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IPR2014-01197, Paper No.76

IPR2014-01207, Paper No. 77

IPR2014-01209, Paper No. 76

November 30, 2015

571-272-7822

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE CORP., NETAPP INC., HUAWEI TECHNOLOGIES
CO., LTD., and DOT HILL SYSTEMS CORPORATION,
Petitioners,

v.

CROSSROADS SYSTEMS, INC.,
Patent Owner.

Cases: IPR2014-01197, IPR2014-01207, IPR2014-01209
Patents: 6,425,035 B2, 7,051,147 B2

Held: October 30, 2015

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

The above-entitled matter came on for hearing on Friday, October
30, 2015, commencing at 1:00 p.m., at the U.S. Patent and
Trademark Office, 600 Dulany Street, 9th Floor, Hearing Room
D, Alexandria, Virginia.

Cases: IPR2014-01197, IPR2014-01207, IPR2014-01209
Patents: 6,425,035 B2, 7,051,147 B2

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P R O C E E D I N G S

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JUDGE POWELL: Good afternoon. This is the oral hearing for three related cases, IPR2014-01197 which involves patent 6,425,035 B2; IPR2014-01207 which involves patent 7,051,147 B2; and IPR2014-01209 which involves the same patent. IPR2015-00822 has been joined with IPR2014-01197.

In the hearing room with me I have Judge Lee and Judge Cherry and joining us via video from Denver, we have Judge Kalan. Can counsel please state your names for the record.

MR. GARDELLA: Good afternoon, Your Honors. Greg Gardella on behalf of petitioners, Oracle and NetApp. I'm joined today by Jared Bobrow and Aaron Huang of the Weil Gotshal firm. Mr. Bobrow will be doing the presentation today. And with your permission, I'll approach with your copies of the demonstratives.

JUDGE POWELL: Sure.

MR. RUTHERFORD: Keith Rutherford again for the patent owner, Crossroads. Also in attendance is Steve Sprinkle, lead counsel. With me at counsel table, James Hall, and we have in the audience our CEO and COO of Crossroads. And may we also approach with our demonstratives?

JUDGE POWELL: Sure. Okay. I'll start by addressing the joint list of objections to demonstrative exhibits. We have reviewed and considered them and we are going to allow both

1 parties to use any of their demonstrative exhibits in today's
2 hearing. We will carefully consider which evidence and
3 arguments have been properly presented as we prepare our final
4 decisions in these cases.

5 Consistent with the hearing order, each party will have
6 60 minutes. Petitioners will present their case first and may
7 reserve time for rebuttal. And then patent owner will respond to
8 petitioner's presentation after which petitioners may use any
9 remaining time to respond to patent owner's presentation.

10 During your presentations you must identify each
11 demonstrative exhibit clearly and specifically. You can refer to it
12 by slide number or screen number or however else is appropriate.
13 That's particularly important because Judge Kalan cannot see the
14 projection screen here in the hearing room.

15 And with that, do we have any questions before we
16 start? Well, I'll yield the floor to petitioners.

17 MR. BOBROW: Good afternoon, Your Honors. Jared
18 Bobrow for the petitioners. With the Board's permission, I would
19 like to reserve 25 minutes.

20 JUDGE POWELL: Okay.

21 MR. BOBROW: Thank you. Starting with slide 2 of
22 our slide presentation, set forth there are the claims on which this
23 trial is proceeding and the three obviousness combinations that
24 are at issue. The CRD-5500 combination, the Bergsten/Hirai
25 combination and the Kikuchi/Bergsten combination.

1 Let me proceed first with the CRD-5500 combination, if
2 I may. As the Board heard this morning, the CRD-5500 manual
3 describes a storage system. That storage system includes a
4 multiplicity of hosts on one side. It includes a transport medium.
5 We have cables going to channels. We then have those channels,
6 the I/O ports as part of the CRD-5500. And on the other side of
7 that storage router, what we have are storage devices. The
8 CRD-5500 manual also describes the functions of mapping and
9 describes the function of access control resident in the
10 CRD-5500.

11 The only element missing from the CRD-5500 is an
12 express statement of the use of fibre channel. That's the only
13 thing we submit that is missing from the CRD-5500. The
14 CRD-5500 data sheet, which is Exhibit 1004, states that the 5500
15 itself was designed to include and be adapted for fibre channel
16 functionality. So there's no dispute that the cards and the slots of
17 the CRD-5500 were adapted for a fibre channel use.

18 To provide the fibre channel element, we provide the
19 Smith reference which discloses the Tachyon chip. And the
20 Tachyon chip, it discloses, is used for SCSI encapsulation over
21 fibre channel. The idea of the combination is including the
22 Tachyon chip on the card of the CRD-5500 so that, as shown on
23 slide 6 of our presentation, we have hosts, each one connected
24 through the Tachyon I/O card that's in the CRD-5500 and we
25 have storage on the other end.

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