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IPR2014-01226, Paper No. 50

IPR2014-01463, Paper No. 48

IPR2014-01544, Paper No. 49

571-272-7822

December 1, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC., QUANTUM CORP., ORACLE
CORP., DOT HILL SYSTEMS CORPORATION,
Petitioners,

v.

CROSSROADS SYSTEMS, INC.,
Patent Owner.

Cases: IPR2014-01226, IPR2014-01463, IPR2014-01544
Patents: 6,425,035 B2, 7,934,041 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 10:00 a.m., at the U.S. Patent and
Trademark Office, 600 Dulany Street, 9th Floor, Hearing Room
D, Alexandria, Virginia.

Cases: IPR2014-01226, IPR2014-01463, IPR2014-01544
Patents: 6,425,035 B2, 7,934,041 B2, 7,051,147 B2

APPEARANCES:

ON BEHALF OF THE PETITIONERS:

ANDREW S. EHMKE, ESQUIRE
DAVID L. McCOMBS, ESQUIRE
SCOTT T. JARRATT, ESQUIRE
Haynes and Boone, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789

ON BEHALF OF THE PATENT OWNER:

KEITH A. RUTHERFORD, ESQUIRE
JAMES H. HALL, ESQUIRE
Blank & Rome, LLP
717 Texas Avenue, Suite 1400
Houston, Texas 77002

1 P R O C E E D I N G S

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3 JUDGE POWELL: Good morning. This is the oral
4 hearing for three related cases: IPR2014-01226, which involves
5 patent 6,425,035 B2; IPR2014-01463 which involves patent
6 7,943,041 B2; and IPR2014-01544 which involves patent
7 7,051,147 B2.

8 We have also some IPRs that have been joined with
9 these proceedings. IPR2015-00825 has been joined with
10 IPR2014-01226. IPR2015-00854 has been joined with
11 IPR2014-01463. And IPR2015-00852 has been joined with
12 IPR2014-01554.

13 In the hearing room with me I have Judges Lee and
14 Cherry. And joining us from Denver we have Judge Kalan. With
15 that, can counsel please state your names for the record.

16 MR. McCOMBS: Your Honors, I'm David McMombs,
17 lead counsel for Cisco and Quantum in this proceeding, along
18 with the joint petitioners Oracle and Dot Hill. With me is
19 Andrew Ehmke and Scott Jarratt. Andy Ehmke will be doing our
20 presentation today.

21 With us we also have client representatives for Cisco
22 and Oracle and also their District Court trial counsel in
23 attendance as well. Thank you.

24 JUDGE POWELL: Thank you.

1 MR. RUTHERFORD: Your Honor, Keith Rutherford
2 for Crossroads, the patent owner. With me at counsel table is
3 also James Hall. We likewise have members of Crossroads here.
4 Our CEO and COO are here as well. Sorry, lead counsel is Steve
5 Sprinkle, by the way, also here.

6 JUDGE POWELL: Thank you. Let me start by
7 addressing the joint list of objections to demonstrative exhibits.
8 Having reviewed and considered the list, we are going to allow
9 both parties to use any of their demonstratives in today's hearing.
10 We will carefully consider which evidence and arguments have
11 been properly presented when we prepare our final decisions for
12 these cases.

13 Per the trial hearing order each party will have
14 60 minutes to present arguments for the subject cases. Petitioners
15 will go first and may reserve time for rebuttal. Patent owner will
16 then respond to petitioners' presentation and petitioners may use
17 any remaining time to respond to patent owner's presentation.

18 One important point to note is, as noted in the hearing
19 order, while you are presenting, you must identify each
20 demonstrative exhibit clearly and specifically such as by slide
21 number or screen number. That's particularly important for Judge
22 Kalan who cannot see the projection screen from Denver.

23 With that, do we have any questions before we start?

24 MR. RUTHERFORD: No, Your Honor.

1 MR. HALL: Your Honor, we have our hard copies of
2 our presentation for you.

3 JUDGE POWELL: Sure. Why don't you bring those
4 up.

5 MR. JARRATT: We do as well.

6 JUDGE POWELL: Okay. Is everybody ready? Let's
7 start with petitioner. Would you like to reserve time?

8 MR. EHMKE: Yes, Your Honor, I would like to
9 reserve 20 minutes for rebuttal.

10 JUDGE POWELL: When you are ready.

11 MR. EHMKE: Again, my name is Andy Ehmke of
12 Haynes and Boone here on behalf of the petitioners, Cisco
13 Systems and Quantum Corporation, as well as the consolidated
14 petitioners Oracle Corporation and Dot Hill Systems. As Your
15 Honor mentioned, we are discussing U.S. patent number
16 6,425,035, 7,934,041 and 7,051,147.

17 And the two main issues we'll be talking about today, as
18 we proceed to slide number 2, is it is our position that patent
19 owner has improperly narrowed the map and access control
20 limitations found in the claims across the three patents using their
21 arguments that are importing additional limitations into the
22 claims that we think are not the proper broadest reasonable
23 contraction of the claim terms.

24 But regardless of the interpretation, whether we apply
25 the broadest reasonable construction of patent owner's improperly

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