

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

CROSSROADS SYSTEMS, INC.
Patent Owner.

Case IPR2014-01209
Case IPR2014-01207
Patent No. 7,051,147

DECLARATION OF DR. JOHN LEVY, PH.D.

I, John Levy, make the following declaration based on my personal knowledge and, if called to testify before the Patent Trial and Appeal Board, could and would testify as follows:

I. INTRODUCTION

1. I have been retained in connection with *inter partes* review proceedings IPR2014-01207 and IPR2014-01209, which concern United States Patent No. 7,051,147 (the “’147 Patent”). This declaration contains my expert opinions concerning the ’147 Patent, the petitions in these proceedings (the “1207 Petition” and “1209 Petition”, respectively), the prior art identified therein, and the facts alleged to support these Petitions. I have been asked to evaluate and render an opinion concerning the grounds of unpatentability on which the present *inter partes* reviews has been instituted.

2. It is my understanding that the Patent Trial and Appeal Board (the “Board”) instituted the present *inter partes* review on the following alleged grounds of unpatentability:

- A. Claims 1, 2, 4, 10, 11, and 13 under 35 U.S.C. § 103(a) for obviousness over *Bergsten* and *Hirai*
- B. Claim 5 under 35 U.S.C. § 103(a) for obviousness over *Bergsten*, *Hirai*, and Smith
- C. Claim 1, 2, 4, 10, 11, and 13 under 35 U.S.C. § 103(a) for obviousness over *Kikuchi* and *Bergsten*

- D. Claim 5 under 35 U.S.C. § 103(a) for obviousness over *Kikuchi, Bergsten, and Smith*
- E. Claims 14-39 under 35 U.S.C. § 103(a) for obviousness over *CRD-5500 User's Manual, CRD-5500 Data Sheet, and Smith*
- F. Claims 14-39 under 35 U.S.C. § 103(a) for obviousness over *Kikuchi and Smith*
- G. Claims 14-39 under 35 U.S.C. § 103(a) for obviousness over *Bergsten and Hirai*

II. QUALIFICATIONS AND COMPENSATION

A. Background and Experience

3. I am the sole proprietor of John Levy Consulting, a consulting firm that specializes in consulting on managing development of high tech products, including computers and software. I have a Bachelor of Engineering Physics degree from Cornell University, a Master of Science degree in Electrical Engineering from California Institute of Technology, and a Ph.D. in Computer Science from Stanford University.

4. From 1965 to 1966, at Caltech, my field of study was information processing systems. My coursework included systems programming, including the construction of compilers and assemblers. From 1966 to 1972, during my graduate study at Stanford, my field of study was computer architecture and operating systems. My coursework included computer systems design, programming and

operating systems. During my employment at Stanford Linear Accelerator Center while I was a graduate student at Stanford University, I was a programmer and I participated in the design and implementation of a real-time operating system for use in data acquisition, storage and display. My Ph.D. thesis research related to computer systems organization and programming of multi-processor computers. I developed and measured the performance of several parallel programs on a simulated 16-processor system. I also studied file systems, disk and tape storage subsystems, and input/output.

5. I have been an employee and a consultant for over thirty years in the computer systems, software and storage industry. After earning my doctorate from Stanford University in Computer Science, I worked as an engineer at a number of leading companies in the computer industry, including Digital Equipment Corporation, Tandem Computer, Inc., Apple Computer, Inc., and Quantum Corporation.

6. From 1972 to 1974, at Digital Equipment Corporation, I supervised the development of an input/output channel for high-speed mass storage (disk, drum and tape), and its implementation for 7 different peripheral units and 3 different computer systems. From 1974 to 1975 I was project engineer leading the development of a new computer system. From 1975 to 1976, I supervised an operating system development group. During this time, I reviewed design changes

and bug reports and fixes for two operating systems. While working for Digital Equipment Corporation, I wrote a long-term strategic plan for input/output buses and controllers and operating systems, including the conversion of most I/O buses to serial implementations. I am the author of a chapter on computer bus design in the book *Computer Engineering*, published in 1978 by Digital Press.

7. From 1977 to 1979, I was employed at Tandem Computer, Inc., where I worked on design of future multiprocessor systems. I also worked on problems related to distributed (networked) systems including rollback and recovery of distributed databases.

8. From 1979 to 1982, I was employed at Apple Computer, Inc., where I worked on the design of a new computer system, the Lisa, which was a precursor to the Macintosh. I also supervised hardware and software engineers in the development of a new local area network.

9. In 1980-81, I taught an upper-division course at San Francisco State University titled "Input/Output Architecture" which dealt with design of I/O channels, controllers, storage devices and their associated software.

10. From 1982 to 1992, I consulted for a variety of client companies, including Apple Computer, Quantum Corporation and Ricoh Co., Ltd., on project management and product development. Consulting work for Quantum included working as a temporary supervisor of a firmware development team for a new hard

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