


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

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CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY 

CROSSROADS SYSTEMS (TEXAS), INC.,  
Plaintiff,

-vs-

Case No. A-03-CA-754-SS

DOT HILL SYSTEMS CORPORATION,  
Defendant.

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ORDER

BE IT REMEMBERED on the 4<sup>th</sup> day of November 2005, the Court reviewed the file in the above-styled cause, and specifically the Report and Recommendation of the Special Master regarding claim construction of the patents-in-suit [#245] and Defendant Dot Hill Systems Corporation's ("Dot Hill") objections thereto [#251]. Plaintiff Crossroads Systems (Texas), Inc. ("Crossroads") did not file any objections and has affirmatively indicated it has no objections to the Special Master's recommendations. Pl.'s Resp. to Def.'s Objs. to the Rep. & Rec. of the Spec. Master at 1 n.1. Following a stay of this case, during which re-examination proceedings before the United States Patents and Trademark Office ("USPTO") were pending, the Court received supplemental objections to the Report and Recommendation of the Special Master from Dot Hill [#281], as well as a corresponding response and reply [#283, 286]. Having considered the Report and Recommendation, the objections thereto, the arguments and evidence presented at the *Markman* hearing, the *Markman* briefs, responses, and replies, the case file as a whole, and the applicable law, the Court enters the following opinion and orders.

## Background

This is a patent infringement action involving two patents owned by Plaintiff Crossroads—United States Patent No. 5,941,972, entitled Storage Router and Method for Providing Virtual Local Storage (“the ‘972 patent”), and United States Patent No. 6,425,035 B2 (“the ‘035 patent”), which bears the same title and is a continuation of the ‘972 patent. The ‘972 patent discloses a “storage router” that allows computer workstations to access data on storage devices that are remotely connected to them while maintaining the advantages of connecting the storage devices locally. The ‘035 patent discloses an invention which is identical to the ‘972 invention except for the fact that while the ‘972 patent specifies only certain transport media the storage router may use, the ‘035 patent provides no express limitations on the transport media its storage router may use.

Although the parties originally identified a number of disputed claim terms for construction by the Court, some of those disputes were resolved prior to the *Markman* hearing, and the parties have agreed to accept the Special Master’s construction of all but two of the claim terms—“remote” and “supervisor unit”—which are still in dispute.

### I. Claim Construction Principles

The claim language in a patent defines the scope of the invention. *SRI Int’l v. Matsushita Elec. Corp.*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). A claim term means “what one of ordinary skill in the art at the time of the invention would have understood the term to mean.” *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 986 (Fed. Cir. 1995), *aff’d*, 517 U.S. 370 (1996). When construing claims, courts begin with “an examination of the intrinsic evidence, *i.e.* the claims, the rest of the specification and, if in evidence, the prosecution history,” and remain focused throughout on the claim language. *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359,

1366 (Fed. Cir. 2002); *Interactive Gift Express, Inc. v. Compuserve, Inc.*, 256 F.3d 1323, 1331 (Fed. Cir. 2001). In interpreting the effect the specification has on the claim limitations, courts must pay special attention to the Federal Circuit’s admonition that one looks “‘to the specification to ascertain the meaning of the claim term as it is used by the inventor in the context of the entirety of his invention,’ and not merely to limit a claim term.” *Interactive Gift*, 256 F.3d at 1332.

If the intrinsic evidence is not, in itself, sufficient to resolve any ambiguity in the meaning of the claim terms, the Court may also consider extrinsic evidence, such as expert testimony. *Id.* Dictionary definitions, which are also technically a form of extrinsic evidence, may be considered at any time, so long as they do not contradict any definitions found in the patent documents. *Vitronics Corp. v. Conceptoronic, Inc.*, 90 F.3d 1576, 1584 n.6 (Fed. Cir. 1996). At all times, however, the Court’s task is to determine the patent’s limitations as they have been expressed through the claim terms themselves. *Comark Communications, Inc. v. Harris Corp.*, 156 F.3d 1182, 1186–87 (Fed. Cir. 1998).<sup>1</sup>

