

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,  
QUANTUM CORPORATION,  
and ORACLE CORPORATION  
Petitioners

v.

CROSSROADS SYSTEMS, INC.,  
Patent Owner

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Case IPR2014-01463<sup>1</sup>  
Patent 7,934,041 B2

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**PATENT OWNER'S REQUEST FOR  
ORAL ARGUMENT**

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<sup>1</sup> Case IPR2015-00854 has been joined with this proceeding.

## **I. Request for Argument and Specified Issues**

Patent Owner respectfully requests oral argument on the currently scheduled date of October 30, 2015 to address the following issues:

- (i) The appropriate construction of the claims, including terms related to the “map” and “control[ing] access;
- (ii) Petitioners have failed to show by a preponderance of the evidence the unpatentability of any challenged claim on the grounds upon which trial has been instituted, specifically:
  - a. Claims 1–14, 16–33, 35–50, and 53 under 35 U.S.C. § 103(a) for obviousness over CRD-5500 Manual and HP Journal; and
  - b. Claims 15, 34, 51, and 52 under 35 U.S.C. § 103(a) for obviousness over CRD-5500 Manual, HP Journal, and Fibre Channel Standard;
- (iii) Objective evidence of non-obviousness shows that the challenged claims are not unpatentable;
- (iv) Petitioners’ and Patent Owner’s respective motions to exclude, responses, and replies;
- (v) All other issues raised in any papers filed in this proceeding to the extent relevant to the Board’s determination of patentability.

Patent Owner requests permission to use audio/visual equipment to display

demonstrative exhibits, including a projector and screen for presentation of slides.

## **II. Proposed Structure for Oral Arguments in All Related Proceedings**

Patent Owner proposes two alternatives for the Board's consideration.

### *First Proposal: All CRD-5500 Related Grounds Argued Together*

Regarding the structure of the argument, Patent Owner notes that this is one of six related proceedings scheduled for oral argument on October 30, specifically, IPR 2014-01197, -01207, -01209, -01226, -01463, and -01544. Because all of these proceedings raise related issues regarding the same challenged patents and include related grounds, Patent Owner addresses the appropriate structure of all of these proceedings together.

Proceedings IPR2014-01226, -01463, and -01544 (the "Cisco/Quantum Proceedings"), originally brought by Petitioners Cisco and Quantum, share a single primary reference on all instituted grounds: the CRD-5500 Instruction Manual. Accordingly, Patent Owner agrees with those Petitioners that oral argument related to the CRD-5500 grounds should occur in the morning of October 30, and that Petitioners Cisco/Quantum and Patent Owner each be allotted one hour for arguments as to these grounds.

Oracle and Netapp, Petitioners in the -1197, -1207, and -1209 proceedings (the "Oracle/Netapp Proceedings"), request that these three proceedings be

consolidated for argument in the afternoon. IPR2014-01207 is the only one of these proceedings that includes the CRD-5500 Instruction Manual as a reference, and only as to one ground. Given that all Petitioners' arguments regarding these grounds are similar, it would be more efficient and fair to argue the CRD-5500 related grounds in the -1207 proceeding together with the Cisco/Quantum Proceedings in the morning. Doing so will keep all arguments related to the CRD-5500 Instruction Manual grouped together, for the Board's convenience and to more clearly focus the issues. In such case, Petitioners would make serial opening arguments, with the -1207 Petitioners being allotted whatever time they choose from their total argument time from the Oracle/Netapp proceedings. Patent Owner would follow with one combined argument, including whatever time it chose to include from its argument in the Oracle/Netapp Proceedings. Petitioners would then present serial rebuttals.

*Second Proposal: Separate Hearings as between Petitioners, with CRD-5500 Related Grounds At the Beginning of the Second Argument*

However, if the Board wishes to keep arguments between the two sets of Petitioners separated into different hearings, Patent Owner suggests that oral argument as to the CRD-5500 grounds in the Oracle/Netapp Proceedings be allocated to the beginning of oral argument in the afternoon. Petitioners' first opening argument would be limited to the CRD-5500 grounds. Patent Owner would respond, also limited to the same grounds, and Petitioner would reply.

Then, Petitioner would begin its second opening argument as to the remaining grounds in the Oracle/Netapp Proceedings, followed by Patent Owner, etc.

This arrangement would allow the Board to group the CRD-5500 arguments together but maintain separate hearings as between Petitioners. Patent Owner is also concerned that the -1207 Petitioners will choose not to address the CRD-5500 in their opening argument, implicitly relying on the arguments made by the Cisco and Quantum Petitioners, requiring Patent Owner to address all Petitioners' arguments in its response, and leaving Petitioners to address the CRD-5500 grounds for the first time in rebuttal. Segregating the CRD-5500 argument would force the parties, if they intend to make any such arguments, to do so before turning to the other grounds. Patent Owner believes that, given the number of grounds involved, that the combined oral argument for the Oracle/Netapp Proceedings should be ninety minutes per side, of which 30 minutes could be allotted to the CRD-5500 grounds and one hour permitted for the remaining grounds. If neither party speak on the CRD, this hearing would be limited to one hour per side.

Dated: September 22, 2015

Respectfully submitted,

/James H. Hall/  
James H. Hall  
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*Counsel for Patent Owner*

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