

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CROSSROADS SYSTEMS, INC.
Patent Owner

Patent No. 7,051,147

DECLARATION OF BRIAN BIANCHI

CROSSROADS EXHIBIT 2351

I, Brian Bianchi, state and declare as follows:

1. I am an employee of Crossroads Systems, Inc. I started my employment with Crossroads in 1998 in the position of Software Engineering Manager. I am currently in the position of Chief Operating Officer. My knowledge of the facts stated here is based on my employment with Crossroads.

2. I understand the exhibits listed in Exhibit A to this declaration were filed by Crossroads in certain proceedings before the Patent Trial and Appeal Board. Regarding those exhibits:

a) Exhibits 2303 and 2323 (with the exception of the exhibit labels and Bates label numbers) are duplicate copies of documents contained in Crossroads' patent files and kept during the ordinary course of business.

b) Exhibits 2307, 2308, 2309, 2312, 2314, 2316, 2317, 2318, 2319, 2320, and 2321 are duplicate copies of Crossroads' business records which were created or modified during the course of the "Verrazano" project.

3. While employed at Crossroads I worked on the "Verrazano" project, which ultimately became Crossroad's first storage bridge product. Through that experience, as well as my subsequent time at Crossroads, I became familiar with Crossroads recordkeeping practices, and specifically Crossroads' practices

regarding the creation, modification, and retention of documents and records, including those referenced in Exhibit A. My familiarity with Crossroads' record-keeping practices includes not only the time period beginning with my employment, but also the time period preceding my employment, specifically with regard to the Verrazano project. I became familiar with the practices in use prior to my employment because I was instructed on those practices as I was working at Crossroads. I also learned Crossroads' practices prior to my employment through interaction and instruction from Crossroads employees that were hired before me.

4. All of the statements below regarding Crossroads' recordkeeping practices apply to the Crossroads' documents listed in Exhibit A, and are true both as of the time of the Verrazano project before I was hired, and subsequent to my hiring:

- a. It was Crossroads' regular practice to create these and similar records;
- b. It was Crossroads' regular practice that these and similar records be made at or near the time of a the recorded act or event by someone with knowledge, or from information provided by someone with knowledge;

- c. It was Crossroads' regular practice that these and similar records be kept, in the course of Crossroads' regularly conducted activity (here, product design and development).

5. I have reviewed the declaration of John Middleton, a former Crossroads employee, regarding Crossroads' recordkeeping practices during his employment from 1997 to 2001, and executed on June 8, 2015. I agree with every statement in Mr. Middleton's declaration regarding Crossroads' recordkeeping practices. His declaration is fully consistent with my understanding of Crossroads' practices during the time the Crossroads documents listed in Exhibit A were created, modified, and retained. Furthermore, Crossroads' recordkeeping practices have not changed and have remained the same during my time at Crossroads, and are consistent with Mr. Middleton's declaration.

6. I also understand that there have been objections to the documents attached as Exhibit C to my April 20, 2015 declaration (Bates labeled CRDS 504194-95, CRDS 504202-06, and CRDS 506658-59). Each of these documents is a true and correct copy of a Crossroads brochure or sales guidance document, and each accurately describes the features of the products referenced therein.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: June 16, 2015



Brian Bianchi

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