## II. Terms Still in Dispute

### A. “remote”

The term “remote” appears in both claims 1 and 11 of each of the patents-in-suit. Since each of the other claims in both patents incorporate either claim 1 or claim 11 by reference, the term relates to every claim in both patents. The preamble of claim 1 in the ‘972 patent includes the following language, “A storage router for providing virtual local storage on *remote* SCSI storage devices to Fibre Channel devices, comprising. . . .” Col. 9, ll. 5–7 (emphasis added). Similarly, the

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<sup>1</sup> These essential principles of claim construction were recently reaffirmed by the Federal Circuit in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005). *See id.* at 1315–25 (emphasizing the importance of the specification in claim construction, and warning of the dangers of excessive reliance on extrinsic evidence).

preamble of claim 1 in the '035 patent reads, "A storage router for providing virtual local storage on *remote* storage devices to devices, comprising. . . ." Col. 9, ll. 13–14 (emphasis added). Claim 11 in each of the patents is a method claim. In the '972 patent, the preamble of claim 11 reads, "A method for providing virtual local storage on *remote* SCSI storage devices to Fibre Channel devices, comprising. . . ." Col. 10, ll. 42–43 (emphasis added). In the '035 patent, the preamble of claim 11 reads, "A method for providing virtual local storage on *remote* storage devices connected to one transport medium to devices connected to another transport medium, comprising. . . ." Col. 10, ll. 41–43 (emphasis added).

The Special Master proposes the following construction of the word "remote":

Indirectly connected through at least one serial network transport medium.

Rep. & Rec. of the Spec. Master at 3. Both parties concede the fact that "indirectly connected" is one aspect of the definition of the term. Dot Hill objects, however, to the remaining portion of the Special Master's construction: "through at least one serial network transport medium." Dot Hill argues the Special Master's proposed definition is improper on the following grounds: (1) there is no support for limiting the term 'remote' to apply to items connected through a "serial network" transport medium in either the claims or the specifications of the patents in suit; (2) the definition ignores the stipulated definitions of "first transport medium" and "second transport medium;" (3) the definition ignores evidence of the ordinary meaning of the term "remote" in the computer industry;

and (4) the definition is based on an improper understanding of what is meant by the term “network.” The Court considers each of these objections in turn.<sup>2</sup>

First, although Dot Hill is correct that the claim language itself provides little evidence to support the meaning of the term “remote” recommended by the Special Master, the Court notes there is no evidence in the claims to contradict the proposed definition either. Simply put, the claims are, in themselves, of little help in defining the term. Such a conclusion hardly ends the inquiry however, as the Federal Circuit has made clear the Court may resort to other forms of intrinsic evidence including the specification as well as extrinsic evidence (to the extent necessary) to resolve ambiguity in the terms of the claims. *Phillips*, 415 F.3d at 1314–17.

Dot Hill next contends the Special Master’s definition is not supported by the patent specifications or the relevant extrinsic evidence. Dot Hill’s position is that both the “network” requirement and the “serial” requirement in the Special Master’s construction are unsupported. The Court considers these two limitations separately.

As to the network requirement, contrary to Dot Hill’s assertions, the “Background of the Invention” portion of each of the patents’ specifications sheds significant light on the meaning of the term “remote.” Those sections of the specifications, which are identical in both patents, directly contrast “local” storage from “network” storage. ‘972 patent, col. 1, ll. 12–49; ‘035 patent, col. 1,

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<sup>2</sup> In its supplemental objections, Dot Hill points to various statements made by Crossroads and officials of the USPTO in support of its proffered construction of the term “remote.” The Court’s own review of the materials submitted by Dot Hill reveal no inconsistencies with Crossroads’s position in this litigation. Also, to the extent the proceedings bore on the question of how the term “remote” should be defined at all, the results of the reexamination appear to have been ultimately inconclusive. However, even if Dot Hill’s characterizations of the USPTO’s interlocutory assessments about the definition of “remote” were accurate, and it could be said that the USPTO rejected the Special Master’s proposed definition of the term, Dot Hill does not explain how the Court should treat these assessments. Dot Hill does not cite any authority to suggest that the Court is required to assign the USPTO examiners’ preliminary assessments binding effect, nor does it refer to any reasoning by the examiners on which the Court could rely as persuasive authority. Accordingly, the Court remains focused in its analysis on the record as it stood prior to the conclusion of the reexamination proceedings.

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