

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners,

v.

CROSSROADS SYSTEMS, INC.,

Patent Owner.

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Case IPR2014-01209

U.S. Patent No. 7,051,147

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**JOINT MOTION TO TERMINATE  
AS TO HUAWEI TECHNOLOGIES CO., LTD.,**

Joint Motion to Terminate As To  
Huawei Technologies Co., Ltd.  
Case IPR2014-01209  
U.S. Patent No. 7,051,147

Pursuant to 35 U.S.C. § 317(a)-(b) and 37 C.F.R. § 42.74(a)-(b), Petitioner Huawei Technologies Co., Ltd. (“Huawei”) and Patent Owner Crossroads Systems, Inc. (“Crossroads”) jointly move to terminate this proceeding as to Huawei Technologies Co., Ltd., but not Oracle Corporation or NetApp, Inc. The Board authorized this motion in an email from Ms. Vignone dated September 10, 2015.

The parties agree that termination of this proceeding as to Huawei is appropriate because Huawei and Crossroads have resolved their dispute concerning the patent at issue in this proceeding, U.S. Patent No. 7,051,147 (“the ‘147 patent”). To this end, Huawei and Crossroads have entered into a written agreement that memorialized the understanding between the parties and terminated the underlying district court litigation between them, captioned *Crossroads Systems Inc. v. Huawei Technologies Co. Ltd., et al.*, No. 1:13-cv-01025-SS (W.D. Tex.). That case will be dismissed with prejudice pursuant the terms of the settlement agreement. By granting the present motion, the Board and the parties can conserve resources and continue this proceeding in an efficient manner.

The present motion to terminate as to Huawei does not affect Oracle or NetApp, who intend to continue this proceeding. The district court litigation between Oracle and Crossroads remains pending, which is captioned *Crossroads Systems Inc. v. Oracle Corporation*, No. 1:13-cv-00895-SS (W.D. Tex.) and the

district court litigation between NetApp and Crossroads remains pending, which is captioned *Crossroads Systems Inc. v. Net App, Inc.*, No. 1:14-cv-00149-SS (W.D. Tex.). Trial dates have not been set in any of the pending litigations involving the ‘147 patent.

In accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), this joint motion is accompanied by a true copy of the written agreement between Huawei and Crossroads that resolves their dispute regarding the ‘147 patent. *See* Exhibit 1235<sup>1</sup> (filed herewith). Huawei and Crossroads desire that the Settlement Agreement be maintained as business confidential information under 37 C.F.R. § 42.74(c) and a separate joint request to that effect is being filed concurrently.

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<sup>1</sup> The Settlement Agreement is being filed electronically via the Patent Review Processing System (PRPS) as “Board Only.”

Joint Motion to Terminate As To  
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In accordance with 35 U.S.C. § 317(a), because the parties jointly request termination as to Huawei, no estoppel under 35 U.S.C. § 315(e) shall attach to Huawei.

Respectfully submitted,  
OBLON, MCCLELLAND, MAIER  
& NEUSTADT, LLP

Dated: September 22, 2015

/ Greg H. Gardella /  
Greg H. Gardella  
Reg. No. 46,045

Customer Number  
22850  
Tel. (703) 413-3000  
Fax. (703) 413-2220

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies service of JOINT MOTION TO TERMINATE AS TO HUAWEI TECHNOLOGIES CO., LTD. on the counsel of record for the Patent Owner by filing this document through the Patent Review Processing System as well as delivering a copy via electronic mail to the following address:

Steven Sprinkle  
John Adair  
Scott Crocker  
SPRINKLE IP LAW GROUP  
[crossroadsipr@sprinklelaw.com](mailto:crossroadsipr@sprinklelaw.com)

Russell Wong  
James H. Hall  
Keith Rutherford  
BLANK ROME LLP  
[CrossroadsIPR@blankrome.com](mailto:CrossroadsIPR@blankrome.com)

Dated: September 22, 2015

/ Greg H. Gardella /  
Greg H. Gardella  
Reg. No. 46,045