporting Fast-20 based on the SYMBIOS 53C8xx series SCSI controllers, and an operating system based upon the WIND RIVERS SYSTEMS VXWORKS or IXWORKS kernel, as determined by design.

In addition, the storage router includes software as required to control basic functions of the various elements, and to provide appropriate translations between the FC and SCSI protocols.

The storage router has various modes of operation that are possible between FC and SCSI target and initiator combinations. These modes are: FC Initiator to SCSI Target; SCSI Initiator to FC Target; SCSI Initiator to SCSI Target; and FC Initiator to FC Target. The first two modes can be supported concurrently in a single storage router device are discussed briefly below. The third mode can involve two storage router devices back to back and can serve primarily as a device to extend the physical distance beyond that possible via a direct SCSI connection. The last mode can be used to carry FC protocols encapsulated on other transmission technologies (e.g. ATM, SONET), or to act as a bridge between two FC loops (e.g. as a two port fabric).

The FC Initiator to SCSI Target mode provides for the basic configuration of a server using Fibre Channel to communicate with SCSI targets. This mode requires that a host system have an FC attached device and associated device drivers and software to generate SCSI-3 FCP requests. This system acts as an initiator using the storage router to communicate with SCSI target devices. The SCSI devices supported can include SCSI-2 compliant direct or sequential access (disk or tape) devices. The storage router serves to translate command and status information and transfer data between SCSI-3 FCP and SCSI-2, allowing the the SCSI Fibre Channel Protocol (FCP) to legacy SCSI 55 use of standard SCSI-2 devices in a Fibre Channel environment.

> The SCSI Initiator to FC Target mode provides for the configuration of a server using SCSI-2 to communicate with Fibre Channel targets. This mode requires that a host system has a SCSI-2 interface and driver software to control SCSI-2 target devices. The storage router will connect to the SCSI-2 bus and respond as a target to multiple target IDs. Configuration information is required to identify the target IDs to which the bridge will respond on the SCSI-2 bus. The storage router then translates the SCSI-2 requests to SCSI-3 FCP requests, allowing the use of FC devices with a SCSI host system. This will also allow features such as a tape

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device acting as an initiator on the SCSI bus to provide full support for this type of SCSI device.

In general, user configuration of the storage router will be needed to support various functional modes of operation. Configuration can be modified, for example, through a serial port or through an Ethernet port via SNMP (simple network management protocol) or a Telnet session. Specifically, SNMP manageability can be provided via an 802.3 Ethernet interface. This can provide for configuration changes as well as providing statistics and error information. Configuration 10 can also be performed via TELNET or RS-232 interfaces with menu driven command interfaces. Configuration information can be stored in a segment of flash memory and can be retained across resets and power off cycles. Password protection can also be provided. 15

In the first two modes of operation, addressing information is needed to map from FC addressing to SCSI addressing and vice versa. This can be 'hard' configuration data, due to the need for address information to be maintained across initialization and partial reconfigurations of the Fibre Chan-20 nel address space. In an arbitrated loop configuration, user configured addresses will be needed for AL_PAs in order to insure that known addresses are provided between loop reconfigurations.

25 With respect to addressing, FCP and SCSI 2 systems employ different methods of addressing target devices. Additionally, the inclusion of a storage router means that a method of translating device IDs needs to be implemented. In addition, the storage router can respond to commands without passing the commands through to the opposite interface. This can be implemented to allow all generic FCP and SCSI commands to pass through the storage router to address attached devices, but allow for configuration and diagnostics to be performed directly on the storage router through the FC and SCSI interfaces.

Management commands are those intended to be processed by the storage router controller directly. This may include diagnostic, mode, and log commands as well as other vendor-specific commands. These commands can be received and processed by both the FCP and SCSI interfaces, but are not typically bridged to the opposite interface. These commands may also have side effects on the operation of the storage router, and cause other storage router operations to change or terminate.

A primary method of addressing management commands though the FCP and SCSI interfaces can be through peripheral device type addressing. For example, the storage router can respond to all operations addressed to logical unit (LUN) zero as a controller device. Commands that the 50 storage router will support can include INQUIRY as well as vendor-specific management commands. These are to be generally consistent with SCC standard commands.

The SCSI bus is capable of establishing bus connections between targets. These targets may internally address logical 55 units. Thus, the prioritized addressing scheme used by SCSI subsystems can be represented as follows: BUS:TARGET; LOGICAL UNIT. The BUS identification is intrinsic in the configuration, as a SCSI initiator is attached to only one bus. Target addressing is handled by bus arbitration from infor- 60 mation provided to the arbitrating device. Target addresses are assigned to SCSI devices directly, though some means of configuration, such as a hardware jumper, switch setting, or device specific software configuration. As such, the SCSI protocol provides only logical unit addressing within the 65 Identify message. Bus and target information is implied by the established connection.

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Fibre Channel devices within a fabric are addressed by a unique port identifier. This identifier is assigned to a port during certain well-defined states of the FC protocol. Individual ports are allowed to arbitrate for a known, user defined address. If such an address is not provided, or if arbitration for a particular user address fails, the port is assigned a unique address by the FC protocol. This address is generally not guaranteed to be unique between instances. Various scenarios exist where the AL-PA of a device will change, either after power cycle or loop reconfiguration.

The FC protocol also provides a logical unit address field within command structures to provide addressing to devices internal to a port. The FCP_CMD payload specifies an eight byte LUN field. Subsequent identification of the exchange between devices is provided by the FQXID (Fully Qualified Exchange ID).

FC ports can be required to have specific addresses assigned. Although basic functionality is not dependent on this, changes in the loop configuration could result in disk targets changing identifiers with the potential risk of data corruption or loss. This configuration can be straightforward, and can consist of providing the device a loop-unique ID (AL_PA) in the range of "01h" to "EFh." Storage routers could be shipped with a default value with the assumption that most configurations will be using single storage routers and no other devices requesting the present ID. This would provide a minimum amount of initial configuration to the system administrator. Alternately, storage routers could be defaulted to assume any address so that configurations requiring multiple storage routers on a loop would not require that the administrator assign a unique ID to the additional storage routers.

Address translation is needed where commands are issued in the cases FC Initiator to SCSI Target and SCSI Initiator 35 to FC Target. Target responses are qualified by the FQXID and will retain the translation acquired at the beginning of the exchange. This prevents configuration changes occurring during the course of execution of a command from causing data or state information to be inadvertently misdirected. Configuration can be required in cases of SCSI Initiator to FC Target, as discovery may not effectively allow for FCP targets to consistently be found. This is due to an FC arbitrated loop supporting addressing of a larger number of devices than a SCSI bus and the possibility of FC devices changing their AL-PA due to device insertion or other loop initialization.

In the direct method, the translation to BUS:TARGET: LUN of the SCSI address information will be direct. That is, the values represented in the FCP LUN field will directly map to the values in effect on the SCSI bus. This provides a clean translation and does not require SCSI bus discovery. It also allows devices to be dynamically added to the SCSI bus without modifying the address map. It may not allow for complete discovery by FCP initiator devices, as gaps between device addresses may halt the discovery process. Legacy SCSI device drivers typically halt discovery on a target device at the first unoccupied LUN, and proceed to the next target. This would lead to some devices not being discovered. However, this allows for hot plugged devices and other changes to the loop addressing.

In the ordered method, ordered translation requires that the storage router perform discovery on reset, and collapses the addresses on the SCSI bus to sequential FCP LUN values. Thus, the FCP LUN values 0-N can represent N+1 SCSI devices, regardless of SCSI address values, in the order in which they are isolated during the SCSI discovery process. This would allow the FCP initiator discovery pro-
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cess to identify all mapped SCSI devices without further configuration. This has the limitation that hot-plugged devices will not be identified until the next reset cycle. In this case, the address may also be altered as well.

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In addition to addressing, according to the present inven- 5 tion, the storage router provides configuration and access controls that cause certain requests from FC Initiators to be directed to assigned virtual local storage partitioned on SCSI storage devices. For example, the same request for LUN 0 (local storage) by two different FC Initiators can be directed 10 to two separate subsets of storage. The storage router can use tables to map, for each initiator, what storage access is available and what partition is being addressed by a particular request. In this manner, the storage space provided by SCSI storage devices can be allocated to FC initiators to 15 provide virtual local storage as well as to create any other desired configuration for secured access.

Although the present invention has been described in detail, it should be understood that various changes, substitutions, and alterations can be made hereto without depart- 20 sible by the associated workstation. ing from the spirit and scope of the invention as defined by the appended claims.

What is claimed is:

1. A storage router for providing virtual local storage on remote storage devices to a device, comprising: 25

- a buffer providing memory work space for the storage router:
- a first Fibre Channel controller operable to connect to and interface with a first Fibre Channel transport medium;
- a second Fibre Channel controller operable to connect to 30 and interface with a second Fibre Channel transport medium: and
- a supervisor unit coupled to the first and second Fibre Channel controllers and the buffer, the supervisor unit operable:
  - to maintain a configuration for remote storage devices connected to the second Fibre Channel transport medium that maps between the device and the remote storage devices and that implements access controls for storage space on the remote storage 40 devices; and
  - to process data in the buffer to interface between the first Fibre Channel controller and the second Fibre Channel controller to allow access from Fibre Channel initiator devices to the remote storage devices 45 using native low level, block protocol in accordance with the configuration.

2. The storage router of claim 1, wherein the configuration maintained by the supervisor unit includes an allocation of subsets of storage space to associated Fibre Channel 50 devices, wherein each subset is only accessible by the associated Fibre Channel device.

3. The storage router of claim 2, wherein the Fibre Channel devices comprise workstations.

4. The storage router of claim 2, wherein the remote 55 storage devices comprise hard disk drives.

5. The storage router of claim 1, wherein each of the first Fibre Channel controller comprises:

- a Fibre Channel (FC) protocol unit operable to connect to the Fibre Channel transport medium;
- a first-in-first-out queue coupled to the Fibre Channel protocol unit; and
- a direct memory access (DMA) interface coupled to the first-in-first-out queue and to the buffer.
- 6. A storage network, comprising:
- a first Fibre Channel transport medium;
- a second Fibre Channel transport medium;

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- a plurality of workstations connected to the first Fibre Channel transport medium;
- a plurality of storage devices connected to the second Fibre Channel transport medium; and
- a storage router interfacing between the first Fibre Channel 'ransport medium and the second Fibre Channel transport medium, the storage router providing virtual local storage on the storage devices to the workstations and operable:
  - to map between the workstations and the storage devices:
  - to implement access controls for storage space on the storage devices: and
- to allow access from the workstations to the storage devices using native low level, block protocol in accordance with the mapping and access controls.

7. The storage network of claim 6, wherein the access controls include an allocation of subsets of storage space to associated workstations, wherein each subset is only acces-

8. The storage network of claim 6, wherein the storage devices comprise hard disk drives.

- 9. The storage network of claim 6, wherein the storage router comprises:
- a buffer providing memory work space for the storage router:
- a first Fibre Channel controller operable to connect to and interface with the first Fibre Channel transport medium, the first Fibre Channel controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer;
- a second Fibre Channel controller operable to connect to and interface with the second Fibre Channel transport medium, the second Fibre Channel controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer; and
- a supervisor unit coupled to the first and second Fibre Channel controllers and the buffer, the supervisor unit operable:
  - to maintain a configuration for the storage devices that maps between workstations and storage devices and that implements the access controls for storage space on the storage devices; and
- to process data in the buffer to interface between the first Fibre Channel controller and the second Fibre Channel controller to allow access from workstations to storage devices in accordance with the configuration,

10. A method for providing virtual local storage on remote storage devices to Fibre Channel devices, comprising:

- interfacing with a first Fibre Channel transport medium; interfacing with a second Fibre Channel transport medium:
- maintaining a configuration for remote storage devices connected to the second Fibre Channel transport medium that maps between Fibre Channel devices and the remote storage devices and that implements access controls for storage space on the remote storage devices; and
- allowing access from Fibre Channel initiator devices to the remote storage devices using native low level, block protocol in accordance with the configuration.
- 11. The method of claim 10, wherein maintaining the configuration includes allocating subsets of storage space to 65 associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device.

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12. The method of claim 11, wherein the Fibre Channel devices comprise workstations.

13. The method of claim 11, wherein the remote storage devices comprise hard disk drives.

14. An apparatus for providing virtual local storage on a 5 remote storage device to a device operating according to a Fibre Channel protocol, comprising.

- a first controller operable to connect to and interface with a first transport medium, wherein the first transport medium is operable according to the Fibre Channel 10 protocol;
- a second controller operable to connect to and interface with a second transport medium, wherein the second transport medium is operable according to the Fibre Channel protocol; and
- a supervisor unit coupled to the first controller and the second controller, the supervisor unit operable to control access from the device connected to the first transport medium to the remote storage device connected to the second transport medium using native low 20 level, block protocols according to a map between the device and the remote storage device.

15. The apparatus of claim 14, wherein the supervisor unit is further operable to maintain a configuration wherein the configuration includes the map between the device and the remote storage device, and further wherein the map includes virtual LUNs that provide a representation of the storage device.

16. The apparatus of claim 15, wherein the map only exposes the device to LUNs that the device may access. 30

17. The apparatus of claim 14, wherein the supervisor unit is further operable to maintain a configuration including the map, wherein the map provides a mapping from a host device ID to a virtual LUN representation of the remote storage device to a physical LUN of the remote storage 35 device.

18. The apparatus of claim 14, wherein the remote storage device further comprises storage space partitioned into virtual local storage for the device connected to the first transport medium.

19. The apparatus of claim 18, wherein the supervisor unit is further operable to prevent the device from accessing any storage on the remote storage device that is not part of a virtual local storage partition assigned to the device.

20. The apparatus of claim 14, wherein the first controller 45 and the second controller further comprise a single controller.

**21**. A system for providing virtual local storage on remote storage devices, comprising:

- a first controller operable to connect to and interface with 50 a first transport medium operable according to a Fibre Channel protocol;
- a second controller operable to connect to and interface with a second transport medium operable according to the Fibre Channel protocol;
- at least one device connected to the first transport medium;
- at least one storage device connected to the second transport medium; and
- an access control device coupled to the first controller and 60 the second controller, the access control device operable to:
- map between the at least one device and a storage space on the at least one storage device; and
- control access from the at least one device to the at least 65 one storage device using native low level, block protocol in accordance with the map.

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22. The system of claim 21, wherein the access control device is further operable to maintain a configuration wherein the configuration includes the map between the at least one device, and further wherein the map includes virtual LUNs that provide a representation of the at least one storage device.

23. The system of claim 22, wherein the map only exposes the at least one device to LUNs that the at least one device may access.

10 24. The system of claim 21, wherein the access control device is further operable to maintain a configuration including the map, wherein the map provides a mapping from a host device ID to a virtual LUN representation of the at least one storage device to a physical LUN of the at least one 15 storage device.

25. The system of claim 21, wherein the at least one storage device further comprises storage space partitioned into virtual local storage for the at least one device.

26. The system of claim 25, wherein the access control unit is further operable to prevent at least one device from accessing any storage on the at least one storage device that is not part of a virtual local storage partition assigned to the at least one device.

27. The system of claim 21, wherein the first controller and the second controller further comprise a single controller.

28. A method for providing virtual local storage on remote storage devices, comprising:

- mapping between a device connected to a first transport medium and a storage device connected to a second transport medium, wherein the first transport medium and the second transport medium operate according to a Fibre Channel protocol;
- implementing access controls for storage space on the storage device; and
- allowing access from the device connected to the first transport medium to the storage device using native low level, block protocols.

29. The method of claim 28, further comprising maintaining a configuration wherein the configuration includes a map between the device and the one storage device, and further wherein the map includes virtual LUNs that provide a representation of the storage device.

30. The method of claim 29, wherein the map only exposes the device to LUNs that the device may access.

31. The method of claim 28, further comprising maintaining a configuration including a map from a host device ID to a virtual LUN representation of the storage device to a physical LUN of the storage device.

32. The method of claim 28, further comprising partitioning storage space on the storage device into virtual local storage for the device.

33. The method of claim 32, further comprising prevent-55 ing the device from accessing any storage on the storage device that is not part of a virtual local storage partition assigned to the device.

34. A system for providing virtual local storage, comprising:

a host device;

- a storage device remote from the host device, wherein the storage device has a storage space;
- a first controller;
- a second controller
- a first transport medium operable according to a Fibre Channel protocol, wherein the first transport medium connects the host device to the first controller;

- a second transport medium operable according to the Fibre Channel protocol, wherein the second transport medium connects the second controller to the storage device;
- second controller, the supervisor unit operable to:
- maintain a configuration that maps between the host device and at least a portion of the storage space on the storage device; and
- implement access controls according to the configura- 10 tion for the storage space on the storage device using native low level, block protocol.

35. The system of claim 34, wherein the supervisor unit is further operable to:

a virtual representation of at least a portion of the storage space on the storage device to the storage device; and

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allow the host device to access only that portion of the storage space that is contained in the map.

36. The system of claim 35, wherein the configuration comprises a map from a host device ID to a virtual LUN a supervisor unit coupled to the first controller and the 5 representation of the storage device to a physical LUN of the storage device.

37. The system of claim 34, wherein the storage device further comprises storage space partitioned into virtual local storage for the host device.

- 38. The system of claim 37, wherein the supervisor unit is further operable to prevent the host device from accessing any storage on the storage device that is not part of a virtual local storage partition assigned to the host device.
- 39. The apparatus of claim 34, wherein the first controller maintain a configuration that maps from the host device to 15 and the second controller further comprise a single controller.

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## (12) United States Patent Hoese et al.

#### (54) STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

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- (*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

- (21) Appl. No.: 10/658,163
- (22) Filed: Sep. 9, 2003

#### (65) Prior Publication Data

US 2004/0054838 A1 Mar. 18, 2004

#### **Related U.S. Application Data**

- (63) Continuation of application No. 10/081,110, filed on Feb. 22, 2002, now Pat. No. 6,789,152, which is a continuation of application No. 09/354,682, filed on Jul. 15, 1999, now Pat. No. 6,421,753, which is a continuation of application No. 09/001,799, filed on Dec. 31, 1997, now Pat. No. 5,941,972.
- (51) Int. Cl.
- *G06F 13/00* (2006.01)
- (52) U.S. Cl. ..... 710/305; 710/11; 709/258

714/42; 711/112, 113, 110 See application file for complete search history.

# (10) Patent No.: US 7,051,147 B2

(45) **Date of Patent:** *May 23, 2006

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#### (57) ABSTRACT

A storage router and storage network provide virtual local storage on remote storage devices to Fiber Channel devices. A plurality of Fiber Channel devices, such as workstations, are connected to a Fiber Channel transport medium, and a plurality of storage devices are connected to a second Fiber Channel transport medium. The storage router interfaces between the Fiber Channel transport media. The storage devices and implements access controls for storage space on the storage devices. The storage router then allows access from the workstations to the storage devices using native low level, block protocol in accordance with the mapping and the access controls.

#### 39 Claims, 2 Drawing Sheets



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May 23, 2006

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#### 1 STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

#### RELATED APPLICATIONS

This application is a continuation of and claims the benefit of the filing dates of U.S. patent application Ser. No. 10/081,110 by inventors Geoffrey B. Hoese and Jeffry T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Feb. 22, 2002, now U.S. Pat. 10 No. 6,789,152 which in turn is a continuation of U.S. application Ser. No. 09/354,682 by inventors Geoffrey B. Hoese and Jeffry T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on Jul. 15, 1999, now U.S. Pat. No. 6,421,753, which in turn is a continuation of U.S. patent application Ser. No. 09/001,799, filed on Dec. 31, 1997, now U.S. Pat. No. 5,941,972, and hereby incorporates these applications by reference in their entireties as if they had been fully set forth herein.

#### TECHNICAL FIELD OF THE INVENTION

This invention relates in general to network storage devices, and more particularly to a storage router and method for providing virtual local storage on remote SCSI 25 storage devices to Fibre Channel devices.

#### BACKGROUND OF THE INVENTION

Typical storage transport mediums provide for a relatively 30 small number of devices to be attached over relatively short distances. One such transport medium is a Small Computer System Interface (SCSI) protocol, the structure and operation of which is generally well known as is described, for example, in the SCSI-1, SCSI-2 and SCSI-3 specifications. 35 High speed serial interconnects provide enhanced capability to attach a large number of high speed devices to a common storage transport medium over large distances. One such serial interconnect is Fibre Channel, the structure and operation of which is described, for example, in Fibre Channel 40 Physical and signaling Interface (FC-PH), ANSI X3.230 Fibre Channel Arbitrated Loop (FC-AL), and ANSI X3.272 Fibre Channel Private Loop Direct Attach (FC-PLDA).

Conventional computing devices, such as computer workstations, generally access storage locally or through network 45 interconnects. Local storage typically consists of a disk drive, tape drive, CD-ROM drive or other storage device contained within, or locally connected to the workstation. The workstation provides a file system structure, that includes security controls, with access to the local storage 50 device through native low level, block protocols. These protocols map directly to the mechanisms used by the storage device and consist of data requests without security controls. Network interconnects typically provide access for a large number of computing devices to data storage on a 55 remote network server. The remote network server provides file system structure, access control, and other miscellaneous capabilities that include the network interface. Access to data through the network server is through network protocols that the server must translate into low level requests to 60 the storage device. A workstation with access to the server storage must translate its file system protocols into network protocols that are used to communicate with the server. Consequently, from the perspective of a workstation, or other computing device, seeking to access such server data, 65 the access is much slower than access to data on a local storage device.

#### 2 SUMMARY OF THE INVENTION

In accordance with the present invention, a storage router and method for providing virtual local storage on remote SCSI storage devices to Fibre Channel devices are disclosed that provide advantages over conventional network storage devices and methods.

According to one aspect of the present invention, a storage router and storage network provide virtual local storage on remote SCSI storage devices to Fibre Channel devices. A plurality of Fibre Channel devices, such as workstations, are connected to a Fibre Channel transport medium, and a plurality of SCSI storage devices are connected to a SCSI bus transport medium. The storage router interfaces between the Fibre Channel transport medium and the SCSI bus transport medium. The storage router maps between the workstations and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. The storage router then allows access from the workstations to the SCSI storage devices using native low level, block protocol in accordance with the mapping and the access controls.

According to another aspect of the present invention, virtual local storage on remote SCSI storage devices is provided to Fibre Channel devices. A Fibre Channel transport medium and a SCSI bus transport medium are interfaced with. A configuration is maintained for SCSI storage devices connected to the SCSI bus transport medium. The configuration maps between Fibre Channel devices and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. Access is then allowed from Fibre Channel initiator devices to SCSI storage devices using native low level, block protocol in accordance with the configuration.

A technical advantage of the present invention is the ability to centralize local storage for networked workstations without any cost of speed or overhead. Each workstation access its virtual local storage as if it work locally connected. Further, the centralized storage devices can be located in a significantly remote position even in excess of ten kilometers as defined by Fibre Channel standards.

Another technical advantage of the present invention is the ability to centrally control and administer storage space for connected users without limiting the speed with which the users can access local data. In addition, global access to data, backups, virus scanning and redundancy can be more easily accomplished by centrally located storage devices.

A further technical advantage of the present invention is providing support for SCSI storage devices as local storage for Fibre Channel hosts. In addition, the present invention helps to provide extended capabilities for Fibre Channel and for management of storage subsystems.

#### BRIEF DESCRIPTION OF THE DRAWINGS

A more complete understanding of the present invention and the advantages thereof may be acquired by referring to the following description taken in conjunction with the accompanying drawings, in which like reference numbers indicate like features, and wherein:

FIG. 1 is a block diagram of a conventional network that provides storage through a network server;

FIG. 2 is a block diagram of one embodiment of a storage network with a storage router that provides global access and routing;

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FIG. **3** is a block diagram of one embodiment of a storage network with a storage router that provides virtual local storage;

FIG. 4 is a block diagram of one embodiment of the storage router of FIG. 3; and

FIG. **5** is a block diagram of one embodiment of data flow within the storage router of FIG. **4**.

#### DETAILED DESCRIPTION OF THE INVENTION

FIG. 1 is a block diagram of a conventional network, indicated generally at 10, that provides access to storage through a network server. As shown, network 10 includes a plurality of workstations 12 interconnected with a network 15 server 14 via a network transport medium 16. Each workstation 12 can generally comprise a processor, memory, input/output devices, storage devices and a network adapter as well as other common computer components. Network server 14 uses a SCSI bus 18 as a storage transport medium 20 to interconnect with a plurality of storage devices 20 (tape drives, disk drives, etc.). In the embodiment of FIG. 1, network transport medium 16 is an network connection and storage devices 20 comprise hard disk drives, although there are numerous alternate transport mediums and storage 25 devices.

In network 10, each workstation 12 has access to its local storage device as well as network access to data on storage devices 20. The access to a local storage device is typically through native low level, block protocols. On the other hand, 30 access by a workstation 12 to storage devices 20 requires the participation of network server 14 which implements a file system and transfers data to workstations 12 only through high level file system protocols. Only network server 14 communicates with storage devices 20 via native low level, 3. block protocols. Consequently, the network access by workstations 12 through network server 14 is slow with respect to their access to local storage. In network 10, it can Also be a logistical problem to centrally manage and administer local data distributed across an organization, including 40 accomplishing tasks such as backups, virus scanning and redundancy.

FIG. 2 is a block diagram of one embodiment of a storage network, indicated generally at 30, with a storage router that provides global access and routing. This environment is 45 significantly different from that of FIG. 1 in that there is no network server involved. In FIG. 2, a Fibre Channel high speed serial transport 32 interconnects a plurality of workstations 36 and storage devices 38. A SCSI bus storage transport medium interconnects workstations 40 and storage devices 42. A storage router 44 then serves to interconnect these mediums and provide devices on either medium global, transparent access to devices on the other medium. Storage router 44 routes requests from initiator devices on one medium to target devices on the other medium and 5 routes data between the target and the initiator. Storage router 44 can allow initiators and targets to be on either side. In this manner, storage router 44 enhances the functionality of Fibre Channel 32 by providing access, for example, to legacy SCSI storage devices on SCSI bus 34. In the embodiment of FIG. 2, the operation of storage router 44 can be managed by a management station 46 connected to the storage router via a direct serial connection.

In storage network **30**, any workstation **36** or workstation **40** can access any storage device **38** or storage device **42** 65 through native low level, block protocols, and vice versa. This functionality is enabled by storage router **44** which 4

routes requests and data as a generic transport between Fibre Channel **32** and SCSI bus **34**. Storage router **44** uses tables to map devices from one medium to the other and distributes requests and data across Fibre Channel **32** and SCSI bus **34** without any security access controls. Although this extension of the high speed serial interconnect provided by Fibre Channel **32** is beneficial, it is desirable to provide security controls in addition to extended access to storage devices through a native low level, block protocol.

FIG. 3 is a block diagram of one embodiment of a storage network, indicated generally at 50, with a storage router that provides virtual local storage. Similar to that of FIG. 2, storage network 50 includes a Fibre Channel high speed serial interconnect 52 and a SCSI bus 54 bridged by a storage router 56. Storage router 56 of FIG. 3 provides for a large number of workstations 58 to be interconnected on a common storage transport and to access common storage devices 60, 62 and 64 through native low level, block protocols.

According to the present invention, storage router **56** has enhanced functionality to implement security controls and routing such that each workstation **58** can have access to a specific subset of the overall data stored in storage devices **60**, **62** and **64**. This specific subset of data has the appearance and characteristics of local storage and is referred to herein as virtual local storage. Storage router **56** allows the configuration and modification of the storage allocated to each attached workstation **58** through the use of mapping tables or other mapping techniques.

As shown in FIG. 3, for example, storage device 60 can be configured to provide global data 65 which can be accessed by all workstations 58. Storage device 62 can be configured to provide partitioned subsets 66, 68, 70 and 72, where each partition is allocated to one of the workstations 58 (workstations A, B, C and D). These subsets 66, 68, 70 and 72 can only be accessed by the associated workstation 58 and appear to the associated workstation 58 as local storage accessed using native low level, block protocols. Similarly, storage device 64 can be allocated as storage for the remaining workstation 58 (workstation E).

Storage router 56 combines access control with routing such that each workstation 58 has controlled access to only the specified partition of storage device 62 which forms virtual local storage for the workstation 58. This access control allows security control for the specified data partitions. Storage router 56 allows this allocation of storage devices 60, 62 and 64 to be managed by a management station 76. Management station 76 can connect directly to storage router 56 via a direct connection or, alternately, can interface with storage router 56 through either Fibre Channel 52 or SCSI bus 54. In the latter case, management station 76 can be a workstation or other computing device with special rights such that storage router 56 allows access to mapping tables and shows storage devices 60, 62 and 64 as they exist physically rather than as they have been allocated.

The environment of FIG. 3 extends the concept of a single workstation having locally connected storage devices to a storage network 50 in which workstations 58 are provided virtual local storage in a manner transparent to workstations 58. Storage router 56 provides centralized control of what each workstation 58 sees as its local drive, as well as what data it sees as global data accessible by other workstations 58. Consequently, the storage space considered by the workstation 58 to be its local storage is actually a partition (i.e., logical storage definition) of a physically remote storage device 60, 62 or 64 connected through storage router 55. This means that similar requests from workstations 58 for several several several several severations 58 to be severation workstations 58.

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access to their local storage devices produce different accesses to the storage space on storage devices 60, 62 and 64. Further, no access from a workstation 58 is allowed to the virtual local storage of another workstation 58.

The collective storage provided by storage devices **60**, **62** ⁵ and **64** can have blocks allocated by programming means within storage router **56**. To accomplish this function, storage router **56** can include routing tables and security controls that define storage allocation for each workstation **58**. The advantages provided by implementing virtual local storage ¹⁰ in centralized storage devices include the ability to do collective backups and other collective administrative functions more easily. This is accomplished without limiting the performance of workstations **58** because storage access involves native low level, block protocols and does not ¹⁵ involve the overhead of high level protocols and file systems required by network servers.

FIG. **4** is a block diagram of one embodiment of storage router **56** of FIG. **3**. Storage router **56** can comprise a Fibre Channel controller **80** that interfaces with Fibre Channel **52** and a SCSI controller **82** that interfaces with SCSI bus **54**. A buffer **84** provides memory work space and is connected to both Fibre Channel controller **80** and to SCSI controller **82**. A supervisor unit **86** is connected to Fibre Channel controller **80**, SCSI controller **82** and buffer **84**. Supervisor unit **86** comprises a microprocessor for controlling operation of storage router **56** and to handle mapping and security access for requests between Fibre Channel **52** and SCSI bus **54**.

FIG. 5 is a block diagram of one embodiment of data flow within storage router 56 of FIG. 4. As shown, data from Fibre Channel 52 is processed by a Fibre Channel (FC) protocol unit 88 and placed in a FIFO queue 90. A direct memory access (DMA) interface 92 then takes data out of FIFO queue 90 and places it in buffer 84. Supervisor unit 86 processes the data in buffer 84 as represented by supervisor processing 93. This processing involves mapping between Fibre Channel 52 and SCSI bus 54 and applying access controls and routing functions. A DMA interface 94 then pulls data from buffer 84 and places it into a buffer 96. A SCSI protocol unit 98 pulls data from buffer 96 and communicates the data on SCSI bus 54. Data flow in the reverse direction, from SCSI bus 54 to Fibre Channel 52, is accomplished in a reverse manner.

The storage router of the present invention is a bridge device that connects a Fibre Channel link directly to a SCSI bus and enables the exchange of SCSI command set information between application clients on SCSI bus devices and the Fibre Channel links. Further, the storage router applies access controls such that virtual local storage can be established in remote SCSI storage devices for workstations on the Fibre Channel link. In one embodiment, the storage router provides a connection for Fibre Channel links running the SCSI Fibre Channel Protocol (FCP) to legacy SCSI devices attached to a SCSI bus. The Fibre Channel topology is typically an Arbitrated Loop (FC_AL).

In part, the storage router enables a migration path to Fibre Channel based, serial SCSI networks by providing connectivity for legacy SCSI bus devices. The storage router ⁶⁰ can be attached to a Fibre Channel Arbitrated Loop and a SCSI bus to support a number of SCSI devices. Using configuration settings, the storage router can make the SCSI bus devices available on the Fibre Channel network as FCP logical units. Once the configuration is defined, operation of ⁶⁵ the storage router is transparent to application clients. In this manner, the storage router can form an integral part of the 6

migration to new Fibre Channel based networks while providing a means to continue using legacy SCSI devices. In one implementation (not shown), the storage router can

be a rack mount or free standing device with an internal power supply. The storage router can have a Fibre Channel and SCSI port, and a standard, detachable power cord can be used, the FC connector can be a copper DB9 connector, and the SCSI connector can be a 68-pin type. Additional modular jacks can be provided for a serial port and a 802.3 10BaseT port, i.e. twisted pair Ethernet, for management access. The SCSI port of the storage router an support SCSI direct and sequential access target devices and can support SCSI initiators, as well. The Fibre Channel port can interface to SCSI-3 FCP enabled devices and initiators.

To accomplish its functionality, one implementation of the storage router uses: a Fibre Channel interface based on the HEWLETT-PACKARD TACHYON HPFC-5000 controller and a GLM media interface; an Intel 80960RP processor, incorporating independent data and program memory spaces, and associated logic required to implement a stand alone processing system; and a serial port for debug and system configuration. Further, this implementation includes a SCSI interface supporting Fast-20 based on the SYMBIOS 53C8xx series SCSI controllers, and an operating system based upon the WIND RIVERS SYSTEMS VXWORKS or IXWORKS kernel, as determined by design. In addition, the storage router includes software as required to control basic functions of the various elements, and to provide appropriate translations between the FC and SCSI protocols.

The storage router has various modes of operation that are possible between FC and SCSI target and initiator combinations. These modes are: FC Initiator to SCSI Target; SCSI Initiator to FC Target; SCSI Initiator to FC Target; SCSI Initiator to FC Target. The first two modes can be supported concurrently in a single storage router device are discussed briefly below. The third mode can involve two storage router devices back to back and can serve primarily as a device to extend the physical distance beyond that possible via a direct SCSI connection. The last mode can be used to carry FC protocols encapsulated on other transmission technologies (e.g. ATM, SONET), or to act as a bridge between two FC loops (e.g. as a two port fabric).

The FC Initiator to SCSI Target mode provides for the basic configuration of a server using Fibre Channel to communicate with SCSI targets. This mode requires that a host system have an FC attached device and associated device drivers and software to generate SCSI-3 FCP requests. This system acts as an initiator using the storage router to communicate with SCSI target devices. The SCSI devices supported can include SCSI-2 compliant direct or sequential access (disk or tape) devices. The storage router serves to translate command and status information and transfer data between SCSI-3 FCP and SCSI-2, allowing the use of standard SCSI-2 devices in a Fibre Channel environment.

