

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ORACLE CORP., NETAPP INC.,  
HUAWEI TECHNOLOGIES CO., LTD., and  
DOT HILL SYSTEMS CORPORATION<sup>1</sup>,  
Petitioners,

v.

CROSSROADS SYSTEMS, INC.,  
Patent Owner.

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Case IPR2014-01197 (Patent 6,425,035 B2)<sup>2</sup>  
Case IPR2014-01207 (Patent 7,051,147 B2)  
Case IPR2014-01209 (Patent 7,051,147 B2)<sup>3</sup>

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Before NEIL T. POWELL, KRISTINA M. KALAN, J. JOHN LEE, and  
KEVIN W. CHERRY, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

ORDER  
Trial Hearing  
37 C.F.R. § 42.70

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<sup>1</sup> Dot Hill is only a party in Case IPR2014-01197.

<sup>2</sup> Case IPR2015-00822 has been joined with this proceeding.

<sup>3</sup> The Board is entering this Order in each proceeding. The parties are not authorized to use a caption identifying multiple proceedings.

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IPR2014-01207 (Patent 7,051,147 B2)

IPR2014-01209 (Patent 7,051,147 B2)

Petitioners and Patent Owner requested a hearing in each of the above proceedings pursuant to 37 C.F.R. § 42.70(a). *See* IPR2014-01197, Papers 54, 55; IPR2014-01207, Papers 54, 55; IPR2014-01209, Papers 53, 54. The requests are *granted*.

These proceedings will be heard in the afternoon of October 30, 2015, beginning at 1:00 p.m. Given the overlap in these three proceedings, each party will have 60 minutes of total argument time. Each side will present arguments for both proceedings during the allotted time. Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. Therefore, Petitioner will proceed first to present its case with regard to the challenged claims on which basis we instituted trial and its motion to exclude. Thereafter, Patent Owner will respond to Petitioner's case and present any arguments in support of its motion to exclude.

After that, Petitioner will make use of the rest of its time responding to Patent Owner. There are no motions to amend to be addressed at the hearing.

The hearings will be open to the public for in-person attendance on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. In-person attendance will be accommodated on a first-come, first-served basis. The Board will provide a court reporter for the hearings, and the reporter's transcripts will constitute the official record of the hearings.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days prior to the hearings. The parties shall confer with each other regarding any objections to demonstrative exhibits in each proceeding, and file demonstrative exhibits with the Board at least two business days prior to the hearing. For any issue that cannot be resolved after conferring with the opposing

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party, the parties may file jointly a one-page list of objections at least two business days prior to the hearing. The list should identify with particularity which demonstrative exhibits are subject to objection and include a short statement (no more than one sentence) of the reason for each objection. No argument or further explanation is permitted. We will consider the objections and schedule a conference call if necessary. Otherwise, we will reserve ruling on the objections until the hearing or after the hearing. Any objection to demonstrative exhibits that is not presented timely will be considered waived.

The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, slip op. at 2–5 (PTAB Oct. 23, 2013) (Paper 118), regarding the appropriate content of demonstrative exhibits. The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearings to ensure the clarity and accuracy of the reporter’s transcripts.

The Board expects lead counsel for Petitioners and Patent Owner to be present at the hearings, although any back-up counsel may make the actual presentation, in whole or in part. If lead counsel for a party will not be in attendance at the hearings, the Board should be notified via a joint conference call no later than two days prior to the hearings to discuss the matter.

Requests for audio-visual equipment at the hearings are to be made five days in advance of the hearing date. The requests must be sent to *Trials@uspto.gov*. If the requests are not received timely, equipment may not be available on the day of the hearings. Further, if the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at 571-272-9797.

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