

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CROSSROADS SYSTEMS, INC.
Patent Owner

Patent No. 7,051,147

DECLARATION OF BRIAN BIANCHI

I, Brian Bianchi, state and declare as follows:

1. I am an employee of Crossroads Systems, Inc. I started my employment with Crossroads in 1998 in the position of Software Engineering Manager. I am currently in the position of Chief Operating Officer. My knowledge of the facts stated here is based on my employment with Crossroads.

2. I understand the exhibits listed in Exhibit A to this declaration are being filed by Crossroads in certain proceedings before the Patent Trial and Appeal Board. Regarding those exhibits:

- a) Exhibits 2303 and 2323 (with the exception of the exhibit labels and Bates label numbers) are duplicate copies of documents contained in Crossroads' patent files and kept during the ordinary course of business.
- b) Exhibits 2307, 2308, 2309, 2312, 2314, 2316, 2317, 2318, 2319, 2320, and 2321 are duplicate copies of Crossroads' business records which were created or modified during the course of the Verrazano project. I am familiar with Crossroads' practices regarding the creation, modification, and keeping of such documents through my employment with Crossroads, both at the time of the Verrazano project and today. Each of these documents is a document created by Crossroads personnel during the regular course of business. While I did not create these particular

documents, it was the regular practice of Crossroads' personnel, including those participating in the Verrazano project, to create such records at or near the time the recorded act, event, condition, or opinion occurred. It was the general practice of Crossroads' personnel to date such documents as of the date the record was created or modified. I do not recall any instance in which similar documents were dated in the future or the past, and have no reason to doubt the dates recorded on any of these documents. Such records could only be made by someone with knowledge or from information transmitted by someone with knowledge. These records were kept in the course of Crossroads' regularly conducted business activity, and it is my understanding they were originally delivered to Crossroads' attorneys for the purposes of litigation.

3. I have been in charge of, or deeply involved in, Crossroads' patent program since 2004. I am also a named inventor on multiple patent applications. Based on these experiences, I have become familiar with time necessary to review draft patent applications, prepare revisions and review edits—generally, with the time necessary to file a completed patent application once an initial draft has been received. I have become familiar with the time it takes to complete this task at Crossroads for multiple inventors, including myself. During ordinary conditions—i.e., a normal workload—I believe the average time between receipt of a first draft

experience at Crossroads working on the "Verazano" project, and my understanding of the workload of the involved employees in the fall of 1997, it does not surprise me to see that a draft patent application from counsel was received in July 1997 and finally filed at the end of December 1997. This is consistent with my experience at Crossroads.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: May 26, 2015



Brian Bianchi

EXHIBIT A

| Exhibit No