The SCSI Initiator to FC Target mode provides for the configuration of a server using SCSI-2 to communicate with Fibre Channel targets. This mode requires that a host system has a SCSI-2 interface and driver software to control SCSI-2 target devices. The storage router will connect to the SCSI-2 bus and respond as a target to multiple target IDs. Configuration information is required to identify the target IDs to which the bridge will respond on the SCSI-2 bus. The storage router then translates the SCSI-2 requests to SCSI-3 FCP requests, allowing the use of FC devices with a SCSI host system. This will also allow features such as a target

device acting as an initiator on the SCSI bus to provide full support for this type of SCSI device.

In general, user configuration of the storage router will be needed to support various functional modes of operation. Configuration can be modified, for example, through a serial port or through an Ethernet port via SNMP (simple network management protocol) or a Telnet session. Specifically, SNMP manageability can be provided via an 802.3 Ethernet interface. This can provide for configuration changes as well as providing statistics and error information. Configuration ¹⁰ can also be performed via TELNET or RS-232 interfaces with menu driven command interfaces. Configuration information can be stored in a segment of flash memory and can be retained across resets and power off cycles. Password protection can also be provided. ¹⁵

In the first two modes of operation, addressing information is needed to map from FC addressing to SCSI addressing and vice versa. This can be 'hard' configuration data, due to the need for address information to be maintained across initialization and partial reconfigurations of the Fibre Channel address space. In an arbitrated loop configuration, user configured addresses will be needed for AL_PAs in order to insure that known addresses are provided between loop reconfigurations.

With respect to addressing, FCP and SCSI 2 systems²⁵ employ different methods of addressing target devices. Additionally, the inclusion of a storage router means that a method of translating device IDs needs to be implemented. In addition, the storage router can respond to commands without passing the commands through to the opposite interface. This can be implemented to allow all generic FCP and SCSI commands to pass through the storage router to address attached devices, but allow for configuration and diagnostics to be performed directly on the storage router through the FC and SCSI interfaces.³⁵

Management commands are those intended to be processed by the storage router controller directly. This may include diagnostic, mode, and log commands as well as other vendor-specific commands. These commands can be received and processed by both the FCP and SCSI interfaces, but are not typically bridged to the opposite interface. These commands may also have side effects on the operation of the storage router, and cause other storage router operations to change or terminate.

A primary method of addressing management commands though the FCP and SCSI interfaces can be through peripheral device type addressing. For example, the storage router can respond to all operations addressed to logical unit (LUN) zero as a controller device. Commands that the storage router will support can include INQUIRY as well as yendor-specific management commands. These are to be generally consistent with SCC standard commands.

The SCSI bus is capable of establishing bus connections between targets. These targets may internally address logical 55 units. Thus, the prioritized addressing scheme used by SCSI subsystems can be represented as follows: BUS:TARGET: LOGICAL UNIT. The BUS identification is intrinsic in the configuration, as a SCSI initiator is attached to only one bus. Target addressing is handled by bus arbitration from information provided to the arbitrating device. Target addresses are assigned to SCSI devices directly, though some means of configuration, such as a hardware jumper, switch setting, or device specific software configuration. As such, the SCSI protocol provides only logical unit addressing within the 65 Identify message. Bus and target information is implied by the established connection. 8

Fibre Channel devices within a fabric are addressed by a unique port identifier. This identifier is assigned to a port during certain well-defined states of the FC protocol. Individual ports are allowed to arbitrate for a known, user defined address. If such an address is not provided, or if arbitration for a particular user address fails, the port is assigned a unique address by the FC protocol. This address is generally not guaranteed to be unique between instances. Various scenarios exist where the AL-PA of a device will change, either after power cycle or loop reconfiguration.

The FC protocol also provides a logical unit address field within command structures to provide addressing to devices internal to a port. The FCP_CMD payload specifies an eight byte LUN field. Subsequent identification of the exchange between devices is provided by the FQXID (Fully Qualified Exchange ID).

FC ports can be required to have specific addresses assigned. Although basic functionality is not dependent on this, changes in the loop configuration could result in disk targets changing identifiers with the potential risk of data corruption or loss. This configuration can be straightforward, and can consist of providing the device a loop-unique ID (AL_PA) in the range of "01h" to "EFh." Storage routers could be shipped with a default value with the assumption that most configurations will be using single storage routers and no other devices requesting the present ID. This would provide a minimum amount of initial configuration to the system administrator. Alternately, storage routers could be defaulted to assume any address so that configurations requiring multiple storage routers on a loop would not require that the administrator assign a unique ID to the additional storage routers.

Address translation is needed where commands are issued in the cases FC Initiator to SCSI Target and SCSI Initiator to FC Target. Target responses are qualified by the FQXID and will retain the translation acquired at the beginning of the exchange. This prevents configuration changes occurring during the course of execution of a command from causing data or state information to be inadvertently misdirected. Configuration can be required in cases of SCSI Initiator to FC Target, as discovery may not effectively allow for FCP targets to consistently be found. This is due to an FC arbitrated loop supporting addressing of a larger number of devices than a SCSI bus and the possibility of FC devices changing their AL-PA due to device insertion or other loop initialization.

In the direct method, the translation to BUS:TARGET: LUN of the SCSI address information will be direct. That is, the values represented in the FCP LUN field will directly map to the values in effect on the SCSI bus. This provides a clean translation and does not require SCSI bus discovery. It also allows devices to be dynamically added to the SCSI bus without modifying the address map. It may not allow for complete discovery by FCP initiator devices, as gaps between device addresses may halt the discovery process. Legacy SCSI device drivers typically halt discovery on a target device at the first unoccupied LUN, and proceed to the next target. This would lead to some devices not being discovered. However, this allows for hot plugged devices and other changes to the loop addressing.

In the ordered method, ordered translation requires that the storage router perform discovery on reset, and collapses the addresses on the SCSI bus to sequential FCP LUN values. Thus, the FCP LUN values 0-N can represent N+1 SCSI devices, regardless of SCSI address values, in the order in which they are isolated during the SCSI discovery process. This would allow the FCP initiator discovery pro-

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cess to identify all mapped SCSI devices without further configuration. This has the limitation that hot-plugged devices will not be identified until the next reset cycle. In this case, the address may also be altered as well.

In addition to addressing, according to the present invention, the storage router provides configuration and access controls that cause certain requests from FC Initiators to be directed to assigned virtual local storage partitioned on SCSI storage devices. For example, the same request for LUN 0 (local storage) by two different FC Initiators can be directed to two separate subsets of storage. The storage router can use tables to map, for each initiator, what storage access is available and what partition is being addressed by a particular request. In this manner, the storage space provided by SCSI storage devices can be allocated to FC initiators to 15 provide virtual local storage as well as to create any other desired configuration for secured access.

Although the present invention has been described in detail, it should be understood that various changes, substitutions, and alterations can be made hereto without depart- 20 ing from the spirit and scope of the invention as defined by the appended claims.

What is claimed is:

**1**. A storage router for providing virtual local storage on remote storage devices to a device, comprising:

- a buffer providing memory work space for the storage router;
- a first Fibre Channel controller operable to connect to and interface with a first Fibre Channel transport medium;
- a second Fibre Channel controller operable to connect to 30 and interface with a second Fibre Channel transport medium; and
- a supervisor unit coupled to the first and second Fibre Channel controllers and the buffer, the supervisor unit operable:
  - to maintain a configuration for remote storage devices connected to the second Fibre Channel transport medium that maps between the device and the remote storage devices and that implements access controls for storage space on the remote storage 40 devices; and
  - to process data in the buffer to interface between the first Fibre Channel controller and the second Fibre Channel controller to allow access from Fibre Channel initiator devices to the remote storage devices 45 using native low level, block protocol in accordance with the configuration.

**2.** The storage router of claim **1**, wherein the configuration maintained by the supervisor unit includes an allocation of subsets of storage space to associated Fibre Channel ⁵⁰ devices, wherein each subset is only accessible by the associated Fibre Channel device.

- **3**. The storage router of claim **2**, wherein the Fibre Channel devices comprise workstations.
- **4**. The storage router of claim **2**, wherein the remote 55 storage devices comprise hard disk drives.
- **5**. The storage router of claim **1**, wherein each of the first Fibre Channel controller comprises:
  - a Fibre Channel (FC) protocol unit operable to connect to the Fibre Channel transport medium; 60
  - a first-in-first-out queue coupled to the Fibre Channel protocol unit; and
  - a direct memory access (DMA) interface coupled to the first-in-first-out queue and to the buffer.
  - 6. A storage network, comprising:
  - a first Fibre Channel transport medium;
  - a second Fibre Channel transport medium;

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- a plurality of workstations connected to the first Fibre Channel transport medium;
- a plurality of storage devices connected to the second Fibre Channel transport medium; and
- a storage router interfacing between the first Fibre Channel transport medium and the second Fibre Channel transport medium, the storage router providing virtual local storage on the storage devices to the workstations and operable:
  - to map between the workstations and the storage devices;
  - to implement access controls for storage space on the storage devices; and
  - to allow access from the workstations to the storage devices using native low level, block protocol in accordance with the mapping and access controls.
- **7**. The storage network of claim **6**, wherein the access controls include an allocation of subsets of storage space to associated workstations, wherein each subset is only accessible by the associated workstation.
- 8. The storage network of claim 6, wherein the storage devices comprise hard disk drives.
- 9. The storage network of claim 6, wherein the storage router comprises:
- a buffer providing memory work space for the storage router:
- a first Fibre Channel controller operable to connect to and interface with the first Fibre Channel transport medium, the first Fibre Channel controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer;
- a second Fibre Channel controller operable to connect to and interface with the second Fibre Channel transport medium, the second Fibre Channel controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer; and
- a supervisor unit coupled to the first and second Fibre Channel controllers and the buffer, the supervisor unit operable:
- to maintain a configuration for the storage devices that maps between workstations and storage devices and that implements the access controls for storage space on the storage devices; and
- to process data in the buffer to interface between the first Fibre Channel controller and the second Fibre Channel controller to allow access from workstations to storage devices in accordance with the configuration.

**10**. A method for providing virtual local storage on remote storage devices to Fibre Channel devices, comprising:

- interfacing with a first Fibre Channel transport medium; interfacing with a second Fibre Channel transport medium;
- maintaining a configuration for remote storage devices connected to the second Fibre Channel transport medium that maps between Fibre Channel devices and the remote storage devices and that implements access controls for storage space on the remote storage devices; and
- allowing access from Fibre Channel initiator devices to the remote storage devices using native low level, block protocol in accordance with the configuration.
- **11**. The method of claim **10**, wherein maintaining the configuration includes allocating subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device.

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**12**. The method of claim **11**, wherein the Fibre Channel devices comprise workstations.

**13**. The method of claim **11**, wherein the remote storage devices comprise hard disk drives.

14. An apparatus for providing virtual local storage on a remote storage device to a device operating according to a Fibre Channel protocol, comprising:

- a first controller operable to connect to and interface with a first transport medium, wherein the first transport medium is operable according to the Fibre Channel 10 protocol;
- a second controller operable to connect to and interface with a second transport medium, wherein the second transport medium is operable according to the Fibre Channel protocol; and
- a supervisor unit coupled to the first controller and the second controller, the supervisor unit operable to control access from the device connected to the first transport medium to the remote storage device connected to the second transport medium using native low 20 level, block protocols according to a map between the device and the remote storage device.

**15**. The apparatus of claim **14**, wherein the supervisor unit is further operable to maintain a configuration wherein the configuration includes the map between the device and the 25 remote storage device, and further wherein the map includes virtual LUNs that provide a representation of the storage device.

**16**. The apparatus of claim **15**, wherein the map only exposes the device to LUNs that the device may access.

**17**. The apparatus of claim **14**, wherein the supervisor unit is further operable to maintain a configuration including the map, wherein the map provides a mapping from a host device ID to a virtual LUN representation of the remote storage device to a physical LUN of the remote storage 35 device.

18. The apparatus of claim 14, wherein the remote storage device further comprises storage space partitioned into virtual local storage for the device connected to the first transport medium.

**19**. The apparatus of claim **18**, wherein the supervisor unit is further operable to prevent the device from accessing any storage on the remote storage device that is not part of a virtual local storage partition assigned to the device.

**20**. The apparatus of claim **14**, wherein the first controller 45 and the second controller further comprise a single controller.

**21**. A system for providing virtual local storage on remote storage devices, comprising:

- a first controller operable to connect to and interface with 50 a first transport medium operable according to a Fibre Channel protocol;
- a second controller operable to connect to and interface with a second transport medium operable according to the Fibre Channel protocol;
- at least one device connected to the first transport medium;
- at least one storage device connected to the second transport medium; and
- an access control device coupled to the first controller and 60 the second controller, the access control device operable to:
  - map between the at least one device and a storage space on the at least one storage device; and
  - control access from the at least one device to the at least 65 one storage device using native low level, block protocol in accordance with the map.

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22. The system of claim 21, wherein the access control device is further operable to maintain a configuration wherein the configuration includes the map between the at least one device, and further wherein the map includes virtual LUNs that provide a representation of the at least one storage device.

**23**. The system of claim **22**, wherein the map only exposes the at least one device to LUNs that the at least one device may access.

**24.** The system of claim **21**, wherein the access control device is further operable to maintain a configuration including the map, wherein the map provides a mapping from a host device ID to a virtual LUN representation of the at least one storage device to a physical LUN of the at least one storage device.

**25.** The system of claim **21**, wherein the at least one storage device further comprises storage space partitioned into virtual local storage for the at least one device.

**26**. The system of claim **25**, wherein the access control unit is further operable to prevent at least one device from accessing any storage on the at least one storage device that is not part of a virtual local storage partition assigned to the at least one device.

27. The system of claim 21, wherein the first controller and the second controller further comprise a single controller.

**28**. A method for providing virtual local storage on remote storage devices, comprising:

- mapping between a device connected to a first transport medium and a storage device connected to a second transport medium, wherein the first transport medium and the second transport medium operate according to a Fibre Channel protocol;
- implementing access controls for storage space on the storage device; and
- allowing access from the device connected to the first transport medium to the storage device using native low level, block protocols.

**29**. The method of claim **28**, further comprising maintaining a configuration wherein the configuration includes a map between the device and the one storage device, and further wherein the map includes virtual LUNs that provide a representation of the storage device.

**30**. The method of claim **29**, wherein the map only exposes the device to LUNs that the device may access.

**31**. The method of claim **28**, further comprising maintaining a configuration including a map from a host device ID to a virtual LUN representation of the storage device to a physical LUN of the storage device.

**32**. The method of claim **28**, further comprising partitioning storage space on the storage device into virtual local storage for the device.

**33**. The method of claim **32**, further comprising preventing the device from accessing any storage on the storage device that is not part of a virtual local storage partition assigned to the device.

**34**. A system for providing virtual local storage, comprising:

- a storage device remote from the host device, wherein the storage device has a storage space;
- a first controller; a second controller
- a second controller
- a first transport medium operable according to a Fibre Channel protocol, wherein the first transport medium connects the host device to the first controller;

a host device;

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- a second transport medium operable according to the Fibre Channel protocol, wherein the second transport medium connects the second controller to the storage device:
- a supervisor unit coupled to the first controller and the 5 second controller, the supervisor unit operable to: maintain a configuration that maps between the host
  - device and at least a portion of the storage space on the storage device; and implement access controls according to the configura- 10
- tion for the storage space on the storage device using native low level, block protocol.
- 35. The system of claim 34, wherein the supervisor unit is further operable to:
- maintain a configuration that maps from the host device to 15 a virtual representation of at least a portion of the storage space on the storage device to the storage device; and

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allow the host device to access only that portion of the storage space that is contained in the map.

**36**. The system of claim **35**, wherein the configuration comprises a map from a host device ID to a virtual LUN representation of the storage device to a physical LUN of the storage device.

**37**. The system of claim **34**, wherein the storage device further comprises storage space partitioned into virtual local storage for the host device.

**38**. The system of claim **37**, wherein the supervisor unit is further operable to prevent the host device from accessing any storage on the storage device that is not part of a virtual local storage partition assigned to the host device.

**39**. The apparatus of claim **34**, wherein the first controller and the second controller further comprise a single controller.

* * * * *

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UTILITY	Attorney Docket No. CROSS1120-13		y Docket No. CROSS1120-13		
PATENT APPLICATION	First Inver	tor or Application Id	ion Identifier Geoffrey B. Hoese		
TRANSMITTAL	Title	Storage Router and Meth df r Providing Virtual Local St rage			
(Only for nonprovisional applications under 37 CFR § 1.53(b))	Express M	lail Label No.	EV35	1125056US	
APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application cont	tents.	ADDRE	SS TO:	Box Patent Application Assistant Commissioner for Patents Washington, D.C. 20231	5
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Specification [Total Pages]	28	7. Nucleo	otide and A	mino Acid Sequence Submission	8.010
Descriptive Title of the Invention		a.	Computer	-Readable Copy	
Cross References to Related Applica	ations	b. 🗖	Paper Co	py (identical to computer copy)	
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Brief Description of the Drawings (if	filed)				
⊠ Claim(s)		ACCC	MPANYI	NG APPLICATION PARTS	
		8.	Assignmen	t Papers (cover sheet & document(s))	
		9.	37 CFR 3.73 Statement (when there is a	(b) Power of Attorney an assignee)	
Drawing(s) (35 USC 113) [Total Sheets]	2	10.	English Tra	anslation Document (if applicable)	
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a. Newly executed (original or copy)		12. <b>X</b>	Preliminary	Amendment	
b. Copy from a prior application (37 CFR (for continuation/divisional with Box 17 com	1.63(d)) pleted)	13. <b>X</b>	Return Rec	ceipt Postcard	
i. DELETION OF INVENTOR(S) Signed statement attached deletii	ng	14. 🗶	Small Entity	Statement filed in prior application, Status still proper and desired	
inventor(s) named in the prior app see 37 CFR 1.63(d)(2) and 1.33(f	plication,	15.	Certified Co	opy of Priority Document(s)	
Incorporation By Reference (useable if box 4b) The entire disclosure of the prior application, which a copy of the oath or declaration is sur under Box 4b, is considered to be part of the of the accompanying application and is herel incorporated by reference therein.	<i>is checked).</i> from pplied disclosure by	16. 🗶	Other: Cert Pow Rev	tificate of Mailing; Revocation and /er of Attorney; Acceptance of ocation and POA	d
7. If a CONTINUING APPLICATION, check appropriate	e box and su	oply the requisite info	rmation below	w and in a preliminary amendment	
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Prior application information: Examiner Christopher	B. Shin		Grou	p / Art Unit 2182	
Claims the benefit of Provisional Application No.					
CORF	RESPOND	ENCE ADDRES	S:		
ray Cary Ware & Freidenrich LLP 221 South MoPac Expressway, Suite 400			Cus	stomer No. :	
Tel. (512) 457-7142 <b>25094</b>					
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CERTIFICATE OF MAILING BY	Y "EXPRESS MAIL"	Atty Docket No. CROSS1120-13		
	In the Application of: Geoffre	ey B. Hoese, et al.		
Mail Stop: Patent Application Commissioner for Patents	Date Filed: September 9, 2003			
P.O. Box 1450 Alexandria, VA 22313 Sir:	Title: Storage Router and Method for Providing Virtual Local Storage			

I hereby certify that the Preliminary Amendment, Utility Patent Application Transmittal Form, Fee Transmittal, Utility Patent Application from Parent Case, Declaration and Power of Attorney from Parent Case, Revocation and Power of Attorney from Parent Case, Acceptance of Revocation and Power of Attorney from Parent, Assignment and Recordation Cover Sheet from Parent, two (2) pages of Formal Drawings from Parent, filing fee and Postcard are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No. EV351125056US, on **September 9, 2003**, addressed to: Mail Stop: Patent Application, Commissioner for Patents, Alexandria, VA 22313.

> Respectfully submitted, Gray Cary Ware & Freidenrich LLP

Janile Pampel

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# Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 19 of 253 PTO/SB/17 (11-01) Approved for use through 04/30/2003. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

	Under the Paperwork Reduct	on Act of 1995, no persons are requ	ired to respond to a collection of inform	ation unless it displays a valid OMB control number.				
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	FEE TRANSMITTAL		Application Number	Unknown				
2曲			Filing Date	September 9, 2003				
ີ ມ		First Named Inventor	Geoffrey B. Hoese					
	Effective 01/01/2003. Patent fees are subject to annual revision.		Examiner Name	Unknown				
	Applicant claims small entity s	status. See 37 CFR 1.27	Art Unit	Unknown				
	TOTAL AMOUNT OF PAYMENT	(\$) 714.00	Attorney Docket No.	CROSS1120-13				

METHOD OF PAYMENT (check all that apply)			FE	E CAL	CULATION (continued)	
Check Credit Money Other None	3. ADDITIONAL FEES					
Deposit	Large	Entity	Small	Entity	Eco Description	Eee Paid
Account 50-0456	Code	(\$)	Code	(\$)	ree Description	
Deposit	1051	130	2051	65	Surcharge - late filing fee or oath	
Account Name Gray Cary Ware & Freidenrich LLP	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
The Commissioner is authorized to: (check all that apply)	1053	130	1053	130	Non-English specification	
Charge (fees) indicated below.	1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
Charge any additional fee(s) during the pendency of this application	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
Charge fee(s) indicated below, except for filing fee	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
to the above-identified deposit account.	1251	110	2251	55	Extension for reply within first month	
FEE CALCULATION	1252	410	2252	205	Extension for reply within second month	
1. BASIC FILING FEE	1253	930	2253	465	Extension for reply within third month	
Large Entity Small Entity	1254	1,450	2254	725	Extension for reply within fourth month	
Fee Fee Fee Fee Fee Description Code (\$) Code (\$) Fee Paid	1255	1,970	2255	985	Extension for reply within fifth month	
1001 750 2001 375 Utility filing fee 375.00	1401	320	2401	160	Notice of Appeal	
1002 330 2002 165 Design filing fee	1402	320	2402	160	Filing a brief in support of an appeal	
1003 520 2003 260 Plant filing fee	1403	280	2403	140	Request for oral hearing	
1004 750 2004 375 Reissue hilling lee	1451	1,510	1451	1,510	Petition to institute a public use proceeding	
	1452	110	2452	55	Petition to revive - unavoidable	
SUBIOTAL (1) (\$) 375.00	1453	1,300	2453	650	Petition to revive unintentional	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE Fee from	1501	1,300	2501	650	Utility issue fee (or reissue)	
Extra Claims below Fee Paid	1502	470	2502	235	Design issue fee	
$\begin{array}{c} 10 \text{ tail Claims} & 39 & -20^{\circ} = & 19 & \times & 9 & - & 171.00 \\ 10 \text{ denendent} & 7 & -3^{**} = & 4 & \times & 42 & = & 168.00 \\ \end{array}$	1503	630	2503	315	Plant issue fee	
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Large Entity Small Entity	1806	180	1806	180	Submission of Information Disclosure Strnt	
Fee         Fee         Fee         Fee         Fee         Description           Code         (\$)         Code         Code         (\$)         Code         Code	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1202 18 2202 9 Claims in excess of 20 1201 84 2201 42 Independent claims in excess of 3	1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1203 280 2203 140 Multiple dependent claim, if not paid	1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1204 84 2204 42 reissue independent dams	1801	750	2801	375	Request for Continued Examination (RCE)	
** Reissue claims in excess of 20	1802	900	1802	900	Request for expedited examination	
and over original patent		Other fee	l (cnocif.i)		or a design application	
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SUBMITTED BY				Cor	nplete( if applicable)
Name (Print/Type)	John L. Adair	Registration No. (Attorney/Agent)	48,828	Telephone	512-457-7142
Signature	1/2/ /4			Date	September <u></u> , 2003

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PATENT APPLICATION

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## **Copy from Prior Application**

STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

#### TECHNICAL FIELD OF THE INVENTION

This invention relates in general to network storage devices, and more particularly to a storage router and method for providing virtual local storage on remote SCSI storage devices to Fibre Channel devices.

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#### BACKGROUND OF THE INVENTION

Typical storage transport mediums provide for a relatively small number of devices to be attached over relatively short distances. One such transport medium is a Small Computer System Interface (SCSI) protocol, the structure and operation of which is generally well known as is described, for example, in the SCSI-1, SCSI-2 and SCSI-3 specifications. High speed serial interconnects provide enhanced capability to attach a large number of high speed devices to a common storage transport medium over large distances. One such serial interconnect is Fibre Channel, the structure and operation of which is described, for example, in Fibre Channel Physical and Signaling Interface (FC-PH), ANSI X3.230 Fibre Channel Arbitrated Loop (FC-AL), and ANSI X3.272 Fibre Channel

Private Loop Direct Attach (FC-PLDA).

Conventional computing devices, such as computer workstations, generally access storage locally or through network interconnects. Local storage typically consists of a disk drive, tape drive, CD-ROM drive or other storage device contained within, or locally connected to the workstation. The workstation provides a file system structure, that includes security controls, with access to the local storage device through native low level,

25 block protocols. These protocols map directly to the mechanisms used by the storage device and consist of data requests without security controls. Network interconnects typically provide access for a large number of computing AUS01:110067

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devices to data storage on a remote network server. The remote network server provides file system structure, access control, and other miscellaneous capabilities that include the network interface. Access to data through

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the network server is through network protocols that the server must translate into low level requests to the storage device. A workstation with access to the server storage must translate its file system protocols into network protocols that are used to communicate with the server. Consequently, from the perspective of a

workstation, or other computing device, seeking to access such server data, the access is much slower than access to data on a local storage device.

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Oracle-Huawei-NetApp Ex. 1009, pg. 1225

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#### SUMMARY OF THE INVENTION

In accordance with the present invention, a storage router and method for providing virtual local storage on remote SCSI storage devices to Fibre Channel devices are disclosed that provide advantages over conventional network storage devices and methods.

According to one aspect of the present invention, a storage router and storage network provide virtual local storage on remote SCSI storage devices to Fibre Channel devices. A plurality of Fibre Channel devices, such as workstations, are connected to a Fibre Channel transport medium, and a plurality of SCSI storage devices are connected to a SCSI bus transport medium. The storage router interfaces between the Fibre Channel transport medium and the SCSI bus transport medium. The storage router maps between the workstations and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. The storage router then allows access from the workstations to the SCSI storage devices using native low level, block protocol in accordance with the mapping and the access controls.

According to another aspect of the present invention, virtual local storage on remote SCSI storage devices is provided to Fibre Channel devices. A Fibre Channel transport medium and a SCSI bus transport medium are interfaced with. A configuration is maintained for SCSI storage devices connected to the SCSI bus transport medium. The configuration maps between Fibre Channel

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devices and the SCSI storage devices and implements access controls for storage space on the SCSI storage devices. Access is then allowed from Fibre Channel initiator devices to SCSI storage devices using native low level, block protocol in accordance with the configuration.

A technical advantage of the present invention is the ability to centralize local storage for networked workstations without any cost of speed or overhead. Each workstation access its virtual local storage as if it work locally connected. Further, the centralized storage devices can be located in a significantly remote position even in excess of ten kilometers as defined by Fibre Channel standards.

Another technical advantage of the present invention is the ability to centrally control and administer storage space for connected users without limiting the speed with which the users can access local data. In addition, global access to data, backups, virus scanning and redundancy can be more easily accomplished by centrally located storage devices.

A further technical advantage of the present invention is providing support for SCSI storage devices as local storage for Fibre Channel hosts. In addition, the present invention helps to provide extended capabilities for Fibre Channel and for management of storage subsystems.

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#### BRIEF DESCRIPTION OF THE DRAWINGS

A more complete understanding of the present invention and the advantages thereof may be acquired by referring to the following description taken in conjunction with the accompanying drawings, in which like reference numbers indicate like features, and wherein:

FIGURE 1 is a block diagram of a conventional network that provides storage through a network server;

FIGURE 2 is a block diagram of one embodiment of a storage network with a storage router that provides global access and routing;

FIGURE 3 is a block diagram of one embodiment of a storage network with a storage router that provides virtual local storage;

FIGURE 4 is a block diagram of one embodiment of the storage router of FIGURE 3; and

FIGURE 5 is a block diagram of one embodiment of data flow within the storage router of FIGURE 4.

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#### PATENT APPLICATION

#### DETAILED DESCRIPTION OF THE INVENTION

FIGURE 1 is a block diagram of a conventional network, indicated generally at 10, that provides access to storage through a network server. As shown, network 10 includes a plurality of workstations 12 interconnected with a network server 14 via a network transport medium 16. Each workstation 12 can generally comprise a processor, memory, input/output devices, storage devices and a network adapter as well as other common computer components. Network server 14 uses a SCSI bus 18 as a storage transport medium to interconnect with a plurality of storage devices 20 (tape drives, disk drives, etc.). In the embodiment of FIGURE 1, network transport medium 16 is an network connection and storage devices 20 comprise hard disk drives, although there are numerous

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alternate transport mediums and storage devices. In network 10, each workstation 12 has access to its local storage device as well as network access to data on

storage devices 20. The access to a local storage device

is typically through native low level, block protocols. On the other hand, access by a workstation 12 to storage

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devices 20 requires the participation of network server 14 which implements a file system and transfers data to workstations 12 only through high level file system protocols. Only network server 14 communicates with storage devices 20 via native low level, block protocols. Consequently, the network access by workstations 12 through network server 14 is slow with respect to their

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access to local storage. In network 10, it can Also be a logistical problem to centrally manage and administer local data distributed across an organization, including accomplishing tasks such as backups, virus scanning and redundancy.

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FIGURE 2 is a block diagram of one embodiment of a storage network, indicated generally at 30, with a storage router that provides global access and routing. This environment is significantly different from that of FIGURE 1 in that there is no network server involved. In FIGURE 2, a Fibre Channel high speed serial transport 32 interconnects a plurality of workstations 36 and storage devices 38. A SCSI bus storage transport medium interconnects workstations 40 and storage devices 42. A

- 15 storage router 44 then serves to interconnect these mediums and provide devices on either medium global, transparent access to devices on the other medium. Storage router 44 routes requests from initiator devices on one medium to target devices on the other medium and
  - routes data between the target and the initiator. Storage router 44 can allow initiators and targets to be on either side. In this manner, storage router 44 enhances the functionality of Fibre Channel 32 by providing access, for example, to legacy SCSI storage
  - devices on SCSI bus 34. In the embodiment of FIGURE 2, the operation of storage router 44 can be managed by a management station 46 connected to the storage router via a direct serial connection.

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Oracle-Huawei-NetApp Ex. 1009, pg. 1230

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#### PATENT APPLICATION

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In storage network 30, any workstation 36 or workstation 40 can access any storage device 38 or storage device 42 through native low level, block protocols, and vice versa. This functionality is enabled by storage router 44 which routes requests and data as a generic transport between Fibre Channel 32 and SCSI bus 34. Storage router 44 uses tables to map devices from one medium to the other and distributes requests and data across Fibre Channel 32 and SCSI bus 34 without any security access controls. Although this extension of the high speed serial interconnect provided by Fibre Channel 32 is beneficial, it is desirable to provide security controls in addition to extended access to storage devices through a native low level, block protocol.

FIGURE 3 is a block diagram of one embodiment of a storage network, indicated generally at 50, with a storage router that provides virtual local storage. Similar to that of FIGURE 2, storage network 50 includes a Fibre Channel high speed serial interconnect 52 and a SCSI bus 54 bridged by a storage router 56. Storage router 56 of FIGURE 3 provides for a large number of workstations 58 to be interconnected on a common storage transport and to access common storage devices 60, 62 and 64 through native low level, block protocols.

According to the present invention, storage router 56 has enhanced functionality to implement security controls and routing such that each workstation 58 can have access to a specific subset of the overall data

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stored in storage devices 60, 62 and 64. This specific subset of data has the appearance and characteristics of local storage and is referred to herein as virtual local storage. Storage router 56 allows the configuration and modification of the storage allocated to each attached workstation 58 through the use of mapping tables or other mapping techniques.

As shown in FIGURE 3, for example, storage device 60 can be configured to provide global data 65 which can be accessed by all workstations 58. Storage device 62 can be configured to provide partitioned subsets 66, 68, 70 and 72, where each partition is allocated to one of the workstations 58 (workstations A, B, C and D). These subsets 66, 68, 70 and 72 can only be accessed by the associated workstation 58 and appear to the associated workstation 58 as local storage accessed using native low level, block protocols. Similarly, storage device 64 can be allocated as storage for the remaining workstation 58 (workstation E).

Storage router 56 combines access control with routing such that each workstation 58 has controlled access to only the specified partition of storage device 62 which forms virtual local storage for the workstation 58. This access control allows security control for the specified data partitions. Storage router 56 allows this allocation of storage devices 60, 62 and 64 to be managed by a management station 76. Management station 76 can connect directly to storage router 56 via a direct

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#### PATENT APPLICATION

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connection or, alternately, can interface with storage router 56 through either Fibre Channel 52 or SCSI bus 54. In the latter case, management station 76 can be a workstation or other computing device with special rights such that storage router 56 allows access to mapping tables and shows storage devices 60, 62 and 64 as they exist physically rather than as they have been allocated.

The environment of FIGURE 3 extends the concept of a single workstation having locally connected storage

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devices to a storage network 50 in which workstations 58 are provided virtual local storage in a manner transparent to workstations 58. Storage router 56 provides centralized control of what each workstation 58 sees as its local drive, as well as what data it sees as

global data accessible by other workstations 58. 15 Consequently, the storage space considered by the workstation 58 to be its local storage is actually a partition (i.e., logical storage definition) of a physically remote storage device 60, 62 or 64 connected through storage router 56. This means that similar 20 requests from workstations 58 for access to their local storage devices produce different accesses to the storage space on storage devices 60, 62 and 64. Further, no access from a workstation 58 is allowed to the virtual local storage of another workstation 58.

> The collective storage provided by storage devices 60, 62 and 64 can have blocks allocated by programming means within storage router 56. To accomplish this

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#### PATENT APPLICATION

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function, storage router 56 can include routing tables and security controls that define storage allocation for each workstation 58. The advantages provided by implementing virtual local storage in centralized storage devices include the ability to do collective backups and other collective administrative functions more easily. This is accomplished without limiting the performance of workstations 58 because storage access involves native low level, block protocols and does not involve the overhead of high level protocols and file systems required by network servers.

FIGURE 4 is a block diagram of one embodiment of storage router 56 of FIGURE 3. Storage router 56 can comprise a Fibre Channel controller 80 that interfaces with Fibre Channel 52 and a SCSI controller 82 that interfaces with SCSI bus 54. A buffer 84 provides memory work space and is connected to both Fibre Channel controller 80 and to SCSI controller 82. A supervisor unit 86 is connected to Fibre Channel controller 80, SCSI controller 82 and buffer 84. Supervisor unit 86 comprises a microprocessor for controlling operation of storage router 56 and to handle mapping and security access for requests between Fibre Channel 52 and SCSI bus 54.

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FIGURE 5 is a block diagram of one embodiment of data flow within storage router 56 of FIGURE 4. As shown, data from Fibre Channel 52 is processed by a Fibre Channel (FC) protocol unit 88 and placed in a FIFO queue

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90. A direct memory access (DMA) interface 92 then takes data out of FIFO queue 90 and places it in buffer 84. Supervisor unit 86 processes the data in buffer 84 as represented by supervisor processing 93. This processing involves mapping between Fibre Channel 52 and SCSI bus 54 and applying access controls and routing functions. A DMA interface 94 then pulls data from buffer 84 and places it into a buffer 96. A SCSI protocol unit 98 pulls data from buffer 96 and communicates the data on SCSI bus 54. Data flow in the reverse direction, from SCSI bus 54 to Fibre Channel 52, is accomplished in a reverse manner.

The storage router of the present invention is a bridge device that connects a Fibre Channel link directly to a SCSI bus and enables the exchange of SCSI command set information between application clients on SCSI bus devices and the Fibre Channel links. Further, the storage router applies access controls such that virtual local storage can be established in remote SCSI storage devices for workstations on the Fibre Channel link. In one embodiment, the storage router provides a connection for Fibre Channel links running the SCSI Fibre Channel Protocol (FCP) to legacy SCSI devices attached to a SCSI bus. The Fibre Channel topology is typically an Arbitrated Loop (FC AL).

In part, the storage router enables a migration path to Fibre Channel based, serial SCSI networks by providing connectivity for legacy SCSI bus devices. The storage

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router can be attached to a Fibre Channel Arbitrated Loop and a SCSI bus to support a number of SCSI devices. Using configuration settings, the storage router can make the SCSI bus devices available on the Fibre Channel

network as FCP logical units. Once the configuration is defined, operation of the storage router is transparent to application clients. In this manner, the storage router can form an integral part of the migration to new Fibre Channel based networks while providing a means to continue using legacy SCSI devices.

In one implementation (not shown), the storage router can be a rack mount or free standing device with an internal power supply. The storage router can have a Fibre Channel and SCSI port, and a standard, detachable power cord can be used, the FC connector can be a copper DB9 connector, and the SCSI connector can be a 68-pin type. Additional modular jacks can be provided for a serial port and a 802.3 10BaseT port, i.e. twisted pair Ethernet, for management access. The SCSI port of the storage router an support SCSI direct and sequential access target devices and can support SCSI initiators, as well. The Fibre Channel port can interface to SCSI-3 FCP enabled devices and initiators.

To accomplish its functionality, one implementation of the storage router uses: a Fibre Channel interface based on the HEWLETT-PACKARD TACHYON HPFC-5000 controller and a GLM media interface; an Intel 80960RP processor, incorporating independent data and program memory spaces,

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and associated logic required to implement a stand alone processing system; and a serial port for debug and system configuration. Further, this implementation includes a SCSI interface supporting Fast-20 based on the SYMBIOS 53C8xx series SCSI controllers, and an operating system based upon the WIND RIVERS SYSTEMS VXWORKS or IXWORKS kernel, as determined by design. In addition, the storage router includes software as required to control basic functions of the various elements, and to provide appropriate translations between the FC and SCSI protocols.

The storage router has various modes of operation that are possible between FC and SCSI target and initiator combinations. These modes are: FC Initiator to SCSI Target; SCSI Initiator to FC Target; SCSI Initiator to SCSI Target; and FC Initiator to FC Target. The first two modes can be supported concurrently in a single storage router device are discussed briefly below. The third mode can involve two storage router devices back to back and can serve primarily as a device to

extend the physical distance beyond that possible via a direct SCSI connection. The last mode can be used to carry FC protocols encapsulated on other transmission technologies (e.g. ATM, SONET), or to act as a bridge between two FC loops (e.g. as a two port fabric).

The FC Initiator to SCSI Target mode provides for the basic configuration of a server using Fibre Channel to communicate with SCSI targets. This mode requires

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that a host system have an FC attached device and associated device drivers and software to generate SCSI-3 FCP requests. This system acts as an initiator using the storage router to communicate with SCSI target devices. The SCSI devices supported can include SCSI-2 compliant direct or sequential access (disk or tape) devices. The storage router serves to translate command and status information and transfer data between SCSI-3 FCP and SCSI-2, allowing the use of standard SCSI-2 devices in a Fibre Channel environment.

The SCSI Initiator to FC Target mode provides for the configuration of a server using SCSI-2 to communicate with Fibre Channel targets. This mode requires that a host system has a SCSI-2 interface and driver software to control SCSI-2 target devices. The storage router will connect to the SCSI-2 bus and respond as a target to multiple target IDs. Configuration information is required to identify the target IDs to which the bridge will respond on the SCSI-2 bus. The storage router then translates the SCSI-2 requests to SCSI-3 FCP requests, allowing the use of FC devices with a SCSI host system. This will also allow features such as a tape device acting as an initiator on the SCSI bus to provide full support for this type of SCSI device.

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In general, user configuration of the storage router will be needed to support various functional modes of operation. Configuration can be modified, for example, through a serial port or through an Ethernet port via

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SNMP (simple network management protocol) or a Telnet session. Specifically, SNMP manageability can be provided via an 802.3 Ethernet interface. This can provide for configuration changes as well as providing statistics and error information. Configuration can also be performed via TELNET or RS-232 interfaces with menu driven command interfaces. Configuration information can be stored in a segment of flash memory and can be retained across resets and power off cycles. Password

10 protection can also be provided.

In the first two modes of operation, addressing information is needed to map from FC addressing to SCSI addressing and vice versa. This can be 'hard' configuration data, due to the need for address

information to be maintained across initialization and partial reconfigurations of the Fibre Channel address space. In an arbitrated loop configuration, user configured addresses will be needed for AL_PAs in order to insure that known addresses are provided between loop reconfigurations.

With respect to addressing, FCP and SCSI 2 systems employ different methods of addressing target devices. Additionally, the inclusion of a storage router means that a method of translating device IDs needs to be implemented. In addition, the storage router can respond to commands without passing the commands through to the opposite interface. This can be implemented to allow all generic FCP and SCSI commands to pass through the storage

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router to address attached devices, but allow for configuration and diagnostics to be performed directly on the storage router through the FC and SCSI interfaces.

processed by the storage router controller directly. This may include diagnostic, mode, and log commands as well as other vendor-specific commands. These commands can be received and processed by both the FCP and SCSI interfaces, but are not typically bridged to the opposite interface. These commands may also have side effects on the operation of the storage router, and cause other storage router operations to change or terminate.

Management commands are those intended to be

A primary method of addressing management commands though the FCP and SCSI interfaces can be through peripheral device type addressing. For example, the storage router can respond to all operations addressed to logical unit (LUN) zero as a controller device. Commands that the storage router will support can include INQUIRY as well as vendor-specific management commands. These are to be generally consistent with SCC standard commands.

The SCSI bus is capable of establishing bus connections between targets. These targets may internally address logical units. Thus, the prioritized addressing scheme used by SCSI subsystems can be represented as follows: BUS:TARGET:LOGICAL UNIT. The BUS identification is intrinsic in the configuration, as a SCSI initiator is attached to only one bus. Target

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addressing is handled by bus arbitration from information provided to the arbitrating device. Target addresses are assigned to SCSI devices directly, though some means of configuration, such as a hardware jumper, switch setting, or device specific software configuration. As such, the SCSI protocol provides only logical unit addressing within the Identify message. Bus and target information is implied by the established connection.

Fibre Channel devices within a fabric are addressed by a unique port identifier. This identifier is assigned to a port during certain well-defined states of the FC protocol. Individual ports are allowed to arbitrate for a known, user defined address. If such an address is not provided, or if arbitration for a particular user address fails, the port is assigned a unique address by the FC protocol. This address is generally not guaranteed to be unique between instances. Various scenarios exist where the AL-PA of a device will change, either after power cycle or loop reconfiguration.

The FC protocol also provides a logical unit address field within command structures to provide addressing to devices internal to a port. The FCP_CMD payload specifies an eight byte LUN field. Subsequent identification of the exchange between devices is provided by the FQXID (Fully Qualified Exchange ID).

FC ports can be required to have specific addresses assigned. Although basic functionality is not dependent on this, changes in the loop configuration could result

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in disk targets changing identifiers with the potential risk of data corruption or loss. This configuration can be straightforward, and can consist of providing the device a loop-unique ID (AL_PA) in the range of "01h" to "EFh." Storage routers could be shipped with a default value with the assumption that most configurations will

be using single storage routers and no other devices requesting the present ID. This would provide a minimum amount of initial configuration to the system

10 administrator. Alternately, storage routers could be defaulted to assume any address so that configurations requiring multiple storage routers on a loop would not require that the administrator assign a unique ID to the additional storage routers.

Address translation is needed where commands are issued in the cases FC Initiator to SCSI Target and SCSI Initiator to FC Target. Target responses are qualified by the FQXID and will retain the translation acquired at the beginning of the exchange. This prevents

configuration changes occurring during the course of execution of a command from causing data or state information to be inadvertently misdirected. Configuration can be required in cases of SCSI Initiator to FC Target, as discovery may not effectively allow for FCP targets to consistently be found. This is due to an FC arbitrated loop supporting addressing of a larger number of devices than a SCSI bus and the possibility of FC devices changing their AL-PA due to device insertion

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or other loop initialization.

In the direct method, the translation to BUS:TARGET:LUN of the SCSI address information will be direct. That is, the values represented in the FCP LUN field will directly map to the values in effect on the SCSI bus. This provides a clean translation and does not require SCSI bus discovery. It also allows devices to be dynamically added to the SCSI bus without modifying the address map. It may not allow for complete discovery by FCP initiator devices, as gaps between device addresses may halt the discovery process. Legacy SCSI device drivers typically halt discovery on a target device at the first unoccupied LUN, and proceed to the next target. This would lead to some devices not being discovered. However, this allows for hot plugged devices and other changes to the loop addressing.

In the ordered method, ordered translation requires that the storage router perform discovery on reset, and collapses the addresses on the SCSI bus to sequential FCP LUN values. Thus, the FCP LUN values 0-N can represent N+1 SCSI devices, regardless of SCSI address values, in the order in which they are isolated during the SCSI discovery process. This would allow the FCP initiator discovery process to identify all mapped SCSI devices without further configuration. This has the limitation that hot-plugged devices will not be identified until the next reset cycle. In this case, the address may also be altered as well.

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In addition to addressing, according to the present invention, the storage router provides configuration and access controls that cause certain requests from FC Initiators to be directed to assigned virtual local storage partitioned on SCSI storage devices. For example, the same request for LUN 0 (local storage) by

two different FC Initiators can be directed to two separate subsets of storage. The storage router can use tables to map, for each initiator, what storage access is available and what partition is being addressed by a particular request. In this manner, the storage space provided by SCSI storage devices can be allocated to FC initiators to provide virtual local storage as well as to create any other desired configuration for secured

15 access.

Although the present invention has been described in detail, it should be understood that various changes, substitutions, and alterations can be made hereto without departing from the spirit and scope of the invention as defined by the appended claims.

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## WHAT IS CLAIMED IS:

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 A storage router for providing virtual local storage on remote SCSI storage devices to Fibre Channel devices, comprising:

a buffer providing memory work space for the storage router;

a Fibre Channel controller operable to connect to and interface with a Fibre Channel transport medium;

a SCSI controller operable to connect to and interface with a SCSI bus transport medium; and

a supervisor unit coupled to the Fibre Channel controller, the SCSI controller and the buffer, the supervisor unit operable:

to maintain a configuration for SCSI storage 15 devices connected to the SCSI bus transport medium that maps between Fibre Channel devices and SCSI storage devices and that implements access controls for storage space on the SCSI storage devices; and

to process data in the buffer to interface between the Fibre Channel controller and the SCSI controller to allow access from Fibre Channel initiator devices to SCSI storage devices using native low level, block protocol in accordance with the configuration.

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2. The storage router of Claim 1, wherein the configuration maintained by the supervisor unit includes an allocation of subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device.

3. The storage router of Claim 2, wherein the Fibre Channel devices comprise workstations.

4. The storage router of Claim 2, wherein the SCSI storage devices comprise hard disk drives.

5. The storage router of Claim 1, wherein the Fibre Channel controller comprises:

a Fibre Channel (FC) protocol unit operable to connect to the Fibre Channel transport medium;

a first-in-first-out queue coupled to the Fibre Channel protocol unit; and

a direct memory access (DMA) interface coupled to the first-in-first-out queue and to the buffer.

6. The storage router of Claim 1, wherein the SCSI controller comprises:

a SCSI protocol unit operable to connect to the SCSI bus transport medium;

an internal buffer coupled to the SCSI protocol unit; and

a direct memory access (DMA) interface coupled to

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the internal buffer and to the buffer of the storage router.

7. A storage network, comprising:

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a Fibre Channel transport medium;

a SCSI bus transport medium;

a plurality of workstations connected to the Fibre Channel transport medium;

a plurality of SCSI storage devices connected to the SCSI bus transport medium; and

a storage router interfacing between the Fibre Channel transport medium and the SCSI bus transport medium, the storage router providing virtual local storage on the SCSI storage devices to the workstations and operable:

to map between the workstations and the SCSI storage devices;

to implement access controls for storage space on the SCSI storage devices; and

to allow access from the workstations to the SCSI storage devices using native low level, block protocol in accordance with the mapping and access controls.

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8. The storage network of Claim 7, wherein the access controls include an allocation of subsets of storage space to associated workstations, wherein each subset is only accessible by the associated workstation.

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9. The storage network of Claim 7, wherein the SCSI storage devices comprise hard disk drives.

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10. The storage network of Claim 7, wherein the storage router comprises:

a buffer providing memory work space for the storage router;

a Fibre Channel controller operable to connect to and interface with a Fibre Channel transport medium, the Fibre Channel controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer;

a SCSI controller operable to connect to and 15 interface with a SCSI bus transport medium, the SCSI controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer; and

a supervisor unit coupled to the Fibre Channel controller, the SCSI controller and the buffer, the supervisor unit operable:

to maintain a configuration for the SCSI storage devices that maps between Fibre Channel devices and SCSI storage devices and that implements the access controls for storage space on the SCSI storage devices; and

to process data in the buffer to interface between the Fibre Channel controller and the SCSI

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controller to allow access from workstations to SCSI storage devices in accordance with the configuration.

11. A method for providing virtual local storage on remote SCSI storage devices to Fibre Channel devices, comprising:

> interfacing with a Fibre Channel transport medium; interfacing with a SCSI bus transport medium; maintaining a configuration for SCSI storage devices

connected to the SCSI bus transport medium that maps between Fibre Channel devices and the SCSI storage devices and that implements access controls for storage space on the SCSI storage devices; and

allowing access from Fibre Channel initiator devices 15 to SCSI storage devices using native low level, block protocol in accordance with the configuration.

12. The method of Claim 11, wherein maintaining the configuration includes allocating subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device.

13. The method of Claim 12, wherein the FibreChannel devices comprise workstations.

14. The method of Claim 12, wherein the SCSI storage devices comprise hard disk drives.

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### PATENT APPLICATION

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STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

## 5 ABSTRACT OF THE DISCLOSURE

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A storage router (56) and storage network (50) provide virtual local storage on remote SCSI storage devices (60, 62, 64) to Fibre Channel devices. A plurality of Fibre Channel devices, such as workstations (58), are connected to a Fibre Channel transport medium (52), and a plurality of SCSI storage devices (60, 62, 64) are connected to a SCSI bus transport medium (54). The storage router (56) interfaces between the Fibre Channel transport medium (52) and the SCSI bus transport medium (54). The storage router (56) maps between the workstations (58) and the SCSI storage devices (60, 62, 64) and implements access controls for storage space on the SCSI storage devices (60, 62, 64). The storage router (56) then allows access from the workstations (58) to the SCSI storage devices (60, 62, 64) using native low level, block protocol in accordance with the mapping and the access controls.

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# **Copy from Prior Application**

DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name, that I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention or design entitled STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE, the specification of which (check one):

<u>___X</u> is attached hereto; or

_____ was filed on ______ as Application Serial No. ______ and was amended on ______ (if applicable);

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

			FILOIICY
		Date	Claimed
Number	Country	Filed	(Yes) (No)

None.

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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

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None.

I hereby appoint:

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all of the firm of Baker & Botts, L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Send Correspondence To:	<u>Direct Telephone Calls To</u> :
Baker & Botts, L.L.P.	Anthony E. Peterman
2001 Ross Avenue	at (512) 322-2599
Dallas, Texas 75201-2980	Atty. Docket No.064113.0103

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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	FORM COVER SHEET NTS ONLY s. Please record the attach 2. Name and Address o Name: Internal Address: Street Address: City: State/Zip © Corporation/State Additional name(s) & add attached? n, the execution date of the B. Patent No.(s) attached? 6. Total number of appl 7. Total Fee (37 CFR 3 X Enclosed Authoriz 8. Deposit account numication (Attach Duplicate Construction) (Attach Duplicate Construction) SE THIS SPACE	U.S. DEPAR FORM COVER SHEET F NTS ONLY S. Please record the attached original doca 2. Name and Address of receiving Part Name: Crossroads Sy Internal Address: Suite II-300 Street Address: 9390 Researc City: Austin State/Zip Texas 7875 B Corporation/State <u>Texa</u> Additional name(s) & address(es) attached? n, the execution date of the application is: B. Patent No.(s) s attached? 6. Total number of applications and pat 7. Total Fee (37 CFR 3.41): \$40.00 X Enclosed Authorized to be charge 8. Deposit account number: (Attach Duplicate Copy of this page if for the security of the securit	O.S. DEPARTMENT FORM COVER SHEET Patent and NTS ONLY s. Please record the attached original documents of 2. Name and Address of receiving Party(ies): Name: Crossroads Systems, Internal Address: Suite II-300 Street Address: 9390 Research Blvd. City: Austin State/Zip Texas 78759 Corporation/State Texas Additional name(s) & address(es) attached? n, the execution date of the application is: Dece B. Patent No.(s) attached? 6. Total number of applications and patents invol 7. Total Fee (37 CFR 3.41): \$40.00 X Enclosed Authorized to be charged to dep 8. Deposit account number: (Attach Duplicate Copy of this page if paying by ISE THIS SPACE	U.S. DEPARTMENT OF C FORM COVER SHEET NTS ONLY s. Please record the attached original documents or copy 2. Name and Address of receiving Party(ies): Name: Crossroads Systems, Inc. Internal Address: Suite II-300 Street Address: 9390 Research Blvd. City: Austin State/Zip Texas 78759 B Corporation/State <u>Texas</u> Additional name(s) & address(es) Yes attached? n, the execution date of the application is: <u>December 2</u> B. Patent No.(s) s attached? Yes 6. Total number of applications and patents involved: 7. Total Fee (37 CFR 3.41): \$40.00 X Enclosed Authorized to be charged to deposit acce 8. Deposit account number: (Attach Duplicate Copy of this page if paying by deposit accession SE THIS SPACE	U.S. DEPARTMENT OF COMMI FORM COVER SHEET TTS ONLY s. Please record the attached original documents or copy thereof 2. Name and Address of receiving Party(ies): Name: Crossroads Systems, Inc. Internal Address: Suite II-300 Street Address: 9390 Research Blvd. City: Austin State/Zip Texas 78759 Corporation/State <u>Texas</u> Additional name(s) & address(es) Yes X attached? n, the execution date of the application is: <u>December 22, 199</u> B. Patent No.(s) i attached? Yes x 6. Total number of applications and patents involved: 1 7. Total Fee (37 CFR 3.41): \$40.00 X Enclosed Authorized to be charged to deposit account 8. Deposit account number: (Attach Duplicate Copy of this page if paying by deposit account) VES THIS SPACE

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# (AT: ORNEY'S DOCKET 064113:0103)

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# U.S. Patent and Trademark Office

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.

Additional names (individual)

Jeffry T. Russell 205 Kariba Cove Cibolo, Texas 78108

United States of America

AUS01:124956.1



ATTORNEY DOCKET N 7

PATENT

### ASSIGNMENT

WHEREAS, we, the undersigned inventors of residence as listed, have invented certain new and useful improvements as below entitled, for which application for United States Letters Patent is made, said application having been executed on the date set forth below; and

WHEREAS, Crossroads Systems, Inc. (hereinafter referred to as "Assignee"), a Texas corporation, with its principal address at 9390 Research Blvd., Suite II-300, Austin, Texas 78759, desires to acquire our entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issue thereon;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we assign to Assignee, all right, title and interest in and to the said invention and in and to the said application and all patents which may be granted therefor, and all divisions, reissues, continuations, continuations-in-part and extensions thereof; and we authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as our interests are concerned, to Assignee.

We also assign to Assignee, all right, title and interest in and to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world, including all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and we further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right, title and interest in Assignee.

We will communicate to Assignee any facts known to us respecting any improvements; and, at the expense of Assignee, we will testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-inpart, reissue and substitute applications, make lawful oaths and declarations, and generally do everything possible to vest title in Assignee and to aid Assignee to obtain and enforce proper protection for said invention in all countries.

AUS01:123886.1

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This Assignment shall be binding on the parties' successors, assigns and legal representatives.

Title of Invention: STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

Signature of first Inventor: Inventor's Name:

Geoffrey B. Hoese

17/22

Texas

Austin, Travis County,

Residence (City, County, State)

Date:

Date Application Executed:

Signature of second Inventor: Inventor's Name:

Residence (City, County, State)

Date:

Date Application Executed:

Jetter 7. Russell

Cibolo, Guadalupe County, Texas

Jocenba 22, 1997 1997

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PATENT Attorney Docket No.: CROSS-1120 (formerly 064113.0103)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Serial No. Filing Date: Group Art No. Title

Geoffrey B. Hoese, et al. 09/001799

December 31, 1997

Unknown

STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

**Copy from Prior Application** 

Assistant Commissioner of Patents Washington, D.C. 20231

**CERTIFICATION UNDER 37 CFR §1.8** 

I hereby certify that this documents is being deposited in the United States Postal Service as first class mail on the date identified below in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

Rebecca Morrison

4-15

# Date

## **REVOCATION OF POWER OF ATTORNEYS**

### AND

## POWER OF ATTORNEY AND CHANGE OF MAILING ADDRESS

Sir:

Crossroads Systems, Inc., which is the assignee of record of 100% of the right, title and interest in the above-identified application, as evidenced by the Assignment enclosed herewith, hereby revokes all previous Powers of Attorney and appoints the following attorneys, all of the firm of Gray Cary Ware & Freidenrich, LLP, to prosecute the above-identified patent application and to transact all business in the Patent and Trademark Office connected therewith.

WILLIAM N. HULSEY III **STEPHEN E. REITER GREGORY P. RAYMER** DAVID F. KLEINSMITH BARRY N. YOUNG TIMOTHY W. LOHSE STANLEY H. KIM

Registration No. 33,402 Registration No. 31,192 Registration No. 36,647 Registration No. 40,050 Registration No. 27,774 Registration No. 35,255 Registration No. 40,047

# Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 59 of 253

Applicant(s): Geoffrey B. Hoese, et al. Serial No.: 09/001799 Filed: December 31, 1997 Page 2 PATENT Attorney Docket No.: 103671.991120 (formerly 064113.0103)

MARNIE WRIGHT BARNHORST DARLENE W. HAYES RAMSEY R. STEWART STEVEN R. SPRINKLE MICHAEL A. HOFF Registration No. 36,740 Registration No. 33,899 Registration No. 38,322 Registration No. 40,825 Registration No. 40,018

We hereby state that we have reviewed and understand the contents of the aboveidentified specification, including the claims, as amended by any amendment(s) referred to above. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

Direct all telephone calls to WILLIAM N. HULSEY III at (512)

457-7040.

Address all correspondence to:

William N. Hulsey III GARY CARY WARE & FREIDENRICH, LLP 100 Congress Avenue, Suite 1440 Austin, Texas 78701

Respectfully submitted,

CROSSROADS SYSTEMS, INC By:

Brian R. Smith Chief Technical Officer  $\sim 1$ 

<u> 198</u> Date:

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(ATTORNEY'S DOCKET 064113.0103)			
FORM PTO-1595 Case 1.13-CV-00095-55 DUCC 1-31-92 RECORDA	TION FORM COVER SHEET Patent and Trademark Office PATENTS ONLY		
To the Honorable Commissioner of Patents and Trad	emarks. Please record the attached original documents or copy thereof.		
1. Name and Address of Conveying Party(ies):	2. Name and Address of receiving Party(ies):		
Geoffrey B. Hoese	Name: Crossroads Systems, Inc.		
Austin, Texas 78704	Internal Address: Suite II-300		
Individual/Citizenship: United States of American	ica Street Address: 9390 Research Blvd.		
Additional name(s) of conveying party(ies) attached?	State/Zip Texas 78759		
<u>XYesNo</u>			
3. Nature of conveyance:   X Assignment   Security Agreement Change of Name	Corporation/State Texas		
Other	Additional name(s) & address(es)		
Execution Date: December 22 1007	attached?		
A Application number(c) or patent number(c).			
4. Application number(s) or patent number(s). If this document is being filed together with a new appl	lication the execution date of the application is: December 22, 1997		
A	B. Patent No.(s)		
Additional Nu	umbers attached?		
5 Name and address of party to whom correspondence	6. Total number of applications and patents involved: 1		
concerning document should be mailed:			
Name Anthony F. Peterman	7 Total Fee (37 CFR 3 41): \$40.00		
Internal Address: Baker & Botts L. I. P	X Enclosed		
Street Address: 2001 Ross Avenue	Authorized to be charged to deposit account		
City/State/Zip Dallas Texas 75201-2980	8 Deposit account number:		
Chyrolador Dip Danas, Tonas 75201 2500	(Attach Duplicate Copy of this page if paying by deposit account)		
DO N	IOT USE THIS SPACE		
9. Statement and signature.			
To the best of my knowledge and belief, the foregoing i	information is true and correct and any attached copy is a true copy of the		
original document.	$\Gamma \Lambda \Lambda$		
	L VIA		
Anthony E. Peterman	<u>December 31, 1997</u>		
Name of Person Signing Signature	Date		
	Total number of pages including cover sheet 4		
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Mail documents to be recorded with required cover sheet in	nformation:		
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Washington D.C. 20231			
AV 4.5 Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per d	document to be recorded, including time for reviewing the document and gathering the data needed, and completing and		
reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Paa	tent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of		
Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503.	· · · · · · · · · · · · · · · · · · ·		

## U.S. Patent and Trademark Office

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Recordation Form Cover Sheet -Form PTO-1595 (01/31/92) Patents Only Page 2 Attorneys Docket: 064113.0103 Section 1 -Name of conveying parties

Additional names (individual)

Jeffry T. Russell 205 Kariba Cove Cibolo, Texas 78108

United States of America

AUS01:124956.1

Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 62 of 253 ATTORNEY DOCKET PATENT 064113.0103

### ASSIGNMENT

WHEREAS, we, the undersigned inventors of residence as listed, have invented certain new and useful improvements as below entitled, for which application for United States Letters Patent is made, said application having been executed on the date set forth below; and

WHEREAS, Crossroads Systems, Inc. (hereinafter referred to as "Assignee"), a Texas corporation, with its principal address at 9390 Research Blvd., Suite II-300, Austin, Texas 78759, desires to acquire our entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issue thereon;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we assign to Assignee, all right, title and interest in and to the said invention and in and to the said application and all patents which may be granted therefor, and all divisions, reissues, continuations, continuations-in-part and extensions thereof; and we authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as our interests are concerned, to Assignee.

We also assign to Assignee, all right, title and interest in and to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world, including all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and we further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right, title and interest in Assignee.

We will communicate to Assignee any facts known to us respecting any improvements; and, at the expense of Assignee, we will testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-inpart, reissue and substitute applications, make lawful oaths and declarations, and generally do everything possible to vest title in Assignee and to aid Assignee to obtain and enforce proper protection for said invention in all countries. ļ.

ATTORNEY SV DOERF SS Document 31-20 Filed 04/09/14 Page 62 pf 27 CATION 064113.0103

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This Assignment shall be binding on the parties' successors, assigns and legal representatives.

Title of Invention: STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

Signature of first Inventor: Inventor's Name:

Geoffrey B. Hoese

Texas

12

Austin, Travis County,

Residence (City, County, State)

Date:

Date Application Executed:

Signature of second Inventor: Inventor's Name:

Residence (City, County, State)

Date:

Date Application Executed:

Russell

Cibolo, Guadalupe County, Texas

December 22, 1997

December 98. 1997

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE				
PRELIMINARY AMENDMENT		Atty. Docket No.		
		CROSS1120-13		
	Applicants: Goeffrey B	Hoese, et al.		
	Application Number	Filed		
	Unknown	September 9, 2003		
	For:			
	Storage Router and Method for Providing Virtual Local Storage			
	Group Art Unit	Confirmation Number:		
	Unknown	Unknown		
	Certification Under 37 C.F.R. §1.10			
Mail Stop: Patent Application	I hereby certify that this o	locument is being deposited with		
Commissioner for Patents	the United States Postal	the United States Postal Service as Express Mail to Addressee in an envelope addressed to: Mail Stop: Patent Application, Commissioner for Patents, Alexandria, VA 22313 on September <b>9</b> , 2003.		
Alexandria, VA 22313	Application, Commission 22313 on September			
Dear Sir:	Jani	Janie Pampel		

Dear Sir:

Please amend the application as follows:

# IN THE SPECIFICATION

Following the title, please insert the following paragraph:

# **RELATED APPLICATIONS**

This application is a continuation of and claims the benefit of the filing dates of U.S. Patent Application Serial No. 10/081,110 by inventors Geoffrey B. Hoese and Jeffry T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on February 22, 2002 which in turn is a continuation of U.S. Application No. 09/354,682 by inventors Geoffrey B. Hoese and Jeffry T. Russell, entitled "Storage Router and Method for Providing Virtual Local Storage" filed on July 15, 1999, now U.S. Patent No. 6,421,753, which in turn is a continuation of U.S. Patent Application Serial No. 09/001,799, filed on December 31, 1997, now U.S. Patent No. 5,941,972, and hereby incorporates these applications by reference in their entireties as if they had been fully set forth herein.

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## IN THE CLAIMS

1-14 Cancelled

15. (New) A storage router for providing virtual local storage on remote storage devices to a device, comprising:

a buffer providing memory work space for the storage router;

a first Fibre Channel controller operable to connect to and interface with a first Fibre Channel transport medium;

a second Fibre Channel controller operable to connect to and interface with a second Fibre Channel transport medium; and

a supervisor unit coupled to the first and second Fibre Channel controllers and the buffer, the supervisor unit operable:

to maintain a configuration for remote storage devices connected to the second Fibre Channel transport medium that maps between the device and the remote storage devices and that implements access controls for storage space on the remote storage devices; and

to process data in the buffer to interface between the first Fibre Channel controller and the second Fibre Channel controller to allow access from Fibre Channel initiator devices to the remote storage devices using native low level, block protocol in accordance with the configuration.

16. (New) The storage router of claim 15, wherein the configuration maintained by the supervisor unit includes an allocation of subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device.

17. (New) The storage router of claim 16, wherein the Fibre Channel devices comprise workstations.

18. (New) The storage router of claim 16, wherein the remote storage devices comprise hard disk drives.

19. (New) The storage router of claim 15, wherein each of the first Fibre Channel Gray Cary/AU/4113229.1 103671-990000

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controller comprises:

a Fibre Channel (FC) protocol unit operable to connect to the Fibre Channel transport medium;

a first-in-first-out queue coupled to the Fibre Channel protocol unit; and

a direct memory access (DMA) interface coupled to the first-in-first-out queue and to the buffer.

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and

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20. (New) A storage network, comprising:

a first Fibre Channel transport medium;

a second Fibre Channel transport medium;

a plurality of workstations connected to the first Fibre Channel transport medium;

a plurality of storage devices connected to the second Fibre Channel transport medium;

a storage router interfacing between the first Fibre Channel transport medium and the second Fibre Channel transport medium, the storage router providing virtual local storage on the storage devices to the workstations and operable:

to map between the workstations and the storage devices;

to implement access controls for storage space on the storage devices; and

to allow access from the workstations to the storage devices using native low

level, block protocol in accordance with the mapping and access controls.

21. (New) The storage network of claim 20, wherein the access controls include an allocation of subsets of storage space to associated workstations, wherein each subset is only accessible by the associated workstation.

22. (New) The storage network of claim 20, wherein the storage devices comprise hard disk drives.

23. (New) The storage network of claim 20, wherein the storage router comprises: a buffer providing memory work space for the storage router;

a first Fibre Channel controller operable to connect to and interface with the first Fibre Channel transport medium, the first Fibre Channel controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer;

a second Fibre Channel controller operable to connect to and interface with the second Fibre Channel transport medium, the second Fibre Channel controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer; and

a supervisor unit coupled to the first and second Fibre Channel controllers and the buffer, the supervisor unit operable:

to maintain a configuration for the storage devices that maps between workstations and storage devices and that implements the access controls for storage space on Gray Cary/AU/4113229.1 103671-990000

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the storage devices; and

to process data in the buffer to interface between the first Fibre Channel controller and the second Fibre Channel controller to allow access from workstations to storage devices in accordance with the configuration.

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24. (New) A method for providing virtual local storage on remote storage devices to Fibre Channel devices, comprising:

interfacing with a first Fibre Channel transport medium;

interfacing with a second Fibre Channel transport medium;

maintaining a configuration for remote storage devices connected to the second Fibre Channel transport medium that maps between Fibre Channel devices and the remote storage devices and that implements access controls for storage space on the remote storage devices; and

allowing access from Fibre Channel initiator devices to the remote storage devices using native low level, block protocol in accordance with the configuration.

25. (New) The method of claim 24, wherein maintaining the configuration includes allocating subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device.

26. (New) The method of claim 25, wherein the Fibre Channel devices comprise workstations.

27. (New) The method of claim 25, wherein the remote storage devices comprise hard disk drives.

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Attorney Docket No. CROSS1120-13

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28. (New) An apparatus for providing virtual local storage on a remote storage device to a device operating according to a Fibre Channel protocol, comprising:

a first controller operable to connect to and interface with a first transport medium, wherein the first transport medium is operable according to the Fibre Channel protocol;

a second controller operable to connect to and interface with a second transport medium, wherein the second transport medium is operable according to the Fibre Channel protocol; and

a supervisor unit coupled to the first controller and the second controller, the supervisor unit operable to control access from the device connected to the first transport medium to the remote storage device connected to the second transport medium using native low level, block protocols according to a map between the device and the remote storage device.

29. (New) The apparatus of Claim 28, wherein the supervisor unit is further operable to maintain a configuration wherein the configuration includes the map between the device and the remote storage device, and further wherein the map includes virtual LUNs that provide a representation of the storage device.

30. (New) The apparatus of Claim 29, wherein the map only exposes the device to LUNs that the device may access.

31. (New) The apparatus of Claim 28, wherein the supervisor unit is further operable to maintain a configuration including the map, wherein the map provides a mapping from a host device ID to a virtual LUN representation of the remote storage device to a physical LUN of the remote storage device.

32. (New) The apparatus of Claim 28, wherein the remote storage device further comprises storage space partitioned into virtual local storage for the device connected to the first transport medium.

33. (New) The apparatus of Claim 32, wherein the supervisor unit is further operable to prevent the device from accessing any storage on the remote storage device that is not part of a virtual local storage partition assigned to the device

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Attorney Docket No. CROSS1120-13

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34. (New) The apparatus of Claim 28, wherein the first controller and the second controller further comprise a single controller.

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35. (New) A system for providing virtual local storage on remote storage devices, comprising:

a first controller operable to connect to and interface with a first transport medium operable according to a Fibre Channel protocol;

a second controller operable to connect to and interface with a second transport medium operable according to the Fibre Channel protocol;

at least one device connected to the first transport medium;

at least one storage device connected to the second transport medium; and

an access control device coupled to the first controller and the second controller, the access control device operable to:

map between the at least one device and a storage space on the at least one storage device; and

control access from the at least one device to the at least one storage device using native low level, block protocol in accordance with the map.

36. (New) The system of Claim 35, wherein the access control device is further operable to maintain a configuration wherein the configuration includes the map between the at least one device and the at least one storage device, and further wherein the map includes virtual LUNs that provide a representation of the at least one storage device.

37. (New) The system of Claim 36, wherein the map only exposes the at least one device to LUNs that the at least one device may access.

38. (New) The system of Claim 35, wherein the access control device is further operable to maintain a configuration including the map, wherein the map provides a mapping from a host device ID to a virtual LUN representation of the at least one storage device to a physical LUN of the at least one storage device.

39. (New) The system of Claim 35, wherein the at least one storage device further comprises storage space partitioned into virtual local storage for the at least one device.

Attorney Docket No. CROSS1120-13

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40. (New) The system of Claim 39, wherein the access control unit is further operable to prevent at least one device from accessing any storage on the at least one storage device that is not part of a virtual local storage partition assigned to the at least one device.

41. (New) The system of Claim 35, wherein the first controller and the second controller further comprise a single controller.

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42. (New) A method for providing virtual local storage on remote storage devices, comprising:

mapping between a device connected to a first transport medium and a storage device connected to a second transport medium, wherein the first transport medium and the second transport medium operate according to a Fibre Channel protocol;

implementing access controls for storage space on the storage device; and

allowing access from the device connected to the first transport medium to the storage device using native low level, block protocols.

43. (New) The method of Claim 42, further comprising maintaining a configuration wherein the configuration includes a map between the device and the one storage device, and further wherein the map includes virtual LUNs that provide a representation of the storage device.

44. (New) The method of Claim 43, wherein the map only exposes the device to LUNs that the device may access.

45. (New) The method of Claim 42, further comprising maintaining a configuration including a map from a host device ID to a virtual LUN representation of the storage device to a physical LUN of the storage device.

46. (New) The method of Claim 42, further comprising partitioning storage space on the storage device into virtual local storage for the device.

47. (New) The method of Claim 46, further comprising preventing the device from accessing any storage on the storage device that is not part of a virtual local storage partition assigned to the device.

48. (New) A system for providing virtual local storage, comprising: a host device;

a storage device remote from the host device, wherein the storage device has a storage space;

a first controller; Gray Cary\AU\4113229.1 103671-990000 Attorney Docket No. CROSS1120-13

to:

Continuation Application Customer ID: 25094

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a second controller

a first transport medium operable according to a Fibre Channel protocol, wherein the first transport medium connects the host device to the first controller;

a second transport medium operable according to the Fibre Channel protocol, wherein the second transport medium connects the second controller to the storage device;

a supervisor unit coupled to the first controller and the second controller, the supervisor unit operable to:

maintain a configuration that maps between the host device and at least a portion of the storage space on the storage device; and

implement access controls according to the configuration for the storage space on the storage device using native low level, block protocol.

49. (New) The system of Claim 48, wherein the supervisor unit is further operable

maintain a configuration that maps from the host device to a virtual representation of at least a portion of the storage space on the storage device to the storage device; and

allow the host device to access only that portion of the storage space that is contained in the map.

50. (New) The system of Claim 49, wherein the configuration comprises a map from a host device ID to a virtual LUN representation of the storage device to a physical LUN of the storage device.

51. (New) The system of Claim 48, wherein the storage device further comprises storage space partitioned into virtual local storage for the host device.

52. (New) The system of Claim 51, wherein the supervisor unit is further operable to prevent the host device from accessing any storage on the storage device that is not part of a virtual local storage partition assigned to the host device.

53. (New) The apparatus of Claim 48, wherein the first controller and the second controller further comprise a single controller.

Gray Cary\AU\4113229.1 103671-990000



Attorney Docket No. CROSS1120-13 Continuation Application Customer ID: 25094

## REMARKS

Applicants appreciate the time taken by the Examiner to review Applicants' present application.

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, Applicant respectfully requests full allowance of Claims 15-53.

The Director of the USPTO is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich LLP.

Respectfully submitted,

Gray Cary Ware & Freidenrich LLP

John L. Adair Reg. No. 48,828

Dated: September ____, 2003

1221 South MoPac Expressway Suite 400 Austin, TX 78746-6875 Tel. (512) 457-7142 Fax. (512) 457-7001

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# PATENT APPLICATION SERIAL NO.

# U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FEE RECORD SHEET

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PTO-1556 (5/87)

*U.S. Government Printing Office: 2002 - 489-267/69033

PATENT APPLICATION SERIAL NO.

# U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FEE RECORD SHEET

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Adjustment date: 12/12/2003 UEDUVIJE 11728/2003 SDIRETA1 00000013 500456 10658163 01 FC:1051 130.00 CR

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Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 81 of 253

	THE UNITED STATES	PATENT AND TRADEMA	RK OFFICE			
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	APPLICAN	CROSS1120-13				
AT a series the		Applicants: Geoffrey B. He	oese, et al.			
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Mail Stop: Patent Commissioner for I P.O. Box 1450 Alexandria, VA 223	Application Patents 313	I hereby certify that this docur United States Postal Service an envelope addressed to Cor 1450, Alexandria, VA 22313 or Laura	ment is being deposited with the as Express Mail to Addressee in mmissioner for Patents, P.O. Box n October 17, 2003. MGQuire			

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the art listed on the attached PTO/SB/08A form be considered and cited in the examination of the above-identified continuation application. Pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that a search has been made or that this art is material to patentability of the present application. Applicants respectfully submit that the claims of Applicants' above-referenced patent application are patentably distinguishable from these references.

In the prosecution of United States Patent Application Serial Number 10/081,110 (the "'110 Application"), the parent of the present application, Applicants submitted trial exhibits from *Crossroads Systems, Inc. v. Pathlight Technology, Inc.*, 1:00cv00248 (W.D. Tex.) (the "Pathlight Litigation") and *Crossroads Systems, Inc. v. Chaparral Network Storage, Inc.*, 1:00cv00217 (W.D. Tex.) (the "Chaparral litigation"). Several of these trial exhibits included United States and foreign patents. The Examiner requested that the Applicants separately list patent references from the trial exhibits. Accordingly, the attached PTO/SB/08A form includes, among other references, references that were previously submitted as part of the trial exhibits. To the extent that any of references A1-A16 were separately listed in the prosecution of the '110 Application, Applicants are submitting them again to comply with the Examiner's request to call out patents found the trial exhibits. The following summarizes the listed references for the convenience of the Examiner.

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References A1-A7 were each included in the exhibits from both the Chaparral litigation and the Pathlight litigation. References A9-11 and B1-B3 were included in the exhibits from the Chaparral litigation. References A8 and A12-A16 were included in the exhibits from the Pathlight litigation. Copies of references A1-A16 are included for the Examiner's convenience. Applicants note that in the Pathlight Litigation and the Chaparral litigation, Crossroads Systems Inc., asserted United States Patent Number 5,941,972 (the "'972 Patent") against the respective defendants. The Pathlight Litigation settled with a consent decree that the '972 Patent is valid.

References A19-A30 and A33-A46 were cited in an Office Action mailed January 21, 2003 in related United States Patent Application Serial Number 10/174,720. Copies of references A19-A30 and A33-A46 are enclosed.

Reference A47 was cited in the Notice of Allowance for United States Patent Application Serial Number 10/174,720. A copy of reference A47 is enclosed for the Examiner's convenience.

Additional references include A17-A18, A31-A32, B4, C1-C3. Copies of these references are included for the convenience of the Examiner.

While Applicants believe no fees are due, if any fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich LLP.

Respectfully submitted,

Gray Cary Ware & Freidenrich LLP Attorneys for Applicants

Dated: October 1/2, 2003

John L. Adair Reg. No. 48,828

1221 S. MoPac Expressway, Suite 400 Austin, Texas 78746 Tel. (512) 457-7142 Fax. (512) 457-7001

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# Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 83 of 253

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	A2	5,768,623			1000 II II			06/1	6/98	Judd, et al.	
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	A7	5,941,972		18. s. <del>s.</del>		(		08/2	8/24/99         Hoese, et al.           3/21/00         Hoese		
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	A9	6,145,006						11/0	7/00	Vishlitsky et al.	
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	A18	6,529,996					B1	03/0	4/03	Nguyen et al.	
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1. i in i i i	B2	JP 8-2308	95					09/1	0/96	Kikuchi et al.	
	<b>B</b> 3	WO 99/342	97	, a .			A1	07/0	8/99	Crossroads Systems, Inc.	
	B4	EP 0810 53	30				A2	12/0	3/97	Sun Microsystems, Inc.	
Examiner Sign	ature	<u>.                                    </u>					·	Date Cons	idered		

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Initials	Cite No.			Number		Kind Code (if known)	  Υ	Date 1-DD- YYY	Name of Patentee or Applicant of Cited Document	Where Relevant Passages or Figures Appear	
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	A27	5,774,683					06/3	0/98	Gulick		
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	A38	5,257,386					10/2	6/93	Saito		
	A39	5,701,491					12/2	23/97	Dunn et al.		
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				First Named Inventor		Geoffrey Hoese		<del>~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ </del>	
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Sheet	eet 3 Attorn			ney Ref. Numb	er	CRO	DSS1120-10		
		•	U.S. I	PATEN	DOCUMENT	s			
Examiner	Document Number		ber	er		lication		Pages, Columns Lines	
	No.		Number		Kind Code (if known)	MN	I-DD- YYY	Name of Patentee or Applicant of Cited Document	Where Relevant Passages or Figures Appear
	A40	5,347,384				09/1	3/94	McReynolds et al.	
	A41	5,423,044				06/0	6/95	Sutton et al.	
	A42	5,239,643				08/2	24/93	Blount et al.	
	A43	5,712,976				01/2	7/98	Falcon, Jr. et al.	
	A44	5,596,736				01/2	1/97	Kerns	
	A45	6,141,737				10/3	1/00	Krantz et al.	
	A46	4,751,635		· • · · ·		06/1	4/88	Kret	
	A47	5,596,562				06/2	1/97	Chen	
	A48	6,363,462			B1	03/2	6/02	Bergsten	
	A49	6,134,617				10/1	7/00	Weber	
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	Case 1:13-cv-00895-SS Docu	iment 31-20 Filed 04/09	/14 Page 86 of 253	
	IN THE UNITED STATES	S PATENT AND TRADEM	ARK OFFICE	
	PETITION TO MAKE SPECIA ACTUAL INFRINGEMENT PURS § 1.102 AND M.P.E.P.	AL BECAUSE OF SUANT TO 37 C.F.R. 708.02(II)	Atty. Docket No. (Opt.) CROSS1120-13	
4 11/28/2003 S 01 FC:1051	DIRETA1 00000013 500456 10658163 130.00 DA	Applicant Geoffrey B. Hoese, et al Application Number 10/658,163 For Storage Router and Met Local Storage Group Art Unit Unknown Confirmation Number: Unknown	Filed September 9, 2003 hod for Providing Virtual Examiner Unknown	402
	Via Facsimile (703) 306-5404 and Express Mail Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Dear Sir:	Certificate of Mailin I hereby certify that this corresp the United States Postal Servic EV351127304US in an envelop Patents, P.O. Box 1450, Alexan November 21, 2003. Kathe	g Under 37 C.F.R. 1.10 pondence is being deposited with the as Express Mail No. the addressed to: Commissioner for ndria, VA 22313-1450 on WWW Cape trin Cope	חבי חעעכבעי

Applicants submit this Petition to the Commissioner under 37 C.F.R. § 1.102 and M.P.E.P. 708.02(II) to make special and advance the examination of the above-identified application because of actual infringement. Applicants submit that this Petition meets all of the requirements of 37 C.F.R. § 1.102 and M.P.E.P. 708.02(II) for a grantable petition.

This petition is accompanied by a Declaration by Robert Griswold in Support of the Petition to Make Special Because of Actual Infringement. If a further showing in support of this Petition is deemed necessary, Applicants invite the Examiner to call the undersigned to obtain the required showing.

Applicants hereby file this petition to make special and request that this petition be granted and that the application be allowed.

Applicants point out that the references which are believed to be the most closely related to the subject matter encompassed by the claims are already of record in the parent applications.

Gray Cary\AU\4117803.1 103671-990004 - )

Attorney Docket No. CROSS1120-13

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10/658,163 Customer ID: 25094

Authorization is hereby given to deduct \$130.00 from Deposit Account No. 50-0456 of . Gray Cary Ware & Freidenrich LLP representing the filing fee for this petition to make special because of actual infringement, as set forth in 37 C.F.R. § 1.17(h). While no other fees are believed due, authorization is given to charge any additional fees or credit any overpayments in connection with this petition to Deposit Account No. 50-0456.

In view of this petition, in the event that there remain matters to be resolved in this application, the Examiner is invited to call the undersigned so that a prompt disposition of the application can be achieved.

Respectfully submitted,

Gray Cary Ware & Freidenrich LLP

John L. Adair Registration No. 48,828

4

Dated: November 21, 2003

1221 South MoPac Expressway, Suite 400 Austin, Texas 78746 Telephone: (512) 457-7142 Facsimile: (512) 457-7001

Gray Cary\AU\4117803.1 103671-990004

IN THE UNITED STA	TES PATENT AND TRADEMA	RK OFFICE			
INFORMATION DISCLOS	Atty. Docket No. (Opt.)				
BY APPLIC	BY APPLICANT				
OIPE	Applicants Geoffrey B. Hoese, et al.				
FEB 0 2. 2004	Application Number 10/658,163	Filed September 9, 2003			
RADEW THE	For STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE				
	Group Art Unit 2186	Examiner <b>Unknown</b>			
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<u>Certificate</u> I hereby certify that this correspon U.S. Postal Service as First Class Commissioner for Patents, P.O. E 1450 on <u>Jan 20</u> Laura M.	of Mailing dence is being deposited with the Mail in an envelope addressed to: 30x 1450, Alexandria, VA 22313- 2004. MAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA			

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the art listed on the attached SB08A and SB08B forms be considered and cited in the examination of the above-identified application. A copy of the art is enclosed for the convenience of the Examiner. Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that a search has been made or that this art is material to patentability of the present application.

Applicants respectfully submit that the claims of Applicants' abovereferenced patent application are patentably distinguishable from these references.

Respectfully submitted,

**Gray Cary Ware & Freidenrich LLP** Attorneys for Applicant

John L. Adair Reg. No. 48,828

1/28/04 Dated:

1221 S. MoPac Expressway, Suite 400 Austin, Texas 78746 Tel. (512) 457-7142 Fax. (512) 457-7001

AU\4121177.1 103671-990004

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<u> </u>	INFORMATION DISCLOSURE		Applic	Application Number			10/658,163		
s	TATE	EN APPLICANT	Filing	Date		September 9, 2003			
	/ 0	- El	First N	amed Inventor	-	Geoffrey B. Hoese, et al.			
	FFR	0 2 2004	Group	Group Art Unit		2186	· · · · · ·	<u></u>	
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		U.S	. PATEN		TS				
Examiner Initials	Cite	Document Number			Publi	cation Date	Name of Patentee or	Pages, Columns, Lines Where	
	No.			Kind Code (if known)	MM-DD-YYYY		Applicant of Cited Document	Relevant Passages or Figures Appear	
		US-6073209			06	/06/00	Bergsten		
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PTO/SB/08A (04-03)

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II	INFORMATION DISCLOSURE		Application Number	10/658	10/658,163		
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			First Named Inventor	Geoffre	Geoffrey B. Hoese, et al.		
	FE	B 0 2 2004	Group Art Unit	2186	2186		
	E.	J. J	Examiner Name	Unknov	Unknown		
Sheet	1	MADEN of 1	Attorney Docket Numbe	er CROSS	CROSS1120-13		
NON-PATENT LITERATURE DOCUMENTS							
C1 DIGITAL StorageWorks, Using Your HSZ70 Array Controller in a Controller Shelf (DS-BA356-M Series), <i>User's Guide</i> , pp. 1-1 through A-5 index, January 1998.							
	C2	C2 DIGITAL StorageWorks, HSZ70 Array Controller HSOF Version 7.0 (EK HSZ70-CG.A01) Configuration Manual, pp. 1-2 through G15 with index, July 1997.					
	C3	DIGITAL Storageworks, <i>Reference Manual</i> , pp. 1	HSZ70 Array -156, July 1997.	Controlier	HSOF Version 7.0, CLI		
Examiner Signature				Date Considered			

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# USPTO COPY OF REFERENCES SUBMITTED IN IDS

Application Number	10/658,163
Filing Date	September 9, 2003
FirstNamedInventor	Geoffrey B. Hoese, et al.
Group Art Unit	2186
ExaminerName	Unknown
Attorney:Docket Number	CROSS1120-13

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BY APPLIC	BY APPLICANT								
OIPE	Applicants Geoffrey B. Hoese, et al.								
g APR 1 2 2004	Application Number 10/658,163	Filed September 9, 2003							
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	Group Art Unit 2186	Examiner <b>Unknown</b>							
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Certificate I hereby certify that this correspon U.S. Postal Service as First Class Commissioner for Patents, P.O. I 1450 on <u>APPIL 9</u> Laura M.	of Mailing Idence is being deposited with the Mail in an envelope addressed to: Box 1450, Alexandria, VA 22313- 2004.							

Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 92 of 253

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the art listed on the attached SB08A and SB08B forms be considered and cited in the examination of the above-identified application. A copy of the art is enclosed for the convenience of the Examiner. Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that a search has been made or that this art is material to patentability of the present application.

Applicants respectfully submit that the claims of Applicants' abovereferenced patent application are patentably distinguishable from these references.

Respectfully submitted,

Gray Cary Ware & Freidenrich LLP Attorneys for Applicant

21 John L. Adair

Dated:

1221 S. MoPac Expressway, Suite 400 Austin, Texas 78746 Tel. (512) 457-7142 Fax. (512) 457-7001

AU\4125641.2 103671-990004 John L. Adair Reg. No. 48,828

TPE INFORMATION DISCLOSURE			Application Number		10/658,163					
y			APPL	ICANT	Filing	Date		Septem	ber 9, 2003	
1 2 2004	7					amed Inventor		Geoffre	y B. Hoese, et al.	
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	No.			Number		Kind Code (if known)	MM-	DD-YYYY	Name of Patentee or Applicant of Cited Document	
		US-549	1812				02/	13/1996	Pisello et al.	
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		GB 2296	798			A	07/1	0/1996	Spring Consultants Limited	
		GB 22976	36			A	08/0	7/1996	Spring Consultants Limited	
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PTO/SB/08A (04-03)

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Λ	vou es	TATEN	IENT BY APP	LICANT	Filing Date	Septem	ber 9, 2003			
	APR 1 2 2004				First Named Inventor	Geoffre	y B. Hoese, et al.			
al					Group Art Unit	2186				
ų		<u>s</u>			Examiner Name	Unknow	'n			
	SADEMA	1	of	1	Attorney Docket Numbe	r CROSS	1120-13			
				NON-PATENT	LITERATURE DO	CUMENTS	<b>b</b>			
	C4 CRD-5500, SCSI RAID CONTROLLER Users Manual, Rev. 1.3, November 2 / 1996, pp. 1-92.									
		C5	Black Box 1996.	Black Box, SCSI Fiberoptic Extender, Single-Ended, Product Insert, 2 pages, 1996.						
,		C6 ,	CRD-5500, SCSI RAID CONTROLLER OEM Manual, Rev. 1.3, February 26, 1996, pp. 1-54.							
		C7	CRD-5500, RAID DISK ARRAY CONTROLLER Product Insert, pp. 1-5.							
•		C8	IBM Technical publication: Guide to Sharing and Partitioning IBM Tape Library Dataservers, November 1996, pp. 1-256.							
C9 IBM Technical publication: Magstar and IBM 3590 High Subsystem Technical Guide, November 1996, pp. 1-269						igh Performance Tape 269.				
	Examiner Signature		Date Considered							

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INFORMATION DISCLOSURE ST	ATEMENT Atty. Docket No. (Opt.)				
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BT AFFLICANT	CR0331120-13				
Applicants	Applicants				
Geoffrey B	Geoffrey B. Hoese, et al.				
Application 10/658,163	Number Filed September 9, 2003				
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Group Art L	nit Examiner				
2186	Unknown				
Commissioner for Patents	<u>Certificate of Mailing</u>				
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Alexandria, VA 22313-1450	U.S. Postal Service as First Class Mail in an envelope addressed to:				
Commissioner	Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-				
1450 onA	1450 on <u>APRIL 79</u> , <u>2004</u> .				

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the art listed on the attached SB08A form be considered and cited in the examination of the above-identified application. A copy of the art is enclosed for the convenience of the Examiner. Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that a search has been made or that this art is material to patentability of the present application.

Applicants respectfully submit that the claims of Applicants' abovereferenced patent application are patentably distinguishable from these references.

Respectfully submitted,

Gray Cary Ware & Freidenrich LLP Attorneys for Applicant

John L. Ádair

Reg. No. 48,828

Dated: <u>7/26/04</u> 1221 S. MoPac Expressway, Suite 400 Austin, Texas 78746 Tel. (512) 457-7142 Fax. (512) 457-7001

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT					Application Number 10/658,163			163	
					Date		Septem	September 9, 2003	
					amed Inventor		Geoffre	y B. Hoese, et al.	
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		US-6219771			B1	04/	17/2001	Kikuchi et al.	
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[	IN THE UNITED STAT	ES PATENT AND TRADEM	ARK OFFICE MAY 1 8 2004
1	Supplement to Petition to 11/21/03	Make Special Filed	Atty. Docket No. CROSS1120-13
L		Applicants: Goeffrey B.	Hoese, et al.
		Application Number	Filed
		10/658,163	September 9, 2003
		For: Storage Router and Me Local Storage	thed for Providing Virtual
		Group Art Unit	Confirmation Number:
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Ale	exandria, VA 22313	Caroly	n J. Williams
De	ar Sir.		

On May 18, 2004, Geoffrey Gaffin of the United States Patent Trademark Office informed applicants that the Petition to Make Special Because of Actual Infringement Pursuant to 37 C.F.R. 1.102 and MPEP 708.02(II) (the "Petition") filed in the above referenced application on November 21, 2003 did not include a referenced Declaration of Robert Griswold in Support of the Petition to Make Special Because of Actual Infringement (the "Declaration"). According to Applicants' files, the Declaration was included with the Petition. For convenience, Applicants are hereby enclosing a copy of the Declaration

Respectfully submitted,

Gray Cary Ware & Freidefinich LLP

John L. Adair Reg. No. 48,828

Dated: May 18, 2004

1221 South MoPac Expressway Suite 400 Austin, TX 78746-6875 Tel. (512) 457-7142 Fax. (512) 457-7001

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Gray Cary\AU\4128082.1 103671-990004

PAGE 2/4 * RCVD AT 5/18/2004 6:38:43 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:512 457 7070 * DURATION (mm-ss):01-10

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		MAY 1 8 2004	1221 S. MoPac Expressway, Suite 400 Austin, TX 78746-6873 www.graycary.com
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FAX	TRANSMISSION COVE	ER SHEET	May 18, 2004
<u>To</u> :	·	Telephone:	Fax Number:
Com	missioner for Patents	<b>i</b> .	703-872-9306
From:	John L. Adair 512-457-7142	Client-Matter Number:	103671.990004 CROSS1120-13
Re:	Supplement to Petitio	n to Make Special Filed 11/21/03	3
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	· · · · · · · · · · · · · · · · · · ·	Applicant Geoffrey Applicatio 10/658,11 For Storage Local Str Group Ar Unknown Confirma Unknown	B. Hoese, et al. on Number 53 Router and Met orage t Unit 1 1 tion Number: 1	Filed September 9, 2003 hod for Providing Virtual Examiner Unknown	
VI Ex Co P.C Ala	A FACSIMILE (703) 306-5404 press Mail mmissioner for Patents J. Box 1450 exandria, VA 22313-1450	and <u>Ce</u> I hereby ce the United EV3511273 Patents, P. November	rtificate of Mailine rtify that this corresp States Postal Service 104US in an envelop 0. Box 1450, Alexan 21, 2003.	a Under 37 C.F.R. 1.10 ondence is being deposited with e as Express Mail No. e addressed to: Commissioner for idria, VA 22313-1450 on	

Dear Sir:

I, Robert Griswold, Vice President of Technology and Information and Chief Technologist of Crossroads Systems, Inc. (assignee of the above-referenced application) do hereby make the following declarations:

1. The present application (United States Application Number 10/658,163) is an application filed September 9, 2001 as a continuation of U.S. Application Number 10/081,110, which in turn is a continuation of U.S. Application No. 09/354,682, now U.S. Patent No. 6,421,753, which in turn is a continuation of U.S. Application No. 09/001,799, now U.S. Patent No. 5,941,972.

2. The present application includes, among others, claims to a storage router for providing virtual local storage on remote storage devices across two fibre channel transport media.

I have become aware that an infringing device is currently on the market.

Gray Cary/AU/4117814.1 103671-990004

3.

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Katherin Cope

PAGE 3/4 * RCVD AT 5/18/2004 6:38:43 PM [Eastern Daylight Time] * SVR: USPTO-EFXRF-1/0 * DNIS: 8729306 * CSID: 512 457 7070 * DURATION (mm-ss): 01-10

Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 100 of 253

05/18/04 17:37 FAX 512 457 7070

GRAY CARY-AUSTIN

Ø 004

Attorney Docket No. CROSS1120-13 10/658,163 Customer ID: 25094

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4. I have made a rigid comparison of the infringing device with the storage router claims of the present application and it is my opinion that at least one of the claims is unquestionably infringed.

5. I have a good knowledge of the pertinent art.

Respectfully submitted,

Robert Griswold Vice President of Technology and Information Chief Technologist Crossroads Systems, Inc.

Date: November 21, 2003.

# BEST AVAILABLE COPY

Gray Cary\AU\4117814.1 103671-990004

PAGE 4/4 * RCVD AT 5/18/2004 6:38:43 PM [Eastern Daylight Time] * SVR: USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:512 457 7070 * DURATION (mm-ss):01-10

Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 101 of 253

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE P.O. Box 1450 Alexandria, VA 22313-1450 www.updo.gov

John L. Adair GRAY, CARY, WARE & FREIDENRICH LLP 2000 University Avenue E. Palo Alto CA 94303-2248

NOV 2 6 2004

MAIL

DIRECTOR OFFICE TECHNOLOGY CENTER 2100

In re Application of: Goeffrey B. HOESE et al. Application No. 10/658,163 Filed: September 9, 2003 For: STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P. §708.02(II): INFRINGEMENT

This is a decision on the petition, filed November 21, 2003, under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. § 1.102(d), and M.P.E.P. § 708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R. § 1.17(h) and a statement under 37 C.F.R. § 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a *rigid comparison* of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are **unquestionably infringed**: and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. Applicant must provide one copy of each of the *references deemed most closely related* to the subject matter encompassed by the claims.

Applicant's submission meets all the criteria set out above. Accordingly, the Petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for expedited examination.

elcu Vincent N. Trans

Special Program Examiner Technology Center 2100 Computer Architecture, Software, and Information Security 571-272-3613

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PLUS Search Results for S/N 10658163, Searched January 12, 2005

The Patent Linguistics Utility System (PLUS) is a USPTO automated search system for U.S. Patents from 1971 to the present. PLUS is a query-by-example search system which produces a list of patents that are most closely related linguistically to the application searched. This search was prepared by the staff of the Scientific and Technical Information Center, SIRA.

5941972	5991844	5263139	5950203
6041381	6101559	5283828	5948075
6421753	6148326	5289589	5964848
6425035	6154802	5313589	5987627
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6738854	6321298	5454098	6029227
6763419	6493772	5493547	6044411
6772290	6534716	5497476	6065096
6772308	6557049	5515239	6078979
6772309	6591310	5546550	6092154
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6118776	6697875	5560016	6122723
6151331	6757691	5564024	61/1712
6185203	6763409	5572659	6157962
6100112	6766412	5611057	6161104
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6526489	5829053	5748909	6442604
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6742034	5864568	5758101	6460099
6785742	5938744	5765023	6487638
6832289	6021454	5787304	6499075
6718402	6105763	5805921	6507893
6209023	6115772	5809279	6529996
6057863	6188571	5813016	6538669
5812754	6199122	5829048	6549934
5991891	6199130	5875349	6615284
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6065087	6654851	5920700	6658587
6202115	4851998	5930817	6671820
6792479	H000696	5928327	6754785
5610745	5206943	5933834	6757767
5848251	5210855	5935260	6769021
5898828	5241508	5938747	6775702

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Most Frequently Occurring Classifications of Patents Returned From A Search of 10658163 on January 12, 2005

## Original Classifications

10	711/114
7	710/1
7	710/5
7	711/112
5	710/305
5	710/312
4	709/226
4	710/302
4	710/8
4	711/163
4	711/164
4	714/6
3	370/351
3	707/10
3	710/100
3	710/104
3	710/19
3	710/315
3	711/162
2	370/455
2	707/205
2	709/219
2	709/250
2	710/15
2	710/2
2	710/301
2	710/306
2	710/316
2	710/62
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## Cross-Reference Classifications

15	711/114
10	711/112
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6	707/204
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,163	09/09/2003	Geoffrey B. Hoese	CROSS1120-13	5675
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DLA PIPER R	RUDNICK GRAY CAR	Y US, LLP	SHIN, CHRI	STOPHER B
2000 University E. Palo Alto C	/ Avenue A 94303-2248		ART UNIT	PAPER NUMBER
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			DATE MAILED: 01/27/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

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PTO-90C (Rev. 10/03)

Oracle-Huawei-NetApp Ex. 1009, pg. 1313

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	Application No.	Applicant(s)
	10/658,163	HOESE ET AL.
Oπice Action Summary	Examiner	Art Unit
	Christopher B Shin	2182
The MAILING DATE of this communication app Period for Reply	bears on the cover sh et with the o	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above, its maximum statutory period + If NO period for reply is specified above, the maximum statutory period + Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	Y IS SET TO EXPIRE <u>3</u> MONTH 36(a). In no event, however, may a reply be tir y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE g date of this communication, even if timely file	(S) FROM mely filed ys will be considered timely. the mailing date of this communication. ED (35 U.S.C. § 133). d, may reduce any
Status		
1) Responsive to communication(s) filed on		
2a) This action is <b>FINAL</b> . 2b) This	action is non-final.	
3) Since this application is in condition for alloward	nce except for formal matters, pro	osecution as to the merits is
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.
Disposition of Claims		
4) Claim(s) <u>15-53</u> is/are pending in the application	n.	
4a) Of the above claim(s) is/are withdraw	wn from consideration.	
5) Claim(s) is/are allowed.		
6) Claim(s) $\underline{15-53}$ is/are rejected.		
() Claim(s) is/are objected to. () Claim(s) is/are subject to restriction and/a	r clastion requirement	
	r election requirement.	
Application Papers		
9) The specification is objected to by the Examine	r.	
10) The drawing(s) filed on <u>09 September 2003</u> is/a	are: a) accepted or b) accepted or b) accepted or b)	cted to by the Examiner.
Applicant may not request that any objection to the	drawing(s) be held in abeyance. Se	e 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correct	ion is required if the drawing(s) is ob cominer. Note the attached Office	jected to. See 37 CFR 1.121(d).
		ACTION OF TO THE PTO-152.
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a	)-(d) or (f).
a) All b) Some * c) None of:	· · · · · · ·	
1. Certified copies of the priority document	s have been received.	
2. Certified copies of the priority document	s have been received in Applicati ity documents have been receive	on No ed in this National Stage
application from the International Bureau	I (PCT Rule 17.2(a)).	
* See the attached detailed Office action for a list	of the certified copies not receive	ed.
Attachment(s)		
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> </ol>	4) [] Interview Summary Paper No(s)/Mail Date	(PTO-413) ate
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) Notice of Informal F	Patent Application (PTO-152)
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#### **DETAILED ACTION**

#### Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the gist of the claimed limitation regarding the first & second mediums being a Fibre Channel protocol type, without adding any new matter, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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The drawings are objected to under 37 CFR 1.83(a) because they fail to show 3. the claimed limitation regarding the first & second mediums being a Fibre Channel protocol type, without adding any new matter, as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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#### Specification

4. The abstract of the disclosure is objected to because the gist of the present claimed invention regarding the first & second transport mediums being a Fibre Channel protocol is not accurately disclosed by the abstract. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: the entire disclosure does not accurately disclose the gist of the present claimed invention regarding the first & second transport medium being Fibre Channel protocol type. This applies to all of the sections of the disclosure.

Appropriate correction is required.

#### **Unclear Claimed Definition**

6. IN an attempt to expedite prosecution, numerous telephone interview attempts were made to clarify the following questions on January 18th, 19th, & 20th of 2005 to the attorney of record, but the examiner was unable to reach the attorney.

7. After careful consideration of the present claims 15-53, the examiner would like the applicant to clearly and explicitly define the following terms/questions in two parts.

a. First part-clear and explicit indented definition of the following terms in accordance with the support of the specification; and

b. Second part-detailed sections of the specifications that supports the following terms which the applicant relies on for the support of the claims 15-53.

i. "mapping";

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ii. native low level, block protocols; and

iii. first transport & second transport medium being both Fibre Channel Protocol.

c. The applicant's cooperation would be greatly appreciated. Failure to

respond answer may cause delay and/or improper interpretation of the present claims.

#### Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 15-53 are rejected under 35 U.S.C. 112, first paragraph, because the

best mode contemplated by the inventor has not been disclosed. Evidence of

concealment of the best mode is based upon the fact that the disclosure does not

clearly disclose any details of the present claims regarding the first & second mediums

being both Fibre Channel transport as a whole.

10. Claims 15-53 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention. The disclosure does not clearly disclose any details of the present claims

regarding the first & second mediums being both Fibre Channel transport as a whole.

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11. Claims 15-53 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The disclosure does not clearly disclose any details of the present claims regarding the first & second mediums being both Fibre Channel transport as a whole is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

12. Claims 15-53 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the first and second mediums being different types of transport medium as disclosed in the specification, does not reasonably provide enablement for the details of the present claims regarding the first & second mediums being both Fibre Channel transport as a whole. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to support the invention commensurate in scope with these claims.

#### **Double Patenting Rejection**

13. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Application/Control Number: 10/658,163 Art Unit: 2182 Page 7

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

14. Claim15-53 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 5,941,972. Although the conflicting claims are not identical, they are not patentably distinct from each other because the 972 patent claims a subject matter that are substantially identical to the present claimed invention.

**15.** Claim15-53 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,425,035. Although the conflicting claims are not identical, they are not patentably distinct from each other because the 035 patent claims a subject matter that are substantially identical to the present claimed invention.

**16.** Claim15-53 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,738,854. Although the conflicting claims are not identical, they are not patentably distinct from each other because the 972 patent claims a subject matter that are substantially identical to the present claimed invention.

17. Claim15-53 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,763,419 Although the conflicting claims are not identical, they are not patentably distinct from each other because the 419 patent claims a subject matter that are substantially identical to the present claimed invention.

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Application/Control Number: 10/658,163 Art Unit: 2182

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B Shin whose telephone number is 571-272-4159. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 571-272-4146

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Christopher Shin Primary Examiner Of 2182

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Part of Paper No. 01212004

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10/658,163	HOESE ET AL.
Examiner	Art Unit
Christopher B Shin	2182

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#### UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

### *BIBDATASHEET*

#### CONFIRMATION NO. 5675

Bib Data Sheet							
FILING DATE SERIAL NUMBER 10/658,163 RULE		CLASS 710	GROUP ART UNIT 2182		ATTORNEY DOCKET NO. CROSS1120-13		
APPLICANTS							
Geoffrey B. Ho	ese, Austin, TX;						
Jeffry T. Russell, Cibolo, TX;							
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TITLE Storage router and me	thod for providing virtual local	storage					
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE								
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SIPE rel	Applicant Geoffrey B. Hoese, et al.							
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TRADEWAND	Title Storage Router and Method for Providing Virtual Local Storage							
	Group Art Unit 2182	Examiner Shin, Christopher B.						
	Confirmation Number: 5675							
Commissioner for Patents	Certification Under 37 C.F.R. §1.8							
P.O. Box 1450 Alexandria, VA 22313	I hereby certify that this document is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on July 13, 2005.							

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.555, 1.56, 1.97 and 1.98, that the art listed on the attached SBO8-A and SBO8-B forms be considered and cited in the examination of the above-identified application. Since the present Application was filed after June 30, 2003, a copy of any U.S. Patent and any U.S. Patent Application Publications cited on the attached SBO8-A form is not being submitted with this Information Disclosure Statement pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i) by the U.S. Patent and Trademark Office. Several documents are included on the enclosed CD-Rom, as well as hard copies for the convenience of the Examiner.

Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that a search has been made or that this art is material to patentability of the present application. Applicants respectfully submit that the claims of Applicants' above-referenced patent is patentably distinguishable from these references. Applicants respectfully request consideration of these references. The Commissioner is hereby authorized to charge any fees due, or refund any credit, to Deposit Account No. 50-3183 of Sprinkle IP Law Group for any fee under 37 C.F.R. §1.17.

07/26/2005 CNGUYEN2 00000075 10658163 Respectfully submitted,

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Respectfully submitted, Sprinkle IP Law Group Attorneys for Applicants

John L. Adair

Reg. No. 48,828

Dated: July <u>/3</u>, 2005. 1301 W. 25th Street, Suite 408 Austin, TX 78705 T. 512-637-9220 / F. 512-371-9088 , **,** 

			•		PTO/SI	3/08A (04-03)
		The second	Application Number	er	10/658,163	
INFOR	RMATIC	N DISCLOSURE	Filing Date		09/09/2003	
STATI	EMENT	BY APPLICANT	First Named Inven	tor	Hoese, Geoffrey	
			Group Art Unit		2182	
			Examiner Name		Shin, Christopher	В.
Sheet	1	OF 4	Attorney Docket N	umber	CROSS1120-13	
			U.S. PATENT DOC	UMENTS		
Examiner Initials	Cite No.	Document No	umber	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Figures Appear
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			Application Number	10/658,163	
FOF	RM PTO 14	49 US Department of	Filing Date	09/09/2003	
-	C	ommerce	First Named Inventor	Geoffrey B. Hoe	se
ŀ	atent and	I I rademark Office	Group Art Unit	2182	
			Examiner Name	Shin, Christoph	er B.
Sheet	1	of 7	Atty Docket Number	CROSS1120-13	<u></u>
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	FC		ommera	ce		Filing Date	09/09/2003	
		Patent and	Traden	nark	Office	First Named Inventor	Geonrey B. Hoes	ie
						Group Art Unit	2182	
						Examiner Name	Shin, Christophe	r 8.
	Sheet	2		of	7	Atty Docket Number	CROSS1120-13	
	Examiner Initials	Cite No.	ОТН	ER	PRIOR ART	NON PATENT LITERATUR	RE DOCUMENTS	Date
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		C35	Office	e Ac	ion dated 01/2	1/03 for 10/174,720 (CROS	S1120-8)	1/21/2003
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FOR	M PTO 14	49 US Department of	Filing Date	09/09/2003		
	Ci betent and	ommerce Tradomark Office	First Named Inventor	Geoffrey B. Hoese		
	alent anu	Hademark Office	Group Art Unit	2182		
			Examiner Name	Shin, Christophe	er B.	
Sheet 3	3	of 7	Atty Docket Number	CROSS1120-13		
Examiner	Cite No.	OTHER PRIOR ART	NON PATENT LITERATUR	E DOCUMENTS	Date	
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			Application Number	10/658,163		
FORM PTO 1449 US Department of Commerce Patent and Trademark Office			Filing Date	09/09/2003		
			First Named Inventor	Geoffrey B. Hoes	5e	
	atent and		Group Art Unit	2182		
			Examiner Name	Shin, Christophe	er B.	
Sheet 4	4	of 7	Atty Docket Number	CROSS1120-13		
Examiner Initials	Cite No.	OTHER PRIOR ART	NON PATENT LITERATUR	E DOCUMENTS	Date	
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	C69	Brooklyn Hardware Eng 1.4 (Lavan Ex 4 (CNS 1 D024) by Pecone.	ineering Requirements Docu 78188-211)) ( <b>CD-ROM</b> Chap	iments, Revision parral Exhibits	5/26/1996	
	C70	Brooklyn Single-Ended Manual, Revision 2.1 (L Chaparral Exhibits D02	SCSI RAID Bridge Controller avan EX 5 (CNS 177169-19 5).	r Hardware OEM 1)) ( <b>CD-ROM</b>	3/21/1996	
	C71	Coronado Hardware En 0.0 (Lavan Ex 7 (CNS 1 D027) by O'Dell.	gineering Requirements Doc 76917-932)) ( <b>CD-ROM</b> Chap	cument, Revision parral Exhibits	9/30/1996	
	C72	ESS/FPG Organization Chaparral Exhibits D02	(Lavan Ex 8 (CNS 178639-6 8).	52)) ( <b>CD-ROM</b>	12/6/1996	
	C73	Adaptec MCS ESS Pre "Bridge" Strategy (Lava Chaparral Exhibits D02	sents: Intelligent External I/O n Ex 9 (CNS 178606-638)). ( 9).	Raid Controllers CD-ROM	2/6/1996	
	C74	AEC-7313 Fibre Chann Specification, Revision <b>ROM</b> Chaparral Exhibit	el Daughter Board (for Brook 1.0 (Lavan Ex 10 (CNS 1768 s D030).	klyn) Engineering 30-850)) ( <b>CD-</b>	2/27/1997	
	C75	Bill of Material (Lavan E Exhibits D034).	x 14 (CNS 177211-214)) ( <b>C</b> l	D-ROM Chaparral	7/24/1997	
	C76	AEC 4412B, AEC-741 Manual, Revision 2.0 (L Chaparral Exhibits D03	2/B2 External RAID Controll avan Ex 15 (CNS 177082-12 5)	er Hardware 0EM 23)) ( <b>CD-ROM</b>	6/27/1997	

	- Lange		Application Number	10/658,163	
FOR	M PTO 1	449 US Department of	Filing Date	09/09/2003	
~	C	ommerce	First Named Inventor	Geoffrey B. Hoes	e
Р	atent and	I I rademark Unice	Group Art Unit	2182	
			Examiner Name	Shin, Christophe	r 8.
Sheet 5	; ;	of 7	Atty Docket Number	CROSS1120-13	
Examiner	Cite No.	OTHER PRIOR ART	NON PATENT LITERATU	IRE DOCUMENTS	Date
initials	C77	Coronado II. AEC-731	2A Fibre Channel Daughter (	for Brooklyn)	7/18/199
		Hardware Specification	n, Revision 1.2 (Lavan Ex 16	(CNS 177192-	
		210)) (CD-ROM Chapa	arral Exhibits D036) by Tom	Yang.	
	C78	AEC-4412B, AEC7412	2/3B External RAID Controlle	r Hardware OEM	8/25/199
		Manual, Revision 3.0.	(Lavan Ex 17 (CNS 177124	-165)) (CD-ROM	
		Chaparral Exhibits D03	37). AFO 70404 F	14 Outstans and 11	01451404
	C79	Memo Dated 8/15/97 t	0 AEC-7312A Evaluation Un		8/15/19
		Chaparral Exhibits DO	Lavan EX 10 (UNS 1020/0-0		
	C00	Brooklyn Main Board (	AES-0302) MES Schedule (1	avan Ex 19 (CNS	2/11/19
		177759-763)) (CD-RO	M Chaparral Exhibits D039).		2/11/10
	C81	News Release-Adapte	c Adds Fibre Channel Option	n to its External	5/6/199
		RAID Controller Family	y (Lavan Ex 20 (CNS 182932	2-934)) (CD-ROM	
		Chaparral Exhibits DO	40).		
	C82	AEC-4412B/7412B Us	er's Guide, Rev. A (Lavan E	x 21) (CD-ROM	6/19/19
		Chaparral Exhibits D04	41).		
	C83	Data Book- AIC-7895	PCI Bus Master Single Chip	SCSI Host Adapter	5/21/19
		Uavies Ex 1 (CNS 18	2944-64)) (CD-ROIM Chapar	TAI EXHIDITS DU46).	6/40/40
	C84	Uata BOOK- AIC-1160	ribre Unannel Host Adapter	ASIC (Davies EX 2	0/18/19
	COE	Viking RAID Software	(Davies Ex 3 (CNS 180060-)	181026)) (CD-ROM	6/18/10
	605	Chaparral Exhibits D0.	48).		0/10/10
	C86	Header File with Struc	ture Definitions (Davies Ex 4	(CNS 180009-	8/8/199
		018)) (CD-ROM Chap	arral Exhibits D049).	,	
	C87	C++ SourceCode for t	he SCSI Command Handler	(Davies Ex 5 (CNS	8/8/199
		179136-168)) (CD-RO	M Chaparral Exhibits D050).		
	C88	Header File Data Stru	cture (Davies Ex 6 (CNS 179	9997-180008)) ( <b>CD-</b>	1/2/199
		ROM Chaparral Exhib	its D051).		41011-1
	C89	SCSI Command Hand	ller (Davies Ex 7 (CNS 1796)	(6-/19)) (CD-ROM	1/2/199
		Coronada: Exhibits DU	02).	Controller Product	
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· · ·	C91	Bill of Material (Kalwitz	z Ex 2 (CNS 181632-633)) (@	CD-ROM Chaparral	3/17/19
		Exhibits D054).		•	
	C92	Emails Dated 1/13-3/3	31/97 from P. Collins to Mo re	e: Status Reports	
		(Kalwitz Ex 3 (CNS 18	32501-511)) ( <b>CD-RO</b> M Chap	arral Exhibits D055).	<u></u>
	C93 Hardware Schematics (Kalwitz Ex 4 (CNS 18		for the Fibre Channel Daug	htercard Coronado	
			31639-648)) (CD-ROW Chap	arral Exhibits D056).	
	C94	Adaptec Schematics r	e AAU-340 (Kalwitz Ex 14 C Evhibite D057)	NS 1//215-251))	
	005	Reidao Broduct Line D	EXHIDILS DUD/).	NS 177307 226\\	
	095	CD_ROM Chaparral	eview (Manzanares Ex 3 (Cl Exhibits D058)	10 111301-330))	
	000	AFC Bridge Series Pr	oducts-Adaptec External Co	otroller RAID	10/28/10
	690	Products Pre-Release	Draft, v.6 (Manzanares Fx 4	4 (CNS 174632-	10/20/10
		653)) (CD_8094 Char	parral Exhibits D050)		

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			Application Number				
FO	RM PTO 14	49 US Department of	Filing Date	Filing Date 09/09/2003			
	C Datart ard	ommerce I Trademark Office	First Named Inventor Geoffrey B. Hoes		5e		
	Patent and	Trademark Office	Group Art Unit	2182			
			Examiner Name	Shin, Christophe	er B.		
Sheet	6	of 7	Atty Docket Number	CROSS1120-13			
Examiner	Cite No.	OTHER PRIOR ART	Date				
mildulo	C97	Hewlett-Packard Roseville Site Property Pass for Brian Smith			11/7/1996		
		(Dunning Ex 14 (HP 489)	) (CD-ROM Chaparral Exhibit	its D078).			
	C98	Distribution Agreement B	Distribution Agreement Between Hewlett-Packard and Crossroads				
		UUNNING EX 15 (HP 326-	-33) (CD-ROW Chaparral Ex	$\frac{110115 \ D079}{11108}$	5/1/1006		
	633	(CD-ROM Chaparral Exh	ibits D084).	11 172419-039)	5/1/1990		
	C100	X3T10 994D - (Draft) Info	ormation Technology: SCSI-	3 Architecture			
		Model, Rev. 1.8 (PTÍ 165	977) (CD-ROM Chaparral E	xhibits D087).			
	C101	X3T10 Project 1047D: In	formation Technology- SCS	-3 Controller	9/3/1996		
		Commands (SCC), Rev,	oc (P11 166400-546) (CD-R				
	C102	X3T10 995D- (Draft) SCS	SI-3 Primary Commands Re	v. 11	11/13/1996		
		(Wanamaker Ex 5 (PTI 1	66050-229)) (CD-ROM Cha	parral Exhibits			
		D089).					
	C103	VBAR Volume Backup a	nd Restore (CRDS 12200-20	02) ( <b>CD-RO</b> M			
	0101	Chaparral Exhibits D099).					
	C104	to SCSI Protocol Bridge	0/19/1990				
		30) (CD-ROM Chaparral Exhibits D143).					
	C105	Letter dated 7/12/96 from	7/12/1996				
		Evaluation Units from Cr					
	0400	ROW Chaparral Exhibits	11/1/1006				
	000	(Hulsev Ex 9 (CRDS 161	(29-130)) (CD-ROM Chapari	ral Exhibits D145).	11/1/1990		
	C107	CrossPoint 4400 Fibre C	hannel to SCSI Router Preli	minary Datasheet	11/1/1996		
		(Bardach Ex. 9, Quisenb	erry Ex 33 (CRDS 25606-60				
ļ		Chaparral Exhibits D153	).	hans Order from			
·	C108	Pax Dated 07/22/96 from	i L. Petti to B. Smith re: Purc	col Bridge Model			
		11 (Smith Ex 25: Quisen	berry Ex 23: Bardach Ex 11	(CRDS 8552-55:			
•		8558) (CD-ROM Chapar					
	C109	Email Dated 12/20/96 fro	om J. Boykin to B. Smith re:	Purchase Order			
		for Betas in February and	d March (Hoese Ex 16, Quis	enberry Ex 25;			
		Bardach EX 12 (CRDS 1					
	C110	Infinity Commstor Fibre (	Channel Demo for Fall Como	dex, 1996 (Hoese			
		Ex 15, Bardach Ex 13 (C	CRDS 27415) (CD-ROM Cha	parral Exhibits			
		D157).					
	C111	Fax Dated 12/19/96 from	B. Bardach to T. Rarich re:	Purchase Order			
		Chaparral Exhibits D158	. 14; Smiin Ex 16 (UKDS 44 )				
	C112	Miscellaneous Documen	ts Regarding Comdex (Quis	enberry Ex 2			
		(CRDS 27415-465)) (CD	-ROM Chaparral Exhibits D	165).			
	C113	CrossPoint 4100 Fibre C	Channel to SCSI Router Preli	minary Datasheet			
		(Quisenberry) Ex 3 (CRI	DS 4933-34) (CD-ROM Char	parral Exhibits			
	1	D166) (CD-ROM Chaparral Exhibits D166).					

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FORM PTO 1449 US Department of Commerce					Filing Date	09/09/2003		
	Commerce Patent and Trademark Office				First Named Inventor	Geoffrey B. Hoe	se	
	Fatent and Hademark Onice				Group Art Unit	2182		
					Examiner Name	Shin, Christophe	er B.	
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milaio	C114	CrossPo	oint	t 4400 Fibre to	Channel to SCSI Router F	Preliminary		
		Ex 4 (C	RD	S 25606; 1613	6)) ( <b>CD-ROM</b> Chaparral E	xhibits D167).		
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		062)) ( <b>C</b>	:D-	ROM Chaparra	al Exhibits D172).			
	C116		ana	ager 5 with RD	AC 5 for UNIX V.4 User's	Guide (LSI-01854)	9/1/1996	
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	C117	enclosir	ale In t	the original OF	M License and Purchase A	areement		
	· ·	betweer	ιθι Η	lewlett-Packag	e Company and Crossroad	ls Systems, Inc.		
		(CRDS	020	057) (CD-ROM	Chaparral Exhibits P130)			
	C118	CR4x00	Pr P2	roduct Specific	ation (CRDS 43929) ( <b>CD-</b>	ROM Chaparral	6/1/1998	
	C119	Symbio	s L	ogic – Hardwa	re Functional Specification	for the Symbios		
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	C120	Report	Report of the Working Group on Storage I/O for Large Scale					
		Computing; Department of Computer Science Duke University: CS-						
	C121	Brian A	Brian Allison's 1999 Third Quarter Sales Plan (PDX 38 ) CNS 022120-					
		132)) (0	132)) ( <b>CD-ROM</b> Pathlight Exhibits D201).					
	C122	Brookly	n S	SCSI-SCSI Inte	lligent External RAID Bridg	e Definition Phase		
		Externa	I D	ocumentation	(CD-ROM Pathlight Exhibi	ts D129).		
Examiner	Examiner Signature					Date Considered		

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# **ARTIFACT SHEET**

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C ...). The first artifact folder for an artifact type receives the letter A, the second B, etc.. Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB 0658163

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Microfilm(s) Doc Code: Artifact Artifact Type Code: F
Video tape(s) Doc Code: Artifact Artifact Type Code: V
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Confidential Information Disclosure Statement or Other Documents marked Proprietary, Trade Secrets, Subject to Protective Order, Material Submitted under MPEP 724.02, etc. Doc Code: Artifact Artifact Type Code X
Other, description: NPL Doc Code: Artifact Artifact Type Code: Z

March 8, 2004

# **ARTIFACT SHEET**

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C...). The first artifact folder for an artifact type receives the letter A, the second B, etc.. Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB 10.658163 UA

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JUL-26-2005 TUE 08:37 AM Sprinkle IP Law Group

RE:

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1301 W. 25th Street, Suite 408 ★Austin, Texas 78705 [o] 512.637.9220 [f] 512.371.9088

# FAX COVER SHEET

TO:	U.S. Patent Office	Fax#:	571/273-8300
FROM:	Julie H. Blackard Legal Secretary	Client Matter #:	CROSS1120-13
DATE:	07/26/05	# of Pages:	2

Revocation and Power of Attorney

Please contact 512.637.9227 if there is a problem with this transmission.

# SECOND REQUEST

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PAGE 1/2 * RCVD AT 7/26/2005 10:36:24 AM [Eastern Daylight Time] * SVR: USPTO-EFXRF-6/26 * DNIS: 2738300 * CSID: 5123719088 * DURATION (mm-ss): 01-10

Oracle-Huawei-NetApp Ex. 1009, pg. 1347

21:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 145 of 253

JUL-26-2005 TUE 08:38 AM Sprinkle IP Law Group

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE						
REVOCATION AND POWER C CHANGE OF MAILING	ADDRESS	Atty. Docket CROSS1	No. (Opt.) 120-13			
	Applicants Geoffrey B Hoese, et. al	. CEN	RECEIVED			
	Application Number 10/658,163	Filed 9/9/2003				
·	For STORAGE ROUTER AND MI VIRTUAL LOCAL STORAGE	ETHOD FOR PROV	IDING			
	Group Art Unit 2186	Examiner Unknown				
	Confirmation No. 5675					
Г	Certification Und	er 37 C.F.R. §1.8				
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	50 I hereby certify that this document is being transmitted to COMMISSIONER FOR PATENTS via facelmile on					
Dear Sir:	Respectio Deveau Printed Name					
L						

Crossroads Systems, Inc., 100% owner of the above-identified patent application, as evidenced by the Assignment recorded on December 31, 1997 on Reel/Frame: 8929/0290, hereby revokes all previous Powers of Attorney and appoints the following attorneys under Customer No. 44654, all of the firm of SPRINKLE IP LAW GROUP, to prosecute the above-identified Patent and to transact all business in the Patent and Trademark Office connected therewith.

STEVEN R. SPRINKLE JOHN ADAIR ARI AKMAL

Registration No. 40,825 Registration No. 48,828 Registration No. 51,388

Direct all telephone calls and correspondence to:

Customer No. 44654 SPRINKLE IP LAW GROUP 1301 W. 25th Street, Suite 408, Austin, Texas 78705 Attn: Steven Sprinkle Tel. 512.637.9220 / Fax 512.371.9088

I hereby state I am authorized to act on behalf of CROSSROADS SYSTEMS, INC.

Respectfully submitted,

Crossrgade Systems, Inc.

Dated: 2004

Вv Fresident & CEO Robert Sime

PAGE 2/2 * RCVD AT 7/26/2005 10:36:24 AM [Eastern Dayligh Time] * SVR: USPTO-EFXRF-6/26 * DNIS: 2738300 * CSID: 5123719088 * DURATION (mm-ss): 01-10

IN THE UNITED STAT	IN THE UNITED STATES PATENT AND TRADEMARK OFFICE						
REPLY TO OFFICE ACTION	Atty. Docket No. CROSS1120-13						
OIPE	Applicant Geoffrey B. Hoese						
(JUL 2 7 2005 (k)	Application Number 10/658,163	Date Filed 09/09/2003					
THE PRINCIPALITY OF THE THE PRINCIPALITY OF THE THE PRINCIPALITY OF THE THE PRINCIPALITY OF THE PRINCIPALI	Title Storage Router and Method for Providing Virtual Local Storage						
	Group Art Unit 2182	Examiner Shin, Christopher B.					
	Confirmation Number: 5675	Confirmation Number: 5675					
·	Certificate of Maili	ng Under 37 C.F.R. §1.10					
Commissioner for Patents	I hereby certify that this corres	spondence is being deposited with					
P.O. Box 1450	(Label No. EV704312847US)	the United States Postal Service as Express Mail to Addressee (Label No. EV704312847US) addressed to Commissioner for					
Alexandria, VA 22313-1450	Patents, P.O. Box 1450, Alexandria, VA 22312-1450 on <u>2-29-05</u> <u>Julie H. Blackard</u> Printed Name						
Dear Sir:							

In response to the Official Action mailed January 27, 2005, Applicant respectfully requests the Examiner reconsider the rejections of the Claims in view of the this reply.

Attorney Docket No. CROSS1120-13 10/658,163 Customer ID: 44654

# IN THE ABSTRACT:

Please amend the abstract as follows:

A storage router (<del>56</del>) and storage network (<del>50</del>) provide virtual local storage on remote <del>SCSI</del> storage devices (<del>60, 62, 64</del>) to Fiber Channel devices. A plurality of Fiber Channel devices, such as workstations (<del>58</del>), are connected to a Fiber Channel transport medium (<del>52</del>), and a plurality of <del>SCSI</del> storage devices (<del>60, 62, 64</del>) are connected to a <del>SCSI bus</del> second Fibre Channel transport medium (<del>54</del>). The storage router (<del>56</del>) interfaces between the Fiber Channel transport <u>media</u> <del>medium (52)</del> and the <del>SCSI bus</del> transport medium (<del>54</del>). The storage router (<del>56</del>) interfaces between the Fiber Channel transport <u>media</u> <del>medium (52)</del> and the <del>SCSI bus</del> transport medium (<del>54</del>). The storage router (<del>56</del>) maps between the workstations (<del>58</del>) and the <del>SCSI</del> storage devices (<del>60, 62, 64</del>) and implements access controls for storage space on the <del>SCSI</del> storage devices (<del>60, 62, 64</del>). The storage router (<del>56</del>) then allows access from the workstations (<del>58</del>) to the <del>SCSI</del> storage devices (<del>60, 62, 64</del>) using native low level, block protocol in accordance with the mapping and the access controls.

Attorney Docket No. CROSS1120-13 10/658,163 Customer ID: 44654

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IN THE CLAIMS:

Please amend the claims as follows. The claims are in the format as required by 35 C.F.R. § 1.121.

1-14 Cancelled

15. (Previously Presented) A storage router for providing virtual local storage on remote storage devices to a device, comprising:

a buffer providing memory work space for the storage router;

a first Fibre Channel controller operable to connect to and interface with a first Fibre Channel transport medium;

a second Fibre Channel controller operable to connect to and interface with a second Fibre Channel transport medium; and

a supervisor unit coupled to the first and second Fibre Channel controllers and the buffer, the supervisor unit operable:

to maintain a configuration for remote storage devices connected to the second Fibre Channel transport medium that maps between the device and the remote storage devices and that implements access controls for storage space on the remote storage devices; and

to process data in the buffer to interface between the first Fibre Channel controller and the second Fibre Channel controller to allow access from Fibre Channel initiator devices to the remote storage devices using native low level, block protocol in accordance with the configuration.

16. (Previously Presented) The storage router of claim 15, wherein the configuration maintained by the supervisor unit includes an allocation of subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device.

17. (Previously Presented) The storage router of claim 16, wherein the Fibre Channel devices comprise workstations.

18. (Previously Presented) The storage router of claim 16, wherein the remote storage devices comprise hard disk drives.

19. (Previously Presented) The storage router of claim 15, wherein each of the first Fibre Channel controller comprises:

a Fibre Channel (FC) protocol unit operable to connect to the Fibre Channel transport medium;

a first-in-first-out queue coupled to the Fibre Channel protocol unit; and

a direct memory access (DMA) interface coupled to the first-in-first-out queue and to the buffer.

20. (Previously Presented) A storage network, comprising:

a first Fibre Channel transport medium;

a second Fibre Channel transport medium;

a plurality of workstations connected to the first Fibre Channel transport medium;

a plurality of storage devices connected to the second Fibre Channel transport medium;

and

a storage router interfacing between the first Fibre Channel transport medium and the second Fibre Channel transport medium, the storage router providing virtual local storage on the storage devices to the workstations and operable:

to map between the workstations and the storage devices;

to implement access controls for storage space on the storage devices; and

to allow access from the workstations to the storage devices using native low level, block protocol in accordance with the mapping and access controls.

21. (Previously Presented) The storage network of claim 20, wherein the access controls include an allocation of subsets of storage space to associated workstations, wherein each subset is only accessible by the associated workstation.

22. (Previously Presented) The storage network of claim 20, wherein the storage devices comprise hard disk drives.

23. (Previously Presented) The storage network of claim 20, wherein the storage router comprises:

a buffer providing memory work space for the storage router;

a first Fibre Channel controller operable to connect to and interface with the first Fibre Channel transport medium, the first Fibre Channel controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer;

a second Fibre Channel controller operable to connect to and interface with the second Fibre Channel transport medium, the second Fibre Channel controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer; and

a supervisor unit coupled to the first and second Fibre Channel controllers and the buffer, the supervisor unit operable:

to maintain a configuration for the storage devices that maps between workstations and storage devices and that implements the access controls for storage space on the storage devices; and

to process data in the buffer to interface between the first Fibre Channel controller and the second Fibre Channel controller to allow access from workstations to storage devices in accordance with the configuration.

24. (Previously Presented) A method for providing virtual local storage on remote storage devices to Fibre Channel devices, comprising:

interfacing with a first Fibre Channel transport medium;

interfacing with a second Fibre Channel transport medium;

maintaining a configuration for remote storage devices connected to the second Fibre Channel transport medium that maps between Fibre Channel devices and the remote storage devices and that implements access controls for storage space on the remote storage devices; and

allowing access from Fibre Channel initiator devices to the remote storage devices using native low level, block protocol in accordance with the configuration.

25. (Previously Presented) The method of claim 24, wherein maintaining the configuration includes allocating subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device.

26. (Previously Presented) The method of claim 25, wherein the Fibre Channel devices comprise workstations.

27. (Previously Presented) The method of claim 25, wherein the remote storage devices comprise hard disk drives.

28. (Previously Presented) An apparatus for providing virtual local storage on a remote storage device to a device operating according to a Fibre Channel protocol, comprising:

a first controller operable to connect to and interface with a first transport medium, wherein the first transport medium is operable according to the Fibre Channel protocol;

a second controller operable to connect to and interface with a second transport medium, wherein the second transport medium is operable according to the Fibre Channel protocol; and

a supervisor unit coupled to the first controller and the second controller, the supervisor unit operable to control access from the device connected to the first transport medium to the remote storage device connected to the second transport medium using native low level, block protocols according to a map between the device and the remote storage device.

29. (Previously Presented) The apparatus of Claim 28, wherein the supervisor unit is further operable to maintain a configuration wherein the configuration includes the map between the device and the remote storage device, and further wherein the map includes virtual LUNs that provide a representation of the storage device.

30. (Previously Presented) The apparatus of Claim 29, wherein the map only exposes the device to LUNs that the device may access.

31. (Previously Presented) The apparatus of Claim 28, wherein the supervisor unit is further operable to maintain a configuration including the map, wherein the map provides a mapping from a host device ID to a virtual LUN representation of the remote storage device to a physical LUN of the remote storage device.

32. (Previously Presented) The apparatus of Claim 28, wherein the remote storage device further comprises storage space partitioned into virtual local storage for the device connected to the first transport medium.

33. (Previously Presented) The apparatus of Claim 32, wherein the supervisor unit is further operable to prevent the device from accessing any storage on the remote storage device that is not part of a virtual local storage partition assigned to the device

34. (Previously Presented) The apparatus of Claim 28, wherein the first controller and the second controller further comprise a single controller.

35. (Previously Presented) A system for providing virtual local storage on remote storage devices, comprising:

a first controller operable to connect to and interface with a first transport medium operable according to a Fibre Channel protocol;

a second controller operable to connect to and interface with a second transport medium operable according to the Fibre Channel protocol;

at least one device connected to the first transport medium;

at least one storage device connected to the second transport medium; and

an access control device coupled to the first controller and the second controller, the access control device operable to:

map between the at least one device and a storage space on the at least one storage device; and

control access from the at least one device to the at least one storage device using native low level, block protocol in accordance with the map.

36. (Previously Presented) The system of Claim 35, wherein the access control device is further operable to maintain a configuration wherein the configuration includes the map between the at least one device and the at least one storage device, and further wherein the map includes virtual LUNs that provide a representation of the at least one storage device.

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37. (Previously Presented) The system of Claim 36, wherein the map only exposes the at least one device to LUNs that the at least one device may access.

38. (Previously Presented) The system of Claim 35, wherein the access control device is further operable to maintain a configuration including the map, wherein the map provides a mapping from a host device ID to a virtual LUN representation of the at least one storage device to a physical LUN of the at least one storage device.

39. (Previously Presented) The system of Claim 35, wherein the at least one storage device further comprises storage space partitioned into virtual local storage for the at least one device.

40. (Previously Presented) The system of Claim 39, wherein the access control unit is further operable to prevent at least one device from accessing any storage on the at least one storage device that is not part of a virtual local storage partition assigned to the at least one device.

41. (Previously Presented) The system of Claim 35, wherein the first controller and the second controller further comprise a single controller.

42. (Previously Presented) A method for providing virtual local storage on remote storage devices, comprising:

mapping between a device connected to a first transport medium and a storage device connected to a second transport medium, wherein the first transport medium and the second transport medium operate according to a Fibre Channel protocol;

implementing access controls for storage space on the storage device; and

allowing access from the device connected to the first transport medium to the storage device using native low level, block protocols.

43. (Previously Presented) The method of Claim 42, further comprising maintaining a configuration wherein the configuration includes a map between the device and the one storage device, and further wherein the map includes virtual LUNs that provide a representation of the storage device.

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44. (Previously Presented) The method of Claim 43, wherein the map only exposes the device to LUNs that the device may access.

45. (Previously Presented) The method of Claim 42, further comprising maintaining a configuration including a map from a host device ID to a virtual LUN representation of the storage device to a physical LUN of the storage device.

46. (Previously Presented) The method of Claim 42, further comprising partitioning storage space on the storage device into virtual local storage for the device.

47. (Previously Presented) The method of Claim 46, further comprising preventing the device from accessing any storage on the storage device that is not part of a virtual local storage partition assigned to the device.

48. (Previously Presented) A system for providing virtual local storage, comprising: a host device;

a storage device remote from the host device, wherein the storage device has a storage space;

a first controller;

a second controller

a first transport medium operable according to a Fibre Channel protocol, wherein the first transport medium connects the host device to the first controller;

a second transport medium operable according to the Fibre Channel protocol, wherein the second transport medium connects the second controller to the storage device;

a supervisor unit coupled to the first controller and the second controller, the supervisor unit operable to:

maintain a configuration that maps between the host device and at least a portion of the storage space on the storage device; and

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implement access controls according to the configuration for the storage space on the storage device using native low level, block protocol.

49. (Previously Presented) The system of Claim 48, wherein the supervisor unit is further operable to:

maintain a configuration that maps from the host device to a virtual representation of at least a portion of the storage space on the storage device to the storage device; and

allow the host device to access only that portion of the storage space that is contained in the map.

50. (Previously Presented) The system of Claim 49, wherein the configuration comprises a map from a host device ID to a virtual LUN representation of the storage device to a physical LUN of the storage device.

51. (Previously Presented) The system of Claim 48, wherein the storage device further comprises storage space partitioned into virtual local storage for the host device.

52. (Previously Presented) The system of Claim 51, wherein the supervisor unit is further operable to prevent the host device from accessing any storage on the storage device that is not part of a virtual local storage partition assigned to the host device.

53. (Previously Presented) The apparatus of Claim 48, wherein the first controller and the second controller further comprise a single controller.

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# **REMARKS**

The Examiner requested that the Applicants clarify several terms in the claims and point out support for a system with two Fibre Channel transport media. Applicants appreciate the Examiner's efforts to expedite prosecution and address the Examiner's request for particular definitions and showings of support in the remarks provided below.

#### I. Objections to Drawings

The drawings stand objected to as failing to comply with 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in the claims because they do not show the claimed limitation regarding the first and second media being a Fibre Channel protocol type. Applicants note, however, that such a drawing is only required "where necessary for the understanding of the subject matter sought to be patented." As discussed in more detail below, the Specification discloses an implementation in which the initiator is a Fibre Channel initiator, the target is a Fibre Channel target. See Specification at page 15, lines 12-17. Specifically, the Specification states that the "storage router has various modes of operation that are possible between FC and SCSI target and initiator combinations. These modes are: FC Initiator to SCSI Target; SCSI Initiator to FC Target; SCSI Initiator to SCSI Target; and FC Initiator to FC Target." Id. (emphasis added). The figures provided in the invention, along with the Specification, provide additional information relating to the invention in detail necessary to support this FC initiator to FC target embodiment. One of skill in the art would not require an additional drawing to understand that a workstation (or other initiator) can be connected to the storage router via Fibre Channel and a storage device (or other target) can be connected to the storage router via Fibre Channel. Therefore, Applicants submit that such an drawing showing a storage router connected to two Fibre Channel transport mediums is not necessary for an understanding of the invention and not required under 37 C.F.R. § 1.83(a). Accordingly, withdrawal of this rejection is respectfully requested.

# II. Objection to Specification

The Examiner also objected to the Abstract and the Specification. Applicants have amended the Abstract to describe that the two transport media are Fibre Channel.

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Furthermore, the Specification specifically discloses a Fibre Channel Initiator-to-Fibre Channel target mode at page 15, lines 12-17:

The storage router has various modes of operation that are possible between FC and SCSI target and initiator combinations. These modes are: FC Initiator to SCSI Target; SCSI Initiator to FC Target; SCSI Initiator to SCSI Target; and FC Initiator to FC Target. (Emphasis Added).

Thus, the Specification specifically recites that one embodiment of the invention is a FC initiator device and a FC target storage device. This FC initiator to FC storage device embodiment is entirely consistent with the recitations in claims 15-53.

In fact, the Specification goes further and discloses two additional particular embodiment of the Fibre Channel Initiator-to-Fibre Channel target mode at page 15, lines 17-25:

> The first two modes can be supported concurrently in a single storage router device are discussed briefly below. The third mode can involve two storage router devices back to back and can serve primarily as a device to extend the physical distance beyond that possible via a direct SCSI connection. The last [FC Initiator to FC Target] mode <u>can</u> be used to carry FC protocols encapsulated on other transmission technologies (e.g. ATM, SONET), or to act as a bridge between two FC loops (e.g. as a two port fabric). (Emphasis Added).

This description clearly shows that the last mode (the FC initiator to FC target mode where both the transport medium to which a host is connected and the transport medium to which the storage device is connected is a Fibre Channel transport medium) can done in a variety of ways, including the examples recited where (1) the FC protocols are carried on other transmission technologies and (2) the storage router acts as a bridge between two FC loops. The Specification therefore discloses an invention that includes a FC initiator to FC target embodiment, along with two distinct examples of that embodiment. Therefore, Applicants respectfully request withdrawal of this objection.

# III. Claim Term Definitions

The Examiner also requested the Applicant provide definitions for several claim terms. As the Examiner is aware, the claims in US Patent No. 5, 941, 972 have been interpreted by

the U.S. Federal District Court in the case *Crossroads v. Chaparral Network Storage, Inc.*, Western District of Texas, Civil Action No. A-00-CA-217-SS and *Crossroads Systems (Texas), Inc., v. Pathlight Technology, Inc.*, Western District of Texas, Civil Action No. A-00CA-248-JN (collectively, the "Chaparral Litigation"). In that case, the Federal District Court issued a Joint Markman Order (the "Markman Order") interpreting the terms "native, low level block protocol" and "map". Applicant will rely on both the Specification and this Markman Order in response to the Examiner's request to define these terms.

### A. Native Low Level Block Protocol ("NLLBP")

The term "native low level block protocol" (or "NLLBP") is a protocol that enables computers to exchange information that does not involve the overhead of high level protocols and file systems typically required by network servers. This definition is supported in the Specification and prior litigation interpreting this claim term.

According to the invention, the host computers connected to the first transport medium are allowed to access the remote storage devices using a NLLBP. In systems prior to the present invention, when making a request to storage through a network server to allow access between workstations and remote storage devices, a workstation typically had to translate the requests from its file system protocols to higher level network protocols in order to communicate with the network server, and the network server would then translate them into low level requests to the storage device(s). In contrast, as described in the Specification, allowing a host to access storage devices using a NLLBP provides a mechanism by which communication between the host and the storage devices can be accomplished faster because there is no need to translate from a network protocol to a NLLBP. See Specification, page 2, line 17-page 3, line 13; page 7, line 17-26 (distinguishing an NLLBP) to prior art solutions (which allowed access using network protocols requiring translation to NLLBP)). Thus, the Specification points out that a native low level block protocol is one that does not involve the overhead of high level protocols used by network servers.

Furthermore, in the Chaparral Litigation the Federal District Court issued its Markman Order defining the term "NLLBP" as follows: "a set of rules or standards that enable computers to exchange information and do not involve the overhead of high level protocols and file systems typically required by network servers." A copy of the Markman Order is attached Attorney Docket No. CROSS1120-13 10/658,163 Customer ID: 44654

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hereto as Exhibit A. This construction and the validity of the '972 Patent was upheld by the Federal Circuit. A copy of the Federal Circuit decision affirming the decision of the lower court is attached hereto as Exhibit B. Thus, based on both the Specification and the Markman Order, an NLLBP is a protocol that enables computers to exchange of information without the overhead of high-level protocols and file systems typically required by network servers.

#### B. Mapping

The term "mapping" means to create a path from a host device on one side of the storage router to a device on the other side of the router where a <u>map contains a representation</u> of the devices on each side of the storage router, so that when a device on one side of the storage router wants to communicate to a device on the other side of the storage router, the storage router can connect the devices. This definition is supported by the Specification and prior litigation interpreting this claim term.

Mapping between devices connected to the first transport medium and storage devices in the present application refers to a mapping between the workstations/host computers and storage devices such that a particular workstation/host computer on the first transport medium is associated with a storage device, storage devices or portion thereof on the second transport medium. As discussed in the Specification, the mapping provides a correlation between devices on the first data transport medium and the storage devices through one or more steps, and can, for example, be implementing through the use of mapping tables. See, Specification, page 4, lines 15-21; page 4, line 28-page 5, line 6; page 9, lines 7-8, page 10, lines 4-7 and page 22, lines 8-11. Thus, the Specification points out that mapping provides a correlation between a host device and a storage device so as to create a path the storage router can use to connect the host device to the storage device.

Additionally, the Federal District Court in the Chaparral Litigation defined the term "map" in its Markman Order as follows: "to create a path from a device on one side of the storage router to a device on the other side of the router, i.e., from a Fibre Channel device to a SCSI device (or vice-versa). A map contains a representation of devices on each side of the storage router, so that when a device on one side of the storage router wants to communicate to a device on the other side of the storage router, the storage router can connect the devices." *See,* Markman Order, Exhibit A, page 12. Thus, the mapping of the present invention associates a representation of the host device(s) on the first transport medium with a Attorney Docket No. CROSS1120-13

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representation of the storage devices on the second transport medium to create a path between the hosts and the remote storage devices (or portion(s) thereof).

#### C. Support for Fibre Channel-to-Fibre Channel Implementation

As discussed above, the Specification discloses a Fibre Channel Initiator-to-Fibre Channel target mode. *See*, Specification, page 15, lines 12-25.

The storage router has various modes of operation that are possible between FC and SCSI target and initiator combinations. These modes are: FC Initiator to SCSI Target; SCSI Initiator to FC Target; SCSI Initiator to SCSI Target; and FC Initiator to FC Target. (Emphasis Added). The first two modes can be supported concurrently in a single storage router device are discussed briefly below. The third mode can involve two storage router devices back to back and can serve primarily as a device to extend the physical distance beyond that possible via a direct SCSI connection. The last [FC Initiator to FC Target] mode <u>can</u> be used to carry FC protocols encapsulated on other transmission technologies (e.g. ATM, SONET), or to act as a bridge between two FC loops (e.g. as a two port fabric). (Emphasis Added).

Thus, the Specification specifically recites that one embodiment of the invention is a FC initiator device and a FC target storage device. This FC initiator to FC storage device embodiment is entirely consistent with the recitations in claims 15-53.

#### IV. Rejections Under 35 U.S.C. §112

The Examiner rejected Claim 15-53 under 35 U.S.C. §112, first paragraph, because the Examiner asserts that i) the best mode contemplated by the inventor has not been disclosed and ii) the disclosure does not meet the enablement requirement. The basis for these rejections asserted by the Examiner is that the "disclosure does not clearly disclose any details of the present claims regarding the first and second media being both Fibre Channel transport as a whole."

As previously discussed, Applicants respectfully submit that an implementation having both a first Fibre Channel transport and a second Fibre Channel transport is disclosed at page 15, lines 12-25, as discussed above. This FC initiator to FC target mode represents one embodiment of the invention generally described in the remainder of the Specification and the Drawings. In addition, the Applicants went further and discussed two additional example implementations of this FC initiator to FC target mode embodiment: in one example

implementation, the Fibre Channel protocols can be encapsulated on other transmission technologies (e.g., ATM, SONET); in the other example implementation, the storage router acts as a bridge between two Fibre Channel loops (i.e., a first fibre channel transport medium and a second fibre channel transport medium). Contrary to the Examiner's assertion, Applicants respectfully submit that there is no evidence that the inventors concealed the best mode of connecting fibre channel transport media.

The Specification further provides support for implementing the configuration, mapping and access controls for Fibre Channel devices so as to enable one of ordinary skill in the art to practice the FC initiator to FC storage device embodiment of the invention. As one example, the Specification discusses the particulars of Fibre Channel devices, specifically stating:

> Fibre Channel devices within a fabric are addressed by a unique port identifier. This identifier is assigned to a port during certain well-defined states of the FC protocol. Individual ports are allowed to arbitrate for a known, user defined address. If such an address is not provided, or if arbitration for a particular user address fails, the port is assigned a unique address by the FC protocol. This address is generally not guaranteed to be unique between instances. Various scenarios exist where the AL-PA of a device will change, either after power cycle or loop reconfiguration.

The FC protocol also provides a logical unit address field within command structures to provide addressing to devices internal to a port. The FCP CMD payload specifies an eight byte LUN field. Subsequent identification of the exchange between devices is provided by the FQXID (Fully Qualified Exchange ID). See, Specification, page 19, lines 9-25.

Thus, the Applicants described these addressing conventions in a manner that would enable one of ordinary skill in the art to implement them for Fibre Channel devices.

As another example relating to mapping, the Specification states that "mapping can be implemented through the use of mapping table or other mapping techniques." See, Specification, page 9, lines 7-8, page 10, lines 4-7. Based on the disclosed Fibre Channel addressing techniques, one of ordinary skill in the art would understand how to implement a table that maps Fibre Channel initiators to Fibre Channel storage devices or portions thereof. In yet another example, the Specification provides that access controls limit a computers access to specified storage devices or portions thereof. See, Specification, page 10, lines 20-24. The storage router can use tables to map, for each initiator, what storage access is

available and what partition is being addressed by a particular request. See, Specification page 22, lines 8-11. Based on the Fibre Channel addressing scheme, those in the art would understand how to use tables to map Fibre Channel initiators to Fibre Channel targets to control access by the Fibre Channel targets to assigned storage devices or portions thereof. Thus, in the Fibre Channel Initiator-to-Fibre Channel target embodiment, one of ordinary skill in the art would understand how to provide tables that map a representation of a Fibre Channel initiator device to a representation of a Fibre Channel target device and that cause requests from particular Fibre Channel Initiators to be directed (or not allowed to be directed) to particular storage.

The present application thus discloses i) a Fibre Channel initiator-to-Fibre Channel target mode of operation, ii) mapping achieved through, for example, tables and iii) access controls are implemented through mapping in an enabling manner. There is simply no evidence that the inventors concealed some better way of practicing the present invention. Based on the Specification, one of ordinary skill in the art would understand how to provide tables that map Fibre Channel initiator devices to a Fibre Channel target devices and that cause certain requests from a Fibre Channel Initiator to be directed to permitted storage, thus allowing the use of NLLBP from the Fibre Channel Initiator to the storage router and from the storage router to the Fibre Channel target. Applicants therefore respectively request withdrawal of the Claim rejections.

#### V. Double Patenting Rejections

Claims 15-53 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 5,941,972. Applicants are including with this reply a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). U.S. Patent No. 5,941,972 and the current Application are commonly owned. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 15-53 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,425,035. Applicants are including with this reply a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). U.S. Patent No. 6,425,035 and the current Application are commonly owned. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 15-53 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,738,854. Applicants are including with this reply a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). U.S. Patent No. 6,738,854 and the current Application are commonly owned. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 15-53 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,763,419. Applicants are including with this reply a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). U.S. Patent No. 6,425,035 and the current Application are commonly owned. Accordingly, withdrawal of this rejection is respectfully requested.

#### VI. Conclusion

Applicants have now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of the pending claims. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain. An extension of three (3) months is requested and a Notification of Extension of Time Under 37 C.F.R. § 1.136 with the appropriate fee is enclosed herewith.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

John L. Adair Reg. No. 48,828

Date: July 27, 2005

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# Exhibit A

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UNITED STATES DISTRICT COURT. WESTERN DISTRICT OF TEXAS USTIN DIVISION

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CROSSROADS SYSTEMS, (TEXAS), INC. §

CHAPARRAL NETWORK

STORAGE, INC.

CROSSROADS SYSTEMS, (TEXAS), INC. § § ve. §

PATHLIGHT TECHNOLOGY, INC.

# NO. A 00 CA 248 SS

NO. A 60 CA

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#### ORDER

BE IT REMEMBERED that on the 25th day of July 2000 the Court, in accordance with Marionan 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

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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.

"implements access controls for storage space on the SCSI storage devices"

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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

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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, off 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 ensuaring 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.

implementing access controls, or a memory buffer.³ At the hearing, the defendants' counsel suggested that Figure 2 of the Lui patent discloses the claimed invention of the '972 patent. However, Figure 2 of the Lui patent is not a part of the Lui invention; rather it is an illustration of a "conventional" network system that the Lui invention allegedly improves upon. See id at 3:66. The Court rejects the defendants' argument that "conventional" network systems also read directly upon the '972 claimed invention. The patent examiner may have let one piece of prior art slip by; he or she would not have missed a "conventional" network system directly applicable to the plaintiff's claimed invention.

In sum, the Court will adopt the plaintiff's proposed definition and construe the phrase "implements access controls" in the claims of the '972 patent to mean "provides controls which limit a computer's access to a specific subset of storage devices or sections of a single storage device." III. "allocation of subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device"

The dispute here is essentially the same as in the preceding section. This phrase is used in claims 2, 8 and 12 of the '972 patent. As it did with the "implements access controls ..." phrase, the plaintiff argues the "allocation ..." phrase means that specific Fibre Channel devices can be allocated storage space on subsections of a single SCSI storage device and on entire, undivided SCSI storage devices. The defendants stick to their general argument on this issue, and contend the phrase

³ The defendants argue these features are "implicitly" found in the Lui specification and in any event were disclosed in other prior art. See Defendants' Brief, at 12 and n.1. The Court is not persuaded that these features are "implicitly" disclosed by the Lui patent, and the other prior art briefly referenced by the defendants makes no mention of combining that prior art with the invention of the Lui patent, or vice-versa.

means storage space can only be allocated on subsections of a single divided SCSI storage device. Both parties agree this storage space, however it is defined, can only be accessed by the specified Fibre Channel device(s).

The plaintiff's proposed definition is "subsets of storage space are allocated to specific Fibre Channel devices." See Plaintiff's Brief, at 26. The defendants say the phrase should be defined to mean "one or more partitions that are only accessible by a single Fibre Channel device." See Defendants' Brief, Ex. 2. For the reasons discussed in the preceding section, the Court adopts the plaintiff's proposed construction.

IV. "supervisor unif"

This term is used in claims 1, 2 and 10 of the '972 patent. The plaintiff contends this term should be defined as "a microprocessor programmed to process data in a buffer in order to map between Fibre Channel devices and SCSI devices and which implements access controls." See Plaintiff's Brief, at 25. The defendants argue the term should be defined as "an Intel 80960RP processor" with several specific features. See Defendants' Brief, Ex. 2.

The defendants argue their construction is mandated by the means-plus-function analysis of § 112(6) of the Patent Act, because the claims of the '972 patent do not adequately describe the "supervisor unit" to be used. See Defendants' Brief, at 15-17. The plaintiff argues that § 112(6) does not apply because the term "means" is not used with the term "supervisor unit" and because the term "supervisor unit" is adequately described by other claim language in the '972 patent. See Plaintiff's Markman Exhibits, at 35-39.

Section 112(6) of the Patent Act provides that when a claim refers to the "means for" a

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specific act, but fails to adequately describe these means, the means then must be defined by reference to the specification. See 35 U.S.C. § 112(6).⁴ If the claim language at issue does not include the term "means," there is a presumption that the § 112(6) means-plus-function analysis does not apply. See Al-Site Corp. v. VSI Int 7, Inc., 174 F.3d 1308, 1318 (Fed. Cir. 1999) ("IWihen an element of a claim does not use the term 'means,' treatment as a means-plus-function claim element is generally not appropriate."). To overcome this presumption, the party seeking to apply § 112(6) must show the claim language at issue is purely functional and that other claim language does not adequately describe the disputed term. See id. ("[W]hen it is apparent that the element invokes purely functional terms, without the additional recital of specific structure or material for performing that function, the claim element may be a means-plus-function element despite the lack of express means-plus-function language,"), From a review of the claim language as a whole, the Court agrees with the plaintiff that the term "supervisor unit" is not purely functional, but refers instead to a device that can perform the tasks specifically listed in the claim language of the '972 patent. Specifically, claims 1, 2 and 10 of the '972 patent describe a "supervisor unit" that can: (1) maintain and map the configuration of networked Fibre Channel and SCSI storage devices; (2) include in this configuration an allocation of specific storage space to specific Fibre Channel devices; (3) implement access controls for the SCSI storage devices; and (4) process data in the storage router's buffer to allow an exchange between the Fibre Channel and SCSI storage devices. See '972 Patent,

⁴ Section 112(6) reads as follows: "An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." 35 U.S.C. § 112(6).

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at Claims 1, 2 and 10. These are the same tasks described in the plaintiff's proposed definition. In addition the specification expressly defines the "supervisor unit" as "a microprocessor" (a computer chip) and specifically as "a microprocessor for controlling operation of storage router 56 and to handle mapping and security access for requests between Fibre Channel 52 and SCSI bus 54." See id. at 5:7-5:10. However, neither the specification (nor the claim language) limits the '972 patent to the specific Intel computer chip referenced by the defendants. Although the defendants correctly point out that the Intel 80960 chip is the only computer chip expressly named in the '972 patent and the specification describes many features this chip, the defendants fail to note that the Intel 80960 chip is listed as only "one implementation" of the claimed invention's microprocessor. See '972 Patent, at 5:63. The defendants are attempting exactly what the Federal Circuit prohibits - to limit the claims to the preferred embodiment and examples of the specification. "This court has cautioned against limiting the claimed invention to preferred embodiments or specific examples in the specification." Comark, 156 F.3d at 1186 (quoting Texas Instruments, Inc. v. United States Int'l Trade Comm'n, 805 F.2d 1558, 1563 (Fed. Cir. 1988)). The Court will not use an example of "one implementation" in the specification to limit the plain language of the claims. Accordingly, the Court adopts the plaintiff's definition of "supervisor unit" and will construe that term as used in the claims of the '972 patent to mean "a microprocessor programmed to process data in a buffer in order to map between Fibre Channel devices and SCSI devices and which implements access controls." "SCSI storage devices" v.

This term is used in claims 1, 4, 7, 9-11 and 14 of the '972 patent. The plaintiff argues that this term essentially needs no further definition because the term SCSI is so well-known in the industry, but proposes that the term can be further defined as "any storage device including, for

example, a tape drive, CD-ROM drive, or a hard disk drive that understands the SCSI protocol and <u>can communicate using the SCSI protocol." See Plaintiff's Brief, at 18. The defendants argue the</u> term should be defined as "any storage device that uses a SCSI standard and has a unique BUS:TARGET:LUN address." See Defendants' Brief, Ex. 2.

The Court agrees with the plaintiff. Essentially, the defendants contend their narrow definition should be used because it "comports with '972 specification" and its discussion of SCSI storage devices. See Defendant's Brief, at 14. However, the specification language referred to by the defendants is only one example of how the SCSI storage device addressing scheme "can" be represented. See '972 Patent, at 7:39. Again, the defendants are impermissibly trying to limit the claim language to an example given in the specification. See Comark, 156 F 3d at 1186-87. For the sake of extra clarity, the Court will adopt the plaintiff's proposed definition for this term.

VL "process data in the buffer"

This phrase is used in claims 1 and 10 of the '972 patent. The plaintiff argues the phrase is adequately defined on its own and by the surrounding claim language. The defendants contend the phrase should be defined as "to manipulate data in the buffer in a manner to (a) achieve mapping between Fibre Channel and SCSI devices, and (b) apply access controls and routing functions." See Defendants' Brief, Ex. 2.

The plain language of claims 1 and 10 disclose that the supervisor unit (the microprocessor) processes data in the buffer "to interface between the Fibre Channel controller and the SCSI controller to allow access from Fibre Channel initiator devices to SCSI storage devices using the native low level, block protocol in accordance with the configuration." See '972 Patent, at Claims 1 and 10. This language adequately describes what it means to "process data in the buffer" for these

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claims. Simply because the specification may use slightly different language to describe this "processing," see id. at 5:18 - 5:20, does not entitle the defendants to adopt the specification language over the plain language of the claims. The Court will not further define this phrase.

VII. "storage router"

This term is used in claims 1-7 and 10 of the '972 patent. The plaintiff argues the term needs no further definition for claims 1-6, and for claim 7 it should be defined as "a device which provides virtual local storage, maps, implements access controls, and allows access using native low level block protocols." See Plaintiff's Brief, at 27. The defendants contend the term should mean "a bridge device that connects a Fibre Channel link directly to a SCSI bus and enables the exchange of. SCSI command set information between application clients on SCSI bus devices and the Fibre Channel links." See Defendants' Brief, Ex. 2.

The defendants do not make any argument for their proposed definition in their brief, and did not discuss the term at the July 25 hearing. In their notebook of exhibits presented at the hearing, the defendants include one page which supports their definition with a quote from the specification. *See* Defendants' *Markman* Exhibits, "Markman Presentation" Tab, at 22. This argument is disingennous. The specification language quoted by the defendants is immediately followed by several sentences further defining "storage router." Indeed, the next sentence begins "Further, the storage router applies access controls . . . ." *See* '972 Patent, at 5:30. The defendants' attempt to limit the term "storage router" to one of several descriptive sentences in the specification is not welltaken. In addition, the Court finds the term "storage router," as used in all claims of the '972 patent, isadequately described by the additional language of the claims, which discloses in detail the various functions and/or qualities of the storage router. The Court will not further define this term.

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# VIII. "map"

This term is used in claims 1, 7, 10 and 11 of the '972 patent. The plaintiff contends the term means "to create a path from a device on one side of the storage router to a device on the other side of the router, *i.e.* from a Fibre Channel device to a SCSI device (or vice-versa). A 'map' contains a representation of devices on each side of the storage router, so that when a device on one side of the storage router wants to communicate to a device on the other side of the storage router, the storage router can connect the devices." See Plaintiff's Brief, at 22. The defendants argue the term means "to translate addresses." See Defendants' Brief, Ex. 2.

In support of their definition, the defendants point only to a dictionary definition of "map." See Defendants" Brief, at 13 and Ex. 4. The plaintiff, on the other hand, cites to specific portions of the specification that support its definitions of map (both as a verb and a noun) as used in the claims of the '972 patent. See Plaintiff's Brief, at 22 (citing '972 Patent, at 1:66-2:5 and 6:65 - 7:6). Because intrinsic-evidence is far more salient than a dictionary definition, and because the Court agrees that the specification language cited by the plaintiff supports its construction of the term "map," the Court will adopt the plaintiff's proposed definition of this term.

IX. "Fibre Channel protocol unit" and "SCSI protocol unit"

These terms are used in claims 5 and 6 of the '972 patent. The plaintiff contends these phrases should be defined as "a portion of the Fibre Channel controller which connects to the Fibre Channel transport medium" and "a portion of the SCSI controller which interfaces to the SCSI bus." See Plaintiff's Brief, at 27. The defendants say the terms mean "block and equivalents thereof that connects to the Fibre Channel transport medium" and "block and equivalents thereof that connects to the SCSI bus transport medium." See Defendants' Brief, Ex. 2.

- 12 -
The defendants argue the means-plus-function analysis of § 112(6) should apply here because the terms are well-known and are not defined in two dictionaries cited by the defendants. See Defendants' Brief, at 7-8, 14-15, Ex. 4 and Ex. 5. However, the defendants do not indicate how the term should be defined in reference to the specification, and in fact contend "the '972 specification fails to reveal any structure corresponding to the claimed function." See id. at 8 and 15. The defendants then propose the word "block" should be used to describe these terms because the "protocol units" are "simply depicted as a block within the diagram of Figure 5" of the '972 patent. See id. This reasoning is wholly impersuasive. Simply because a figure in the patent physically depicts the protocol units in a block-like shape, it does not follow that the units should be defined as "blocks or equivalents thereof." Under that reasoning, the SCSI storage devices, which are physically depicted as cylinders in the '972 patent, could be defined simply as "cylinders, oil drums or monkey barrels, or equivalents thereof." As the plaintiff correctly points out, the language of claims 5 and 6 plainly states that the "protocol units" for both devices are part of the "controllers" for the devices, and are intended to "connect" the devices to various "transport media" (i.e., to various cables). See '972 Patent, at Claims 5 and 6. Accordingly, the Court adopts the plaintiff's definitions for these terms, and will construe the terms to mean "a portion of the Fibre Channel controller which connects to the Fibre Channel transport medium" and "a portion of the SCSI controller which interfaces to the SCSI bus."

## X. "interface"

In their Joint Stipulation of Claim Construction, the parties claim the meaning of the term "interface" is in dispute. However, this phrase is not discussed in any of the parties' briefs, and neither side presented an argument at the July 25 hearing as to why the term is disputed. This term

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has a standard and ordinary meaning -even to a federal judge - and the Court will not further define

it.

# XI. Undisputed Terms

Finally, in their Joint Stipulation of Claim Construction, the parties have stipulated to the construction of 17 other terms in the '972 patent. The Court will therefore adopt these stipulated constructions, solely for the purpose of this lawsuit.

Accordingly, the Court enters the following order:

IT IS ORDERED that the attached construction of the patent claims will be incorporated into any jury instructions given in this cause and will be applied by the Court in ruling on the issues raised in summary judgment.

A 00486

SIGNED on this 2 day of July 2000.

UNTIED JUDGE

Oracle-Huawei-NetApp Ex. 1009, pg. 1382

### CONSTRUCTION OF CLAIMS U.S. PATENT NO. 5,941,972

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#### Disputed Terms

The phrase "implements access controls for storage space on the SCSI storage devices" means provides controls which limit a computer's access to a specific subset of storage devices or sections of a single storage device.

The phrase "allocation of subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device" means subsets of storage space are allocated to specific Fibre Channel devices.

A "supervisor unit" is a microprocessor programmed to process data in a buffer in order to map between Fibre Channel devices and SCSI devices and which implements access controls.

A "SCSI storage device" is any storage device including, for example, a tape drive, CD-ROM drive, or a hard disk drive that understands the SCSI protocol and can communicate using the SCSI protocol.

The term "map" means to create a path from a device on one side of the storage router to a device on the other side of the router, *i.e.* from a Fibre Channel device to a SCSI device (or vice-versa). A "map" contains a representation of devices on each side of the storage router, so that when a device on one side of the storage router wants to communicate with a device on the other side of the storage router, the storage router can connect the devices.

A "Fibre Channel protocol unit" is a portion of the Fibre Channel controller which connects to the Fibre Channel transport medium.

A "SCSI protocol unit" is a portion of the SCSI controller which interfaces to the SCSI bus.

Stipulated / Undisputed Terms

A "buffer" is a memory device that is utilized to temporarily hold data

A "direct memory access (DMA) interface" is a device that acts under little or no microprocessor control to access memory for data transfer:

A "Fibre Channel" is a known high-speed serial interconnect, the structure and operation of which is described, for example, in Fibre Channel Physical and Signaling Interface (FC-PH), ANSI X3.230 Fibre Channel Arbitrated Loop (FC-AL), and ANSI X3.272 Fibre Channel Private Loop Direct Attach (FC-PLDA).

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A "Fibre Channel controller" is a device that interfaces with a Fibre Channel transport medium.

A "Fibre Channel device" is any device, such as a computer, that understands Fibre Channel protocol and can communicate using Fibre Channel protocol.

"Fibre Channel protocol" is a set of rules that apply to Fibre Channel.

A "Fibre Channel transport medium" is a serial optical or electrical communications link that connects devices using Fibre Channel protocol.

A "first-in-first-out queue" is a multi-element data structure from which elements can be removed only in the same order in which they were inserted; that is, it follows a first in, first out (FIFO) constraint.

A "hard disk drive" is a well known magnetic storage media, and includes a SCSI hard disk drive.

An "initiator device" is a device that issues requests for data or storage.

"Maintain(ing) a configuration" means keep(ing) a modifiable setting of information.

A "native low level, block protocol" is a set of rules or standards that enable computers to exchange information and do not involve the overhead of high level protocols and file systems typically required by network servers.

A "SCSI" (Small Computer System Interface) is a high speed parallel interface that may be used to connect components of a computer system.

A "SCSI bus transport medium" is a cable consisting of a group of parallel wires (normally 68) that forms a communications path between a SCSI storage device and another device, such as a computer.

A "SCSI controller" is a device that interfaces with the SCSI bus transport medium.

"Virtual local storage" is a specific subset of overall data stored in storage devices that has the appearance and characteristics of local storage.

A "workstation" is a remote computing device that connects to the Fibre Channel, and may consist of a personal computer.

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**O** Case 1:13-cv-00895 1-20 Filed 04/09/14 Page 184 of 253



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NOTE: Pursuant to Fed. Cir. R. 47.6, this disposition is not citable as precedent. It is a public record. This disposition will appear in tables published periodically.

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# 02-1158

MAR 1 0 2003 CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS

FILED

EPUTY CLERK

CROSSROADS SYSTEMS, (TEXAS), INC.,

Plaintiff-Appellee,

V.

CHAPARRAL NETWORK STORAGE, INC.,

Defendant-Appellant

FILED U.S. COUNT OF APPEALS FOR THE FEDERAL CIRCUIT

FEB 1 2 2003

JAN HORBALY CLERK

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THIS 

# JUDGMENT

ON APPEAL from the

United States District Court for the Western District of Texas

In CASE NO(S). 00-CV-217 and 00-CV-621

ORDERED and ADJUDGED: AFFIRMED.

This CAUSE having been heard and considered, it is See Fed. Cir. R. 36

Per Curiam (NEWMAN, SCHALL, and DYK, Circuit Judges).

ENTERED BY ORDER OF THE COURT

FEB 1 2 2003 DATED: Jan Horbely, Clerk ISSUED AS A MANDATE: MARCH 5, 2003 Costs Against Appellant: Total \$97-35 6 03/17/2003 MON 12-47 TTY/RY NO 62791

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Oracle-Huawei-NetApp Ex. 1009, pg. 1387

2 7 2005	- <u> </u>			
	ON OF TIME UNDER 37	′ C.F.R § 1.13	Atty. Docket No. CROSS1120-13	
AD :MARTIN	Applicant Geoffrey B. Hoes	Se		
	Application Numb 10/658,163	er	Filed 09/09/2003	
	Title Storage Router a Local Storage	Title Storage Router and Method for Pi Local Storage		
	Group Art Unit 2182	Examiner Shin, Christ	opher B.	
	Confirmation No. 5675			
	Cer	tification Under 3	37 C.F.R. §1.10	
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	I hereby certify that if United States Postal (Label No. EV70431 Commissioner for Pa 22312-1450 on July	I hereby certify that this document is being deposited wit United States Postal Service as Express Mail to Address (Label No. EV704312847US) in an envelope addressed Commissioner for Patents, P.O. Box 1450, Alexandria, V 22312-1450 on July 27, 2005.		
Dear Sir:		Julie H. Blacka	Kalad I	

Small Entity Large Entity First Month 120.00 \$ 60.00 \$ Second Month 450.00 \$ 225.00 \$ × Third Month \$ 510.00 \$ 1,020.00 Fourth Month \$ 1,590.00 \$ 795.00 Fifth Month \$ 1,080.00 \$ 2,160.00 TOTAL \$ \$1,020.00

Enclosed is a check in the amount of **\$1,020.00** made payable to the Director of the U.S. Patent Office. If any fees are inadvertently omitted, additional fees are required, or if any amounts have been overpaid, please appropriately charge or credit those fees to

Deposit Account No. 50-3183 of SPRINKLE IP LAW GROUP.

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Respectfully submitted,

SPRINKLE IP LAW GROUP

John L. Adair

Date: July 27, 2005 1301 W. 25th Street, Suite 408 Austin, Texas 78705 (512) 637.9223 – Telephone (512) 371.9088 - Facsimile

Reg. No. 48,828

Oracle-Huawei-NetApp Ex. 1009, pg. 1388

 
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IN THE UNITED ST	ATES PATENT AND TRADEMARK	OFFICE
TERMINAL DISCLAIMER PATENTING REJECTION	TO OBVIATE A DOUBLE OVER A PRIOR PATENT	Atty. Docket No. CROSS1120-13
	Applicant Geoffrey B, Hoese	
	Application Number 10/658,163	Date Filed 09/09/2003
	Title Storage Router and Method Local Storage	for Providing Virtual
	Group Art Unit 2182	Examiner Shin, Christopher B.
	Confirmation Number; 5675	
Commissioner for Patents	Certificate of Mailing Un	der 37 C.F.R. §1.10
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Alexandria, VA 22313-1450	the United States Postal Service as an envelope addressed to Commise 1450, Alexandrie, VA 22312-1450	Express Mail to Addressee in ioner for Patents, P.O. Box on <u>2-27-05</u>
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Crossroads Systems, Inc., owner of one hundred percent (100%) interest in the instant application, as evidenced by the assignment recorded on 12/21/1997 on Reel/Frame: 8929/0290, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173 of U.S. Patent No. 5,941,972, U.S. Patent No. 6,425,035, U.S. Patent No. 6,738,854 and/or U.S. Patent No. 6,763,419. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patenta, as presently

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Robert Simp

7/20/05

Application Number	Application/Co	ntrol No.	Applicant(s)/Patent Reexamination HOESE ET AL.	under
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Date Filed : 072705	This patent is subject to a Terminal Disclaimer	

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/658,163	09/09/2003	Geoffrey B. Hoese	CROSS1120-13
25094 DLA PIPER RUDNICK GRA	Y CARY US, LLP	•OC000000	CONFIRMATION NO. 5675

DLA PIPER RUDNICK GRAY CARY US, LLF 2000 University Avenue E. Palo Alto, CA 94303-2248

Date Mailed: 08/12/2005

# NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/26/2005. The Power of Attorney in this application is not accepted for the reason(s) listed below:

• The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.

BÉRHANU GIRUM PTOSS (703) 305-0677

OFFICE COPY

# Please forward to Group Art Unit _2/82_

## Amended Compact Discs

EXAMINER NOTE: THIS PAPER IS AN INTERNAL WORKSHEET ONLY. DO NOT ENCLOSE WITH ANY COMMUNICATION TO THE APPLICANT. ITS PURPOSE IS ONLY THAT OF AN AID IN HIGHLIGHTING A PARTICULAR PROBLEM IN A COMPACT DISC.

THE ATTACHED CD (COPY 1) HAS BEEN REVIEWED BY OIPE FOR COMPLIANCE WITH 37 CFR 1.52(E). *Please match this CD with the application listed below.* 

Date: Serial No./Control No Phone: 3089210 txt.118 Reviewed By:

The compact discs are readable and acceptable.

Copy 1 and Copy 2 of the compact discs are not the same.

ROPER SUBJECT

The compact discs are unreadable.

The files on the compact discs are not in ASCII.

The compact discs contain at least one virus.

V Other

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Oracle-Huawei-NetApp Ex. 1009, pg. 1394

·*			
	STATES PATENT AND TRADEN		
TERMINAL DISCLAIME	R TO OBVIATE A DOUBLE N OVER A PRIOR PATENT	Atty. Docket No. CROSS1120-13	
01. 43	Applicant Geoffrey B. Hoese, et a	al.	
	Application Number 10/658.163		
Ree TRADEMANY	Title Storage Router and M Local Storage	ethod for Providing Virtual	
	Group Art Unit 2182	Examiner Shin, Christopher B.	
	Confirmation Number: 5675	· · · · · · · · · · · · · · · · · · ·	
	Certificate of Mai	iling Under 37 C.F.R. §1.8	
Commissioner for Patents	I hereby certify that this correction on Fi	espondence is being deposited with	
P.O. Box 1450	addressed to: Commissioner	addressed to: Commissioner for Patents, P.O. Box 1450,	
Alexandria, VA 22313-1450	Alexandria, VA 22313 on <b>Oc</b>	tober 28, 2005. Le Panyel V nice Pampell	
Dear Sir:			

Crossroads Systems, Inc., the owner of one hundred percent (100%) interest in the instant application, as evidenced by the Assignment Recorded on December 31, 1997 on Reel/Frame: 8929/0290 hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173 of U.S. Patent Nos. 5,941,972, 6,421,753, 6,425,036, 6,425,035, 6,789,152, 6,738,854, and 6,763,419. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a

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maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

### Check box 1, 2, 3, or 4 as appropriate.

1. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- Statement under 37 C.R.F. 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.
- 2. X The undersigned is an attorney or agent of record.
- 3. Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
- 4. The Commissioner is hereby authorized to deduct any deficiencies or credit any overpayments regarding this application from deposit account 50-3183 of Sprinkle IP Law Group.

Steven Sprinkle

Dated

# Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 194 of 253

	ed States Paten	t and Trademark Office	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 22 www.uspto.gov	TMENT OF COMMERCE Trademark Office OR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,163	09/09/2003	Geoffrey B. Hoese	CROSS1120-13	5675
25094 7	590 11/01/2005		EXAM	INER
DLA PIPER I	RUDNICK GRAY C	ARY US, LLP	SHIN, CHRI	STOPHER B
2000 Universit	y Avenue		ART UNIT	PAPER NUMBER
2. 1 010 11110, 0			2182	
			DATE MAILED: 11/01/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Case 1:13-cv-00895-SS Docume	nt 31-20 Filed 04/09/14 F	Page 195 of 253
	Application No.	Applicant(s)
	10/658,163	HOESE ET AL.
Office Action Summary	Examiner	Art Unit
	Christopher B Shin	2182
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above, is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply vill, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	Y IS SET TO EXPIRE <u>3</u> MONTH 36(a). In no event, however, may a reply be ti r within the statutory minimum of thirty (30) da rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONI date of this communication, even if timely file	(S) FROM mely filed ys will be considered timely. In the mailing date of this communication. ED (35 U.S.C. § 133). d, may reduce any
Status		
<ul> <li>1)⊠ Responsive to communication(s) filed on <u>27 Ju</u></li> <li>2a)⊠ This action is FINAL. 2b)⊠ This</li> <li>3)□ Since this application is in condition for allowar closed in accordance with the practice under E</li> </ul>	<u>ily 2005</u> . action is non-final. nce except for formal matters, pr ix parte Quayle, 1935 C.D. 11, 4	osecution as to the merits is 53 O.G. 213.
Disposition of Claims		
<ul> <li>4)  Claim(s) <u>15-53</u> is/are pending in the application 4a) Of the above claim(s) is/are withdraw 5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) <u>15-53</u> is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or</li> </ul>	n. vn from consideration. r election requirement.	
Application Papers	<u>.</u>	
<ul> <li>9)⊠ The specification is objected to by the Examine</li> <li>10)⊠ The drawing(s) filed on <u>09 September 2003</u> is/a</li> <li>Applicant may not request that any objection to the orect</li> <li>Replacement drawing sheet(s) including the correct</li> <li>11)□ The oath or declaration is objected to by the Example</li> </ul>	r. are: a)⊠ accepted or b)⊡ obje drawing(s) be held in abeyance. Se ion is required if the drawing(s) is of aminer. Note the attached Office	cted to by the Examiner. ee 37 CFR 1.85(a). ojected to. See 37 CFR 1.121(d). e Action or form PTO-152.
Priority under 35 U.S.C. § 119		
<ul> <li>12) Acknowledgment is made of a claim for foreign</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents</li> <li>2. Certified copies of the priority documents</li> <li>3. Copies of the certified copies of the priority application from the International Bureau</li> <li>* See the attached detailed Office action for a list</li> </ul>	priority under 35 U.S.C. § 119(a s have been received. s have been received in Applicat ity documents have been receiv a (PCT Rule 17.2(a)). of the certified copies not receiv	a)-(d) or (f). tion No red in this National Stage ed.
Attachment(s)         1)       Notice of References Cited (PTO-892)         2)       Notice of Draftsperson's Patent Drawing Review (PTO-948)         3)       ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>07252005</u> .	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal 6) Other:	y (PTO-413) late Patent Application (PTO-152)

U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04)

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Office Action Summary

Part of Paper No./Mail Date 10252005

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### DETAILED ACTION

1. The amendment received July 27, 2005 has been entered and carefully

considered. Claims 15-53 and the applicant's responses were carefully considered.

### Interview/Double Patenting Rejection

2. On October 25, 2005, a telephonic interview was conducted and the applicant

agreed to file additional Terminal Disclaimer against all of the remaining related pending

applications and allowed applications. During the interview, the examiner also kindly

asks the applicant to make sure that the present and pending applications to be

consistent with the related reexamination applications.

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

a. Since the applicant agreed with the examiner regarding the Double

Patenting rejection, the details of the rejection would be omitted.

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b. The examiner kindly asks the applicant for help on identifying all of the related applications, if the examiner inadvertently makes a mistake. Claim15-53 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of the related Patent/Applications as follows. Although the conflicting claims are not identical, they are not patentably distinct from each other because the related applications claim subject matter that are substantially identical to the present claimed invention. The following are the list of the related cases:

09/001,799; 09/354,682; 10/081,110; 10/081,114; 10/023,786; 10/081,110; 09/965,335; 10/174,720; 09/965,339; 10/081,082; 10/361,283; 10/638,955; 10/640,468; 10/658,163; 11/191,254; 90/007,123; 90/007,124; 90/007,125; 90/007,126; 90/007,127;& 90/007,327.

## Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of Application/Control Number: 10/658,163 Art Unit: 2182

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Shin whose telephone number is 571-272-4159. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> CHRISTOPHER SHIN PRIMARY EXAMINER OF 2182

October 26, 2005 cbs

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Page 4

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			THE PURCHASE	Application Number	er	10/658,163	
IN	FOR	MATIC	on <del>disc</del> losure	Filing Date		09/09/2003	
STATEMENT BY APPLICANT			BY APPLICANT	First Named Inven	tor	Hoese, Geoffrey	
				Group Art Unit		2182	
				Examiner Name		Shin, Christopher	В.
Sh	eet	1	OF 4	Attorney Docket N	umber	CROSS1120-13	
			· · · · · · · · · · · · · · · · · · ·	U.S. PATENT DOC	UMENTS		
Exar Init	miner tials	Cite No.	Document Nu	mber	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Figures Appear
			Number	Kind Code (if known)			
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1	A30	5,212,785	5/18	B/1993 Powers, et a	al.
	A31	5,214,778	5/25	5/1993 Glider, et a	al.
	A32	5,226,143	7/6	6/1993 Baird, et a	al.
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Examiner		$\sim$	61	14	Date Considered	10-25-01	~
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-1-	B2	JP 6301607					
or	B1	GB 2341715					
Examiner		Country Code	Number	Kind Code (if known)	MM-DD-YYYY (Number 43)	Applicant of Cited Document	Where Passa Figures
	FOREIGN PATENT DO		DOCUMENTS	Publication Date	Name of Patentee or	Pages, Columns, Line	
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		El con	Application Number	10/658,163	
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	C Cotont one	ommerce	First Named Inventor	Geoffrey B. Hoe	se
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			Examiner Name	Shin, Christophe	ər B.
Sheet	1	of 7	Atty Docket Number	CROSS1120-13	
Examiner	Citable	OTHER PRIOR ART	- NON PATENT LITERATU	RE DOCUMENTS	Date
Initials		Decision Deturning Bot	ition moiled Ephruany 28, 20	05	
-1	<u>C1</u>	Decision Returning Fet	Littor mailed February 28, 20		
	C2	1997	a rile Systems, Anthony J. N	icolegol, July	
	C3	Compag StorageWorks	HSG80 Array Controller AC	S Version 8.3	
		(Maintenance and Serv	vice Guide) 11/98		
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				Examiner Name	Shin, Christoph	er B.		
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	C67	Bridge Phase II Archite	cture Presentation (Lavan F	x 2 (CNS 182287-	4/12/
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C80       Brooklyn Main Board (AES-0302) MES Schedule (Lavan Ex I9 (CNS 177759-763)) (CD-ROM Chaparral Exhibits D039).       2/11/1997         C81       News Release-Adaptec Adds Fibre Channel Option to its External RAID Controller Family (Lavan Ex 20 (CNS 182932-934)) (CD-ROM Chaparral Exhibits D040).       5/6/1997         C82       AEC-4412B/7412B User's Guide, Rev. A (Lavan Ex 21) (CD-ROM Chaparral Exhibits D041).       6/19/1905         C83       Data Book- AIC-7895 PCI Bus Master Single Chip SCSI Host Adapter (Davies Ex 1 (CNS 182944-64)) (CD-ROM Chaparral Exhibits D046).       5/21/1996         C84       Data Book- AIC-1160 Fibre Channel Host Adapter ASIC (Davies Ex 2 (CNS 181800-825)) (CD-ROM Chaparral Exhibits D047).       6/18/1905         C85       Viking RAID Software (Davies Ex 3 (CNS 180969-181026)) (CD-ROM Chaparral Exhibits D048).       6/18/1905         C86       Header File with Structure Definitions (Davies Ex 4 (CNS 180009- 018)) (CD-ROM Chaparral Exhibits D049).       8/8/1996         C87       C++ SourceCode for the SCSI Command Handler (Davies Ex 5 (CNS 179136-168)) (CD-ROM Chaparral Exhibits D050).       1/2/1997         C88       Header File Data Structure (Davies Ex 7 (CNS 17997-7180008)) (CD-ROM Chaparral Exhibits D051).       1/2/1997         C89       SCSI Command Handler (Davies Ex 7 (CNS 179676-719)) (CD-ROM Chaparral Exhibits D052).       1/2/1997         C90       Coronado: Fibre Channel to SCSI Intelligent RAID Controller Product Brief (Kalwitz Ex 1 (CNS 182804-805)) (CD-ROM Chaparral Exhibits D053).			BUUT Release Notes (La	van EX 18 (CNS 182878-878			
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C95 Bridge Product Line Review (Manzanares Ex 3 (CNS 177307-336))		C95	Bridge Product Line Revi	ew (Manzanares Ex 3 (CNS	177307-336))		
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				Examiner Name	Shin, Christophe	er B.		
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			UCOMMANOS (SCC), Rev, ( Exhibite D088)	C (P 11 100400-546) (CD-R				
		C102	X3T10 995D- (Draft) SCS	-3 Primary Commands Re	v 11	11/13/1006		
		CIUZ	(Wanamaker Ex 5 (PTi 16	6050-229)) (CD-ROM Char	parral Exhibits	11/10/1000		
			D089).					
		C103	VBAR Volume Backup an	d Restore (CRDS 12200-20	02) (CD-ROM			
			Chaparral Exhibits D099)	•				
		C104	Preliminary Product Litera	ature for Infinity Commstor's	Fibre Channel	8/19/1996		
			to SCSI Protocol Bridge (					
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		C105	Evaluation Units from Cro	J. BOYKIN IO B. SMIIN RE. PL seroade (Smith Ex 24) CRC	S 8556-57) (CD-	//12/1996		
			ROM Chaparral Exhibits	D144				
		C106	CrossPoint 4100 Fibre Ch	nannel to SCSI Router Prelir	minary Datasheet	11/1/1996		
			(Hulsey Ex 9 (CRDS 161)	29-130)) (CD-ROM Chaparr	al Exhibits D145).			
		C107	CrossPoint 4400 Fibre Ch	nannel to SCSI Router Prelin	minary Datasheet	11/1/1996		
			(Bardach Ex. 9, Quisenbe	erry Ex 33 (CRDS 25606-60	7)) (CD-ROM			
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-			8558) (CD-ROM Chapan	al Exhibits D155).	(			
	-1	C109	Email Dated 12/20/96 from	n J. Boykin to B. Smith re: F	Purchase Order			
			for Betas in February and	March (Hoese Ex 16, Quise	enberry Ex 25;			
			Bardach Ex 12 (CRDS 13	644-650) ( <b>CD-RO</b> M Chapai	rral Exhibits			
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			Information (Bardach Ex.	14; Smith Ex 16 (CRDS 446	50)) (CD-ROM			
			Chaparral Exhibits D158)					
		C112	Miscellaneous Document	s Regarding Comdex (Quise	enberry Ex 2			
$\vdash$		0440	(CRUS 2/415-465)) (CD-	KUIW Chaparral Exhibits D1	65).			
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						Examiner Name	Shin, Christophe	er B.	
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			062)) (CD	-ROM Chaparra	al Exhibits D172).	0		
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			1996-21 (PTI 173330-347). (CD-ROM Pathlight Exhibits D098).						
		C121	Brian A 132)) (-ROM Pathlight	t Quarter Sales Plan (PD) t Exhibits D201).	(38) CNS 022120-	6/5/2001	
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DEC 2 0 2005 8		Applicant Geoffrey B. Hoese]
		Application Number 10/658,163	Date Filed 09/09/2003].
COMPONING ST		Title Storage Router and Me Local Storage]	
		Group Art Unit 2182	Examiner Shin, Christopher B.]
		Confirmation Number: 5675]
		Certificate of Maili	ng Under 37 C.F.R. §1.8	1
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P.O. E	3ox 1450	envelope addressed to Comm	ce as First Class Mail in an issioner for Patents, P.O. Box	
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Dear S	Sir:	Julie	H. BLACKARD	

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In response to the Official Action mailed November 1, 2005, Applicant respectfully requests the Examiner reconsider the rejections of the Claims in view of this reply.

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IN THE CLAIMS:

Please amend the claims as follows. The claims are in the format as required by 35 C.F.R. § 1.121.

1-14 Cancelled

15. (Previously Presented) A storage router for providing virtual local storage on remote storage devices to a device, comprising:

a buffer providing memory work space for the storage router;

a first Fibre Channel controller operable to connect to and interface with a first Fibre Channel transport medium;

a second Fibre Channel controller operable to connect to and interface with a second Fibre Channel transport medium; and

a supervisor unit coupled to the first and second Fibre Channel controllers and the buffer, the supervisor unit operable:

to maintain a configuration for remote storage devices connected to the second Fibre Channel transport medium that maps between the device and the remote storage devices and that implements access controls for storage space on the remote storage devices; and

to process data in the buffer to interface between the first Fibre Channel controller and the second Fibre Channel controller to allow access from Fibre Channel initiator devices to the remote storage devices using native low level, block protocol in accordance with the configuration.

16. (Previously Presented) The storage router of claim 15, wherein the configuration maintained by the supervisor unit includes an allocation of subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device.

17. (Previously Presented) The storage router of claim 16, wherein the Fibre Channel devices comprise workstations.

18. (Previously Presented) The storage router of claim 16, wherein the remote storage devices comprise hard disk drives.

19. (Previously Presented) The storage router of claim 15, wherein each of the first Fibre Channel controller comprises:

a Fibre Channel (FC) protocol unit operable to connect to the Fibre Channel transport medium;

a first-in-first-out queue coupled to the Fibre Channel protocol unit; and

a direct memory access (DMA) interface coupled to the first-in-first-out queue and to the buffer.

20. (Previously Presented) A storage network, comprising:

a first Fibre Channel transport medium;

a second Fibre Channel transport medium;

a plurality of workstations connected to the first Fibre Channel transport medium;

a plurality of storage devices connected to the second Fibre Channel transport medium;

and

a storage router interfacing between the first Fibre Channel transport medium and the second Fibre Channel transport medium, the storage router providing virtual local storage on the storage devices to the workstations and operable:

to map between the workstations and the storage devices;

to implement access controls for storage space on the storage devices; and

to allow access from the workstations to the storage devices using native low level, block protocol in accordance with the mapping and access controls.

21. (Previously Presented) The storage network of claim 20, wherein the access controls include an allocation of subsets of storage space to associated workstations, wherein each subset is only accessible by the associated workstation.

22. (Previously Presented) The storage network of claim 20, wherein the storage devices comprise hard disk drives.

23. (Previously Presented) The storage network of claim 20, wherein the storage router comprises:

a buffer providing memory work space for the storage router;

. a first Fibre Channel controller operable to connect to and interface with the first Fibre Channel transport medium, the first Fibre Channel controller further operable to pull outgoing

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data from the buffer and to place incoming data into the buffer;

a second Fibre Channel controller operable to connect to and interface with the second Fibre Channel transport medium, the second Fibre Channel controller further operable to pull outgoing data from the buffer and to place incoming data into the buffer; and

a supervisor unit coupled to the first and second Fibre Channel controllers and the buffer, the supervisor unit operable:

to maintain a configuration for the storage devices that maps between workstations and storage devices and that implements the access controls for storage space on the storage devices; and

to process data in the buffer to interface between the first Fibre Channel controller and the second Fibre Channel controller to allow access from workstations to storage devices in accordance with the configuration.

24. (Previously Presented) A method for providing virtual local storage on remote storage devices to Fibre Channel devices, comprising:

interfacing with a first Fibre Channel transport medium;

interfacing with a second Fibre Channel transport medium;

maintaining a configuration for remote storage devices connected to the second Fibre Channel transport medium that maps between Fibre Channel devices and the remote storage devices and that implements access controls for storage space on the remote storage devices; and

allowing access from Fibre Channel initiator devices to the remote storage devices using native low level, block protocol in accordance with the configuration.

25. (Previously Presented) The method of claim 24, wherein maintaining the configuration includes allocating subsets of storage space to associated Fibre Channel devices, wherein each subset is only accessible by the associated Fibre Channel device.

26. (Previously Presented) The method of claim 25, wherein the Fibre Channel devices comprise workstations.

27. (Previously Presented) The method of claim 25, wherein the remote storage devices comprise hard disk drives.
28. (Previously Presented) An apparatus for providing virtual local storage on a remote storage device to a device operating according to a Fibre Channel protocol, comprising:

a first controller operable to connect to and interface with a first transport medium, wherein the first transport medium is operable according to the Fibre Channel protocol;

a second controller operable to connect to and interface with a second transport medium, wherein the second transport medium is operable according to the Fibre Channel protocol; and

a supervisor unit coupled to the first controller and the second controller, the supervisor unit operable to control access from the device connected to the first transport medium to the remote storage device connected to the second transport medium using native low level, block protocols according to a map between the device and the remote storage device.

29. (Previously Presented) The apparatus of Claim 28, wherein the supervisor unit is further operable to maintain a configuration wherein the configuration includes the map between the device and the remote storage device, and further wherein the map includes virtual LUNs that provide a representation of the storage device.

30. (Previously Presented) The apparatus of Claim 29, wherein the map only exposes the device to LUNs that the device may access.

31. (Previously Presented) The apparatus of Claim 28, wherein the supervisor unit is further operable to maintain a configuration including the map, wherein the map provides a mapping from a host device ID to a virtual LUN representation of the remote storage device to a physical LUN of the remote storage device.

32. (Previously Presented) The apparatus of Claim 28, wherein the remote storage device further comprises storage space partitioned into virtual local storage for the device connected to the first transport medium.

33. (Previously Presented) The apparatus of Claim 32, wherein the supervisor unit is further operable to prevent the device from accessing any storage on the remote storage device that is not part of a virtual local storage partition assigned to the device

34. (Previously Presented) The apparatus of Claim 28, wherein the first controller and the second controller further comprise a single controller.

35. (Previously Presented) A system for providing virtual local storage on remote storage devices, comprising:

a first controller operable to connect to and interface with a first transport medium operable according to a Fibre Channel protocol;

a second controller operable to connect to and interface with a second transport medium operable according to the Fibre Channel protocol;

at least one device connected to the first transport medium;

at least one storage device connected to the second transport medium; and

an access control device coupled to the first controller and the second controller, the access control device operable to:

map between the at least one device and a storage space on the at least one storage device; and

control access from the at least one device to the at least one storage device using native low level, block protocol in accordance with the map.

36. (Previously Presented) The system of Claim 35, wherein the access control device is further operable to maintain a configuration wherein the configuration includes the map between the at least one device and the at least one storage device, and further wherein the map includes virtual LUNs that provide a representation of the at least one storage device.

37. (Previously Presented) The system of Claim 36, wherein the map only exposes the at least one device to LUNs that the at least one device may access.

38. (Previously Presented) The system of Claim 35, wherein the access control device is further operable to maintain a configuration including the map, wherein the map provides a mapping from a host device ID to a virtual LUN representation of the at least one storage device to a physical LUN of the at least one storage device.

39. (Previously Presented) The system of Claim 35, wherein the at least one storage device further comprises storage space partitioned into virtual local storage for the at least one device.

40. (Previously Presented) The system of Claim 39, wherein the access control unit is further operable to prevent at least one device from accessing any storage on the at least one storage device that is not part of a virtual local storage partition assigned to the at least one device.

41. (Previously Presented) The system of Claim 35, wherein the first controller and the second controller further comprise a single controller.

42. (Previously Presented) A method for providing virtual local storage on remote storage devices, comprising:

mapping between a device connected to a first transport medium and a storage device connected to a second transport medium, wherein the first transport medium and the second transport medium operate according to a Fibre Channel protocol;

implementing access controls for storage space on the storage device; and

allowing access from the device connected to the first transport medium to the storage device using native low level, block protocols.

43. (Previously Presented) The method of Claim 42, further comprising maintaining a configuration wherein the configuration includes a map between the device and the one storage device, and further wherein the map includes virtual LUNs that provide a representation of the storage device.

44. (Previously Presented) The method of Claim 43, wherein the map only exposes the device to LUNs that the device may access.

45. (Previously Presented) The method of Claim 42, further comprising maintaining a configuration including a map from a host device ID to a virtual LUN representation of the storage device to a physical LUN of the storage device.

46. (Previously Presented) The method of Claim 42, further comprising partitioning storage space on the storage device into virtual local storage for the device.

47. (Previously Presented) The method of Claim 46, further comprising preventing the device from accessing any storage on the storage device that is not part of a virtual local storage partition assigned to the device.

48. (Previously Presented) A system for providing virtual local storage, comprising: a host device;

a storage device remote from the host device, wherein the storage device has a storage space;

a first controller;

a second controller

a first transport medium operable according to a Fibre Channel protocol, wherein the first transport medium connects the host device to the first controller;

a second transport medium operable according to the Fibre Channel protocol, wherein the second transport medium connects the second controller to the storage device;

a supervisor unit coupled to the first controller and the second controller, the supervisor unit operable to:

maintain a configuration that maps between the host device and at least a portion of the storage space on the storage device; and

implement access controls according to the configuration for the storage space on the storage device using native low level, block protocol.

49. (Previously Presented) The system of Claim 48, wherein the supervisor unit is further operable to:

maintain a configuration that maps from the host device to a virtual representation of at least a portion of the storage space on the storage device to the storage device; and

allow the host device to access only that portion of the storage space that is contained in the map.

50. (Previously Presented) The system of Claim 49, wherein the configuration comprises a map from a host device ID to a virtual LUN representation of the storage device to a physical LUN of the storage device.

51. (Previously Presented) The system of Claim 48, wherein the storage device further comprises storage space partitioned into virtual local storage for the host device.

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52. (Previously Presented) The system of Claim 51, wherein the supervisor unit is further operable to prevent the host device from accessing any storage on the storage device that is not part of a virtual local storage partition assigned to the host device.

53. (Previously Presented) The apparatus of Claim 48, wherein the first controller and the second controller further comprise a single controller.

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed November 1, 2005. Applicant respectfully requests reconsideration and favorable action in this case.

Double Patenting Rejection

Applicant respectfully wishes to clarify that Applicant agreed that some aspects of the present invention are consistent with items addressed in issued applications and copending applications and reexaminations. Additionally Applicant agreed to submit a terminal disclaimer to obviate the Examiner's double patenting rejection. The submission of the terminal disclaimer is not an admission as to the propriety of the double patenting rejection. See, MPEP 804.02.

In the double patenting rejection, the Examiner listed the following related cases. To aid the Examiner, Applicant provides the following listing and status of each of the cases

09/001,799 issued as 5,941,972, under reexamination as 90/007,123 and 90/007,317 09/354,682 issued as 6,421,753, under reexamination as 90/007,124 09/081,110 issued as 6,789,152 10/081,114 now abandoned 10/023,786 now abandoned 09/965,335 issued as 6,425,035, under reexamination as 90/007,125 10/174,720 issued as 6,738,854, under reexamination as 90/007,127 09/965,339 issued as 6,425,036, under reexamination as 90/007,126 10/081,082 now abandoned 10/361,283 issued as 6,763,419 10/638,955 now abandoned 10/640,468 now abandoned

11/191,254 pending

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The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group Attorneys for Applicant

dohn L. Adair Reg. No. 48,828

Date: 12/14/05

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1301 W. 25th Street, Suite 408 Austin, TX 78705 Tel. (512) 637-9220 Fax. (512) 371-9088

IN THE UNIT	ED STATES PATENT AND TRADE	MARK OFFICE
	IER TO OBVIATE A DOUBLI	E Atty. Docket No. T CROSS1120-13
DEC 2 0 2005	Applicant Geoffrey B. Hoese, et Application Number 10/658,163 Title Storage Router and N Local Storage Group Art Unit 2182 Confirmation Number:	t al. Date Filed 09/09/2003 Method for Providing Virtual Examiner Shin, Christopher B.
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Certificate of Ma I hereby certify that this con the U.S. Postal Service as F addressed to: Commissione Alexandria, VA 22313 on D	ailing Under 37 C.F.R. §1.8 respondence is being deposited with First Class Mail in an envelope er for Patents, P.O. Box 1450, ecember / 5, 2005. W-RLandcand Name
Dear Sir:	Ju	LIE H. BLACKARD

Crossroads Systems, Inc., the owner of one hundred percent (100%) interest in the instant application, as evidenced by the Assignment Recorded on December 31, 1997 on Reel/Frame: 8929/0290 hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173 of U.S. Patent Nos. 5,941,972, 6,421,753, 6,425,036, 6,425,035, 6,789,152, 6,738,854, and 6,763,419 or shortened by any terminal disclaimer filed prior to the grant of any patent granted on copending Application Nos. 90/007,123, 90/007,124, 90/007,125, 90/007,126, 90/007,127, 11/191,254, and 90/007,317. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the co-pending applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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Oracle-Huawei-NetApp Ex. 1009, pg. 1424

Attorney Docket: CROSS1120-13

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> Customer ID: 44654 Application No. 10/658,163

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check box 1, 2, 3, or 4 as appropriate.

1. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- Statement under 37 C.R.F. 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.
- 2. The undersigned is an attorney or agent of record.
- Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. 3.
- The Commissioner is hereby authorized to deduct the required fee, and/or any 4. \square deficiencies or credit any overpayments regarding this application from deposit account 50-3183 of Sprinkle IP Law Group.

Jøhn L. Adair

12/15/05

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Application Number	Application/Control No.		Applicant(s)/Patent under Reexamination		
	10/658,163		HOESE ET AL.		
Document Code - DISQ		Internal E	Document – DC	NOT MAIL	

TERMINAL DISCLAIMER		
Date Filed : 122005	This patent is subject to a Terminal Disclaimer	

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NOTICE OF ALLOWANCE AND FEE(S) DUE

25094 7590 01/202006 DLA PIPER RUDNICK GRAY CARY US, LLP 2000 University Avenue E. Palo Alto, CA 94303-2248 EXAMINER SHIN, CHRISTOPHER B

PAPER NUMBER

ART UNIT

DATE MAILED: 01/20/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,163	09/09/2003	Geoffrey B. Hoese	CROSS1120-13	5675

TITLE OF INVENTION: STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	04/20/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS STATUTORY PERIOD CANNOT BE EXTENDED</u>. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:	If the SMALL ENTITY is shown as NO:
A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.	A. Pay TOTAL FEE(S) DUE shown above, or
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or	B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.

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PART B - FEE(S) TRANSMITTAL

PART B - FEE(S) TRA	NSMITTAL
Complete and send this form, together with applicable fee(s), to: Mail	Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450

				P.O. Box 1450 Alexandria, Virg	ginia 22313-1450	
			or <u>Fax</u>	(571) 273-2885		
INSTRUCTIONS: This fo appropriate. All further con- indicated unless corrected maintenance fee notification	rm should be used for tran rrespondence including the below or directed otherwise ns.	smitting the ISSU Patent, advance or in Block 1, by (a	E FEE and PUBLIC ders and notification) specifying a new c	CATION FEE (if requ of maintenance fees v orrespondence address	ired). Blocks 1 through 5 s vill be mailed to the current ; and/or (b) indicating a sep	should be completed where correspondence address as arate "FEE ADDRESS" for
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25094 7	590 01/20/2006			have its own certificat	e of mailing or transmission.	
DLA PIPER RU	DNICK GRAY CAR	Y US, LLP		Cer	rtificate of Mailing or Tran	smission
2000 University A E. Palo Alto, CA 9	venue 4303-2248			States Postal Service v addressed to the Mai transmitted to the USF	with sufficient postage for final structure of the sufficient postage for final stop ISSUE FEE address TO (571) 273-2885, on the	s above, or being facsimile date indicated below.
				[(Depositor's name)
						(Signature)
						(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVEN	TOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,163	09/09/2003		Geoffrey B. Hoes	e	CROSS1120-13	5675
TITLE OF INVENTION: S	TORAGE ROUTER AND N	IETHOD FOR PR	OVIDING VIRTUAI	LOCAL STORAGE		
APPLN. TYPE	SMALL ENTITY	ISSUE F	EE PI	JBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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SHIN, CHRI	STOPHER B	2182	• · · ·	710-001000	,	
1. Change of correspondence	e address or indication of "F	ee Address" (37	2. For printing on	the patent front page, li	st	
CFR 1.363).	lence address (or Change of	Correspondence	(1) the names of	up to 3 registered pater	nt attorneys l	
Address form PTO/SB/1	22) attached.	concepondence	(2) the name of a	single firm (having as a	a member a 2	
"Fee Address" indica PTO/SB/47; Rev 03-02 Number is required.	tion (or "Fee Address" Indica or more recent) attached. Use	ation form e of a Customer	registered attorney 2 registered paten listed, no name wi	or agent) and the name attorneys or agents. If attorneys or agents. If	no name is 3	
3. ASSIGNEE NAME AND	RESIDENCE DATA TO B	E PRINTED ON T	THE PATENT (print	or type)		
PLEASE NOTE: Unless recordation as set forth in	an assignee is identified be a 37 CFR 3.11. Completion	elow, no assignee of this form is NO	data will appear on t Γ a substitute for filin	he patent. If an assigr g an assignment.	nee is identified below, the	document has been filed for
(A) NAME OF ASSIGN	EE	(B) RESIDENCE: (CIT	Y and STATE OR CO	UNTRY)	
Please check the appropriate	e assignee category or catego	ries (will not be pr	inted on the patent) :	Individual C	orporation or other private gr	oup entity Government
4a. The following fee(s) are	enclosed:	46	Payment of Fee(s):			
Dublication Fee Ole of	mall antitu diagount normitte		A check in the ar	nount of the fee(s) is en	iclosed.	
Advance Order - # or	f Copies	,u)	The Director is	hereby authorized by c	harge the required fee(s) or	credit any overnavment to
			Deposit Account Nu	mber	(enclose an extra	copy of this form).
5. Change in Entity Status a. Applicant claims S	(from status indicated above MALL ENTITY status. See	:) 37 CFR 1.27.	b. Applicant is no	o longer claiming SMA	LL ENTITY status. See 37 C	CFR 1.27(g)(2).
The Director of the USPTO NOTE: The Issue Fee and P interest as shown by the reco	is requested to apply the Issu ublication Fee (if required) v ords of the United States Pate	ue Fee and Publicat vill not be accepted ent and Trademark	tion Fee (if any) or to from anyone other t Office.	re-apply any previous han the applicant; a reg	y paid issue fee to the applic istered attorney or agent; or t	ation identified above. he assignee or other party in
Authorized Signature				Date		
Typed or printed name				Registration	No.	
This collection of information	on is required by 37 CFR 1.3	11. The informatio	n is required to obtain	or retain a benefit by	the public which is to file (an	d by the USPTO to process)
an application. Confidential submitting the completed at this form and/or suggestions Box 1450, Alexandria, Virg Alexandria, Virginia 22313-	ity is governed by 35 U.S.C. oplication form to the USPT s for reducing this burden, sh inia 22313-1450. DO NOT 1450.	122 and 37 CFR O. Time will vary hould be sent to the SEND FEES OR C	1.14. This collection depending upon the Chief Information C COMPLETED FORM	individual case. Any co ficer, U.S. Patent and S TO THIS ADDRESS	minutes to complete, includi omments on the amount of ti Trademark Office, U.S. Dep S. SEND TO: Commissioner	ing gathering, preparing, and ime you require to complete partment of Commerce, P.O. for Patents, P.O. Box 1450,
Under the Paperwork Reduc	tion Act of 1995, no persons	are required to res	pond to a collection of	f information unless it	displays a valid OMB contro	l number.

PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.

OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 227 of 253

	ited States Pate	NT AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	TMENT OF COMMERCE Trademark Office OR PATENTS 13-1450
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,163	09/09/2003	Geoffrey B. Hoese	CROSS1120-13	5675
25094 7	590 01/20/2006		EXAM	INER
DLA PIPER RUDNICK GRAY CARY US, LLP		Y US, LLP	SHIN, CHRI	STOPHER B
E. Palo Alto, CA 9	4303-2248		ART UNIT	PAPER NUMBER
,			2182	

DATE MAILED: 01/20/2006

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Page 3 of 3

PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.

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	plication No.	Applicant(s)
	/658 162	
Notice of Allowability	aminer	Art Unit
Ch	ristopher B. Shin	2182
The MAILING DATE of this communication appears All claims being allowable, PROSECUTION ON THE MERITS IS (OR herewith (or previously mailed), a Notice of Allowance (PTOL-85) or or NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHT of the Office or upon petition by the applicant. See 37 CFR 1.313 and	on the cover sheet with REMAINS) CLOSED in ther appropriate community (S. This application is su MPEP 1308.	h the correspondence address this application. If not included nication will be mailed in due course. THIS ubject to withdrawal from issue at the initiative
1. X This communication is responsive to <u>the AF received December</u>	e <u>r 20, 2005</u> .	
2. 🔀 The allowed claim(s) is/are <u>15-53</u> .		
3. Acknowledgment is made of a claim for foreign priority under	35 U.S.C. § 119(a)-(d) o	r (f).
1. Certified copies of the priority documents have bee	en received.	
2. Certified copies of the priority documents have bee	n received in Application	1 No
3. Copies of the certified copies of the priority docum	ents have been received	in this national stage application from the
International Bureau (PCT Rule 17.2(a)).		
 Certified copies not received: 		•
Applicant has THREE MONTHS FROM THE "MAILING DATE" of th noted below. Failure to timely comply will result in ABANDONMENT THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	is communication to file a of this application.	a reply complying with the requirements
A SUBSTITUTE OATH OR DECLARATION must be submitted INFORMAL PATENT APPLICATION (PTO-152) which gives re	. Note the attached EXAI ason(s) why the oath or	MINER'S AMENDMENT or NOTICE OF declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be	submitted.	
(a) including changes required by the Notice of Draftsperson's	Patent Drawing Review	(PTO-948) attached
1) hereto or 2) to Paper No./Mail Date	Ū	· · · ·
(b) ☐ including changes required by the attached Examiner's Arr Paper No./Mail Date	endment / Comment or i	in the Office action of
Identifying Indicia such as the application number (see 37 CFR 1.84(c each sheet. Replacement sheet(s) should be labeled as such in the h)) should be written on the ader according to 37 CFR	e drawings in the front (not the back) of { 1.121(d).
 DEPOSIT OF and/or INFORMATION about the deposit o attached Examiner's comment regarding REQUIREMENT FOR 	f BIOLOGICAL MATE	RIAL must be submitted. Note the LOGICAL MATERIAL.
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Notice of Draftperson's Patent Drawing Review (PTO-948)		ormai matent Application (PTO-152) mmary (PTO-413)
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Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. 🔲 Examiner's S 	Statement of Reasons for Allowance
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		CHRISTOPHER B. SHIN PRIMARY EXAMINER
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Case 1:13-cv-00895-SS	Document 31-20 Filed (04/09/14 Page 229 of 25	AFS			
IN THE UNITED STAT	ES PATENT AND TRADEM	ARK OFFICE				
OIF REPLY TO OFFICE ACTION	N DATED 11/01/2005	Atty. Docket No. CROSS1120-13	J U W			
	Applicant Geoffrey B. Hoese					
	Application Number 10/658,163	Date Filed 09/09/2003].			
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	Confirmation Number: 5675	Shin, Christopher B.]			
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Commissioner for Patents	I hereby certify that this corre-	spondence is being deposited with				
P.O. Box 1450	the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box					
Alexandria, VA 22313-1450	1450, Alexandria, VA 22312-1450 on <u>12-15-05</u> .					
Dear Sir:	Julie	H. BLACKARD				

In response to the Official Action mailed November 1, 2005, Applicant respectfully requests the Examiner reconsider the rejections of the Claims in view of this reply.

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Application/Control No.	Applicant(s)/Patent under Reexamination			
10/658,163	HOESE ET AL.			
Examiner	Art Unit			
Christopher B. Shin	2182			

SEARCHED							
Class	Subclass	Date	Examiner				
710	1-5	10/24/2005	CBS				
710	8-13	10/24/2005	CBS				
710	22-28	10/24/2005	CBS				
710	305-306	10/24/2005	CBS				
710	250	10/24/2005	CBS				
709	258	10/24/2005	CBS				
714	42	10/24/2005	CBS				
711	112,113	10/24/2005	CBS				
· 711	110	10/24/2005	CBS				
710	126-131	10/24/2005	CBS				
710	36-38	10/24/2005	CBS				

INTERFERENCE SEARCHED								
Class	Subclass	Date	Examiner					
710	305, 11	1/3/2006	CBS					
709	258	1/3/2006	CBS					

SEARCH NOTES (INCLUDING SEARCH STRATEGY)							
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PLUS	1/12/2005	CBS					
PALM - for double patenting	1/13/2005	CBS					
EAST (USPAT, EPO, JPO, DERWENT, IBMTDB)	1/15/2005	CBS					
PALM - for double patenting	10/24/2005	CBS					
PARENT & RELATED CASES WERE REVIEWED FOR THE ALLOWANCE	10/24/2005	CBS					
CHECKED WITH EXR CHAN ALLEN FOR ALL OF THE RELATED RE- EXAM CASES FOR THE ALLOWANCE	10/24/2005	CBS					

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/658,163	09/09/2003	Geoffrey B. Hoese	CROSS1120-13

44654 SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705

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CONFIRMATION NO. 5675

Date Mailed: 02/10/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/26/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

ALBERTHA LUACKSON 2100 (571) 272-3594

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10/658,163	09/09/2003	Geoffrey B. Hoese	CROSS1120-13

25094 DLA PIPER RUDNICK GRAY CARY US, LLP 2000 University Avenue E. Palo Alto, CA 94303-2248 CONFIRMATION NO. 5675 *OC00000018039055* *OC00000018039055*

Date Mailed: 02/10/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/26/2005.

• The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

2100 (571) 272-3594

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PTO/SB/47; Rev 03-02 of Number is required. ASSIGNEE NAME AND PLEASE NOTE: Unless recordation as set forth ir (A) NAME OF ASSIGN CrOSSTOA lease check the appropriate a. The following fee(s) are Dublication Fee (No s Advance Order - # of Change in Entity Status a. Applicant claims Si he Director of the USPTO OTE: The Issue Fee and P	RESIDENCE DATA TO E an assignee is identified b 37 CFR 3.11. Completion EE ds Systems, assignee category or catego enclosed: mall entity discount permitt f Copies1 (from status indicated abovy MALL ENTITY status. See is requested to apply the Iss ublication Fee (if required) at	CE PRINTED ON THE elow, no assignee data of this form is NOT a s (B) RF Inc. ories (will not be printed 4b. Pa bit assignment of the printed bit assignment of the printed bit assignment of the printed bit assignment of the printed bit bit assignment of the printed bit bit assignment of the printed bit bit bit bit bit bit bit bit	PATENT (print of a will appear on th substitute for filing ESIDENCE: (CIT d on the patent) : yment of Fee(s): A check in the an Payment by credit The Director is h posit Account Nur b. Applicant is no Fee (if any) or to i m anyone other th ice.	r type) te patient. If an assign an assignment. Y and STATE OR 201 i 01 Fi Austin,02 Fi Individual C ount of the fee(s) is en card. Form PTO-2038 ereby authorized by c aber 50-3183 longer claiming SMA e-apply any previouslant the applicant; a regi	tee is identified below, the d 6(2006) BABRAHA2 00000 2:1501 2:1504 3:6001 orporation or other private graces closed. 3: is attached. harge the required fee(s), or 4:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10 1:10	locument has been filed f 046 10658163 1400.00 QP 300.00 QP oup entity 300 entite credit any overpayment, opy of this form). FR 1.27(g)(2). thion identified above. ne assignee or other party
PTO/SB/47; Rev 03-02 of Number is required. ASSIGNEE NAME AND PLEASE NOTE: Unless recordation as set forth ir (A) NAME OF ASSIGN CrOSSrOa lease check the appropriate a. The following fee(s) are Publication Fee (No s Advance Order - # of Change in Entity Status a. Applicant claims Si he Director of the USPTO OTE: The Issue Fee and Pro- OTE: The Issue Fee and Pro- Authorized Signature	PRESIDENCE DATA TO E an assignee is identified b 37 CFR 3.11. Completion EE ds Systems, assignee category or catego enclosed: mall entity discount permitt 6 Copies1 (from status indicated abovy MALL ENTITY status. See is requested to apply the Iss ublication Fee (if required) required to apply the Iss profes of the United States Par	E PRINTED ON THE elow, no assignee data of this form is NOT a s (B) RF Inc. vries (will not be printee 4b. Pa be b) 37 CFR 1.27.	PATENT (print of a will appear on th substitute for filing ESIDENCE: (CIT d on the patent) : yment of Fee(s): A check in the an Payment by credit The Director is h posit Account Nur b. Applicant is no Fee (if any) or to 1 m anyone other th ice.	r type) te patent. If an assign an assignment. Y and STATE OR 201 i 01 Ff Austin,03 Ff Individual C ount of the fee(s) is en card. Form PTO-2038 ereby authorized by c hober _50 - 31 8 3 longer claiming SMA e-apply any previousla an the applicant; a regi	the is identified below, the d 6(2006) BABRAHA2 00000 2:1501 2:1504 2:8001 orporation or other private graces 3 is attached. harge the required fee(s), or 3 (enclose an extra c LL ENTITY status. See 37 C y paid issue fee to the application (stered attorney or agent; or the state of the state	locument has been filed f 046 10658163 1400.00 DP 300.00 DP oup entity 300 entite credit any overpayment, opy of this form). FR 1.27(g)(2). thion identified above. ne assignee or other party
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PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.

OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

R R MA	TRANSMI 14 2005 CLA	TTAL OF PA RGE Entity	AYMENT OF ISSU) 37 C.F.R. 1.311)	IE FEE	Docket No. CROSS1120-13
			Applicant(s)		
	Ana Application No.	Filing Date	Examiner	Group Art Unit	Confirmation No.
	10/658,163	09/09/2003	Shin, Christopher B.	2182	5675
l			Title:		

Mail Stop: Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Transmitted herewith are the following items in reference to the above-identified application:

Issue Fee Transmittal Form PTOL-85

S Issue Fee: \$1,400.00

Publication Fee \$300.00

Advanced Order - No. of Copies 1/ Fee \$3.00

Letter to Official Draftsperson and Formal Drawings

Postcard

- A check in the amount of \$1703.00 is attached
- The Director is hereby authorized to charge Deposit Account No. 50-3183 of Sprinkle IP Law Group the above-noted fee
- The Director is hereby authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

John L. Adair

Reg. No. 48,828

Customer No. 44654 Sprinkle IP Law Group 1301 W. 25th Street, Suite 408 Austin, Texas 78705 Tel. (512) 637-9223 Fax. (512) 371-9088

Certificate of Mailing Under 37 C.F.R. 1.10

I hereby certify that this document and fee is being deposited with the U.S. Postal Service as Express Mail No. **EV828700999US** in an envelope addressed to Mail Stop: Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on March 14 2006.

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	United State	S PATENT AND TRADEM	Area Construction of the state	TES DEPARTMENT OF COMMERCE Patent and Trademark Office SEIONER FOR PATENTS 140 140 140 140 140 140 140 140
Г	APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
	10/658,163	09/09/2003	Geoffrey B. Hoese	CROSS1120-13
44 S 1: S A	4654 PRINKLE IP LAW GROUP 301 W. 25TH STREET UITE 408 USTIN, TX 78705		*OC ••••••••••••••••••••••••••••••••••••	CONFIRMATION NO. 5675 000000018039068* 0000018039068* Date Mailed: 02/10/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/26/2005.

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2100 (571) 272-3594

ب الجاني

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

BV: DP
RECEIVED BY
Dockeled By
Dale Dou Attorney
Civit
Mberrille A Jack B
ALBERTHAL JACKSON

ATTORNEY/APPLICANT COPY

Oracle-Huawei-NetApp Ex. 1009, pg. 1440

IN THE UNITED STATES	S PATENT AND TRADEMA	RK OFFICE
NOTIFICATION OF LARGE ENTITY STATUS		Atty. Docket No.
		CROSS1120-13
	Applicant: Geoffrey B. Ho	ese, et al.
	Application No. 10/658,163	Filing Date: 09/09/2003
	Patent No. 7,051,147	Issue Date 05/23/2006
	For: Storage Router and Meth Local Storage	nod for Providing Virtual
	Group Art: 2182	Confirmation No. 5675
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313 Dear Sir:	Certificate of Transmiss I hereby certify that this corre electronically with the U.S. P using the United States Pate EFS-Web system on June C Janice	sion Under 37 C.F.R. § 1.8 espondence is being deposited atent and Trademark Office nt and Trademark Office's 2, 2008. Pampell

On review of the file for this matter, it appears that all the proper fees have been paid. While this notification may be redundant, we hereby submit this notification that the assignee of the above-referenced patent is a large entity.

While Applicant does not believe any further fees are due and owing, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group

John L. Adair Reg. No. 48,828

Dated: June 6, 2008

1301 W. 25th Street Suite 408 Austin, TX 78705 Tel. 512-637-9220 Fax. 512-371-9088

Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 239 of 253 Electronic Acknowledgement Receipt		
EFS ID:	3421245	
Application Number:	10658163	
International Application Number:		
Confirmation Number:	5675	
Title of Invention:	STORAGE ROUTER AND METHOD FOR PROVIDING VIRTUAL LOCAL STORAGE	
First Named Inventor/Applicant Name:	Geoffrey B. Hoese	
Customer Number:	44654	
Filer:	John L. Adair/Janice Pampell	
Filer Authorized By:	John L. Adair	
Attorney Docket Number:	CROSS1120-13	
Receipt Date:	09-JUN-2008	
Filing Date:	09-SEP-2003	
Time Stamp:	09:58:02	
Application Type:	Utility under 35 USC 111(a)	

Payment information:

Submitted wi	Submitted with Payment no					
File Listing:						
Document Number	Document Description		File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	C Miscellaneous Incoming Letter or	C	CROWSS1120-13_Notificati on_of_Large_Entity_Status.p df	26724	no	1
				019e69ee3825db37438f835876a6f39f0 3a3ce97		
Warnings:						
Information	1					

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

TC): Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450		REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
In Comp filed in the U.S. D	liance with 35 § 290 and/or 15 U.S istrict Court <u>Northern District</u>	S.C. § 1116 you are hereby advised that a court action has been tof California on the following X Patents or I Trademarks:
DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
CV 08-05687 HRL	12/19/2008	280 North First St, Rm 2112, San Jose, CA 95121
SYMANTEC CORPO	DRATION	CROSSROADS SYSTEMS INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7 ".ts py2		SEE ATTACHED COMPLAINT
2		
3		
4		
-		

In the above---entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY			
	Amen	dment 🔲 Answer	Cross Bill	Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLD	ER OF PATENT OR	TRADEMARK
1				
2				
3				
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In the above---entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT	······	
CLERK	(BY) DEPUTY CLERK	DATE
Richard W. Wieking	Betty Walton	December 19, 2008

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 242 of 253

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	Cu		20 The 04/03/14 Tage 242 01 230
	1 2 3 4 5 6 7 8	LATHAM & WATKINS LLP Mark A. Flagel (Bar No. 110635) Yury Kapgan (Bar No. 218366) 355 South Grand Avenue Los Angeles, California 90071-1560 Telephone: (213) 485-1234 Facsimile: (213) 891-8763 LATHAM & WATKINS LLP David A. Nelson, pro hac vice pending Jennifer Bauer, pro hac vice pending S800 Sears Tower Chicago, IL 60606 Telephone: (312) 876-7700 Facsimile (312) 993-9767	ORIGINAL FILED 08 DEC 19 PM 5: 00 RICHARD W. WIEKING CLERK U.S. DISTRICT COURT NO. DIST FORMASJ
	9	Tacsimile (312) 393-9707	
	10 11	Attorneys for Plaintiff E-1 Symantec Corporation	2111.2
	12	UNITED STA	ATES DISTRICT COURT
	13	NORTHERN D	ISTRICT OF CALIFORNIA
	14	SAN	JOSE DIVISION
	15	SYMANTEC CORPORATION	
	16	a Delaware Corporation,	
	17	Plaintiff,	CAS 05687
	18	v.	COMPLAINT FOR DECLARATORY
	19	CROSSROADS SYSTEMS, INC. a Texas Corporation	
	20	Defendant.) DEMAND FOR JURY TRIAL
	21)
	22		
	23	<u>C</u>	OMPLAINT
	24	Plaintiff Symantec Corpora	tion ("Symantec") hereby pleads the following claims
0	25	for Declaratory Judgment against Defenda	nt Crossroads Systems, Inc. ("Crossroads"), and
	26	alleges as follows:	
Θ	27		
Ū	28		
LATION	VATKINS	COMPLAINT FOR	
LOS AND	SLES .	DECLATORY JUDGMENT	1
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• 1	PARTIES
2	1. Plaintiff Symantec is a Delaware Corporation with its principal place of
3	business at 20330 Stevens Creek Boulevard, Cupertino, California 95014-2132.
4	2. On information and belief, Defendant Crossroads is a Texas Corporation with
5	its principal place of business at 11000 MoPac Expressway, Austin, Texas, 78759.
6	JURISDICTION AND VENUE
7	3. The Court has subject matter jurisdiction over this action and the matter
8	pleaded herein under 28 U.S.C. §§ 1331 and 1338(a) because the action arises under the Federal
9	Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the Patent Act of the United States, 35
10	U.S.C. § 1, et seq.
11	4. Venue is proper in the United States District Court for the Northern District
12	of California pursuant to 28 U.S.C. § 1391(b)(2) in that a substantial part of the acts giving rise
13	to the claim occurred in this District, and Crossroads is subject to personal jurisdiction in this
14	District.
15	INTRADISTRICT ASSIGNMENT
16	5. This action for a declaratory judgment of non-infringement and invalidity of
17	patents is assigned on a district-wide basis under Civil L.R. 3-2(c).
18	GENERAL ALLEGATIONS
19	6. This action involves U.S. Patent No. 5,941,972 ("the '972 patent") attached
20	hereto as Exhibit A, U.S. Patent No. 6,425,035 ("the '035 patent"), attached hereto as Exhibit B,
21	U.S. Patent No. 6,421,753 ("the '753 patent"), attached hereto as Exhibit C, U.S. Patent No.
22	6,763,419 ("the '419 patent"), attached hereto as Exhibit D, U.S. Patent No. 6,738,854 ("the '854
23	patent"), attached hereto as Exhibit E, U.S. Patent No. 6,789,152 ("the '152 patent"), attached
24	hereto as Exhibit F, and U.S. Patent No. 7,051,147 ("the '147 patent"), attached hereto as Exhibit
25	G (collectively "the patents-in-suit"). The '035, '753, '419, '854, '152 and '147 patents all claim
26	priority to the '972 patent.
27	7. On August 26, 2004, Crossroads sent a letter to Veritas Software Corporation
28	("Veritas") offering Veritas a license to the '972 and '035 patents in exchange, in part, for "a
LATHAM & WATKINS ATTORNEYS AT LAW LOS ANGELES	COMPLAINT FOR DECLARATORY JUDGMENT 2

Oracle-Huawei-NetApp Ex. 1009, pg. 1446

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1	royalty rate as a percentage of the net sales of [Veritas] products covered by the '972 or '035
2	Patents."
3	8. Veritas requested Crossroads to provide Veritas with the basis for
. 4	Crossroads' assertions that any of the products or offerings of Veritas were covered by any
5	claims of the '972 and/or '035 patents. Crossroads indicated that it could not provide such
6	information to Veritas without a non-disclosure agreement in place. The parties discussed the
7	non-disclosure agreement for a short period, but did not ultimately reach such an agreement.
8	Veritas again requested Crossroads' basis for its claims. But the basis was never provided and
9	the parties had no further communication after the first quarter of 2005 until Crossroads suddenly
10	reappeared in December of 2008. In 2005, Symantec acquired Veritas.
11	9. On December 12, 2008, Crossroads sent a letter to Symantec offering a
12	license to the patents-in-suit for "any/all products, potentially including the various storage
13	foundation products acquired from Veritas" in exchange, in part, for "a running royalty on the
14	net sales of products using the patented access controls feature."
15	10. Upon information and belief, Crossroads contends that one or more of
16	Symantec's products infringe one or more claims of the patents-in-suit and that those claims are
17	valid, although it still has provided Symantec with no basis for such contentions.
18	11. Symantec denies that any of its products infringe any claim of the patents-in-
19	suit, and also denies that the patents-in-suit are valid.
20	FIRST CLAIM FOR RELIEF
21	Declaratory Relief Regarding Non-Infringement
22	12. Symantec incorporates herein the allegations of paragraphs 1-11.
23	13. An actual and justiciable controversy exists between Plaintiff Symantec and
24	Defendant Crossroads as to the non-infringement of the patents-in-suit, which is evidenced by
25	Crossroads' allegations that Veritas' products, later acquired by Symantec, as well as other
26	Symantec products infringe valid claims of the patents-in-suit, and Symantec's allegations
27	herein.
28	
LATHAM & WATKINS Attorneys at Law Los Angeles	COMPLAINT FOR DECLARATORY JUDGMENT 3

Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 245 of 253

· · · ·	14. Pursuant to the Federal Declaratory Judgment Act. 28 U.S.C. § 2201 et seq.
2	Symantec requests the declaration of the Court that Symantec does not infringe and has not
2	infringed any claim of the natents-in-suit
л Л	SECOND CLAIM FOR RELIEF
	Declaratory Relief Regarding Invalidity
5	15. Symantec incorporates herein the allegations of paragraphs 1-11.
7	16. An actual and justiciable controversy exists between Plaintiff Symantec and
. 8	Defendant Crossroads as to the invalidity of the patents-in-suit, which is evidenced by
9	Crossroads' allegations that Veritas' products, later acquired by Symantec, as well as other
10	Symantec products infringe valid claims of the patents-in-suit, and Symantec's allegations
11	herein.
. 12	17. Pursuant to the Federal Declaratory Judgment Act. 28 U.S.C. § 2201 et seq.
12	Symantec requests the declaration of the Court that the patents-in-suit are invalid under the
14	Patent Act. 35 U.S.C. §§ 41 et seq., including but not limited to sections 102, 103, and 112.
15	PRAYER FOR RELIEF
16	WHEREFORE, Plaintiff Symantec respectfully requests that the Court enter
17	declaratory judgment as follows:
18	1. That Symantec does not infringe and has not infringed, directly or indirectly,
19	any of the patents-in-suit;
20	2. That the patents-in-suit are invalid;
21	3. That Crossroads, and all persons acting on its behalf or in concert with it, be
22	permanently enjoined and restrained from charging, orally or in writing, that any of the patents-
23	in-suit is infringed by Symantec, directly or indirectly;
24	4. That Symantec be awarded its costs, expenses and reasonable attorney fees in
25	this action; and
26	5. That Symantec be awarded such other and further relief as the Court may deem
27	appropriate.
28	
LATHAM & WATKINS Attorneys at Law Los Angeles	COMPLAINT FOR DECLARATORY JUDGMENT 4

Ca	se 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 246 of 253
• 1	DEMAND FOR JURY TRIAL
2	Plaintiff Symantec respectfully demands a jury trial in this action.
3	Dated: December 19, 2008
4	LATHAM & WATKINS LLP
5	·
6	Made A Alaad
7	Mark A. Flagel
8	SYMANTEC CORPORATION
9	
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LATHAM & WATKINS ATTOMENT AT LAW LOS ANGELES DECLARATORY JUDGMENT

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United States Patent and Trademark Office

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Maintenance Fee Statement

Patent Number: 7051147

Customer Number: 00000000

Sprinkle IP Law Group 1301 W. 25th Street Suite 408 Austin TX 78705

According to the records of the U.S.Patent and Trademark Office (USPTO), the maintenance fee and any necessary surcharge have been timely paid for the patent listed below. The "PYMT DATE" column indicates the payment date (i.e., the date the payment was filed).

09/26/2013 03:04 PM EDT

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PATENT NUMBER	FEE AMT	SUR- CHARGE	PYMT DATE	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPL. FILING DATE	PAYMENT YEAR	ENTITY STATUS	ATTY DKT NUMBER
7051147	\$3,600.00	\$0.00	09/26/13	10658163	05/23/06	09/09/03	08	LARGE	CROSS1120- 13

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Oracle-Huawei-NetApp Ex. 1009, pg. 1450



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Maintenance Fee Statement

11/20/2009 12:22 PM EST

Patent Number: 7051147

Customer Number: 000000

SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN TX 78705

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PATENT NUMBER	FEE AMT	SUR- CHARGE	PYMT DATE	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPL. FILING DATE	PAYMENT YEAR	SMALL ENTITY?	ATTY DKT NUMBER
7,051,147	\$980.00	\$0.00	11/20/09	10/658,163	05/23/06	09/09/03	04	NO	CROSS1120- 13

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Oracle-Huawei-NetApp Ex. 1009, pg. 1451

Case 1:13-cv-00895-SS Document 31-20 Filed 04/09/14 Page 249 of 253



UNITED STATES PATENT AND TRADEMARK OFFICE

Service Comme			UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Adress: COMMISSIONER FOR PATENTS P.O. Box J 450 Alexandra, Virginia 22313-1450 www.uspto.gov			
APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/658,163	05/23/2006	7051147	CROSS1120-13	5675		
44654 7590	05/03/2006					

SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (571) 272-4200.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site http://pair.uspto.gov for additional applicants):

Geoffrey B. Hoese, Austin, TX; Jeffry T. Russell, Cibolo, TX;

IR103 (Rev. 11/05)
IN THE UNITED S	TATES PATENT AND TRADEM	ARK OFFICE
REVOCATION AND POWI CHANGE OF MAIL	ER OF ATTORNEY AND LING ADDRESS	Atty. Docket No. (Opt.) CROSS1120-13
	Applicants Geoffrey B Hoese, et. a	l.
	Application Number 10/658,163	Filed 9/9/2003
	For STORAGE ROUTER AND M VIRTUAL LOCAL STORAGE	ETHOD FOR PROVIDING
	Group Art Unit 2186	Examiner Unknown
	Confirmation No. 5675	
	Certification Und	ler 37 C.F.R. §1.8
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	I hereby certify that this document is b FOR PATENTS via facsimile on	eing transmitted to COMMISSIONER K-17, 2004.
Dear Sir:	Reynetto	Deveau

Crossroads Systems, Inc., 100% owner of the above-identified patent application, as evidenced by the Assignment recorded on December 31, 1997 on Reel/Frame: 8929/0290, hereby revokes all previous Powers of Attorney and appoints the following attorneys under Customer No. 44654, all of the firm of SPRINKLE IP LAW GROUP, to prosecute the above-identified Patent and to transact all business in the Patent and Trademark Office connected therewith.

> STEVEN R. SPRINKLE JOHN ADAIR ARI AKMAL

Registration No. 40,825 Registration No. 48,828 Registration No. 51,388

Direct all telephone calls and correspondence to:

Customer No. 44654 SPRINKLE IP LAW GROUP P.O. Box 684767 Austin, TX 78768-4767 Attn: Steven Sprinkle Tel. (512) 637.9220 / Fax (512) 371.9088

I hereby state I am authorized to act on behalf of CROSSROADS SYSTEMS, INC.

Respectfully submitted,

Crossroads Systems, Inc.

Dated: 2004

B Robert Sims, President & CEO

Oracle-Huawei-NetApp Ex. 1009, pg. 1453

UNITED STAT	es Patent and Tradema	RK OFFICE UNITED STAT United States Address (COMMIS PO, Box 14 Advandia,	ES DEPARTMENT OF COMMERC Patent and Trademark Office SIONER FOR PATENTS SU Vigginia 22313-1450
APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/658,163	09/09/2003	Geoffrey B. Hoese	CROSS1120-13

25094 GRAY, CARY, WARE & FREIDENRICH LLP 1221 SOUTH MOPAC EXPRESSWAY SUITE 400 AUSTIN, TX 78746-6875 CONFIRMATION NO. 5675

Title: Storage router and method for providing virtual local storage

Publication No. US-2004-0054838-A1 Publication Date: 03/18/2004

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

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Customer Service Center Initial Patent Examination Division (703) 308-1202

	UNITED STA	ates Pati	ent and Tra	DEMARK OFFICE UNITED STAT United States Address: COMMUS PC: Dox 1 Advandin www.usplu	VES DEPARTM Patent and T SIONER FOR I 450 Vinginia 22313-14 gov	MENT OF CO 'rademark Of 'ATENTS 50	MMERCE Tice
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25094 GRAY, CAI 1221 SOUT SUITE 400 AUSTIN, T	RY, WARE & FF I'H MOPAC EXF X 78746-687 <u>5</u>	REIDENRI PRESSWA	ICH LLP AY	FILING RE	CONFIRM CEIPT 1479527*		10. 5675

Date Mailed: 12/12/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Geoffrey B. Hoese, Austin, TX; Jeffry T. Russell, Cibolo, TX;

Domestic Priority data as claimed by applicant

This application is a CON of 10/081,110 02/22/2002 which is a CON of 09/354,682 07/15/1999 PAT 6,421,753 which is a CON of 09/001,799 12/31/1997 PAT 5,941,972

Foreign Applications

If Required, Foreign Filing License Granted: 12/11/2003

Projected Publication Date: 03/18/2004

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Storage router and method for providing virtual local storage

Preliminary Class

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711

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PROSECUTION FILE HISTORY SUMMARY FOR U.S. PATENT NO. 6,425,035

FOR CIVIL ACTION NOS.:

1:13-CV-00800-SS – Crossroads Systems, Inc. v. Dot Hill Systems, Corp.

1:13-CV-00895-SS – Crossroads Systems, Inc. v. Oracle Corporation

1:13-CV-01023-SS – Crossroads Systems, Inc. v. Dell Inc.

1:13-CV-01025-SS - Crossroads Systems, Inc. v. Huawei Technologies Co. Ltd, et al

1:13-CV-01026-SS – Crossroads Systems, Inc. v. Tandberg Data Corporation

1:14-CV-00149-SS – Crossroads Systems, Inc. v. NetApp, Inc.

1:14-CV-00150-SS – Crossroads Systems, Inc. v. Quantum Corporation

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PROSECUTION FILE HISTORY SUMMARY FOR REEXAMINATION NO. 90/007,317 OF U.S. PATENT NO. 6,425,035

FOR CIVIL ACTION NOS.:

1:13-CV-00800-SS – Crossroads Systems, Inc. v. Dot Hill Systems, Corp. 1:13-CV-00895-SS – Crossroads Systems, Inc. v. Oracle Corporation 1:13-CV-01023-SS – Crossroads Systems, Inc. v. Dell Inc. 1:13-CV-01025-SS – Crossroads Systems, Inc. v. Huawei Technologies Co. Ltd, et al 1:13-CV-01026-SS – Crossroads Systems, Inc. v. Tandberg Data Corporation 1:14-CV-00149-SS – Crossroads Systems, Inc. v. NetApp, Inc. 1:14-CV-00150-SS – Crossroads Systems, Inc. v. Quantum Corporation

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PROSECUTION FILE HISTORY SUMMARY FOR U.S. PATENT NO. 7,934,041

FOR CIVIL ACTION NOS.:

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1:14-CV-00150-SS – Crossroads Systems, Inc. v. Quantum Corporation

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PROSECUTION FILE HISTORY SUMMARY FOR U.S. PATENT NO. 7,051,147

FOR CIVIL ACTION NOS.:

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1:14-CV-00149-SS – Crossroads Systems, Inc. v. NetApp, Inc.

1:14-CV-00150-SS – Crossroads Systems, Inc. v. Quantum Corporation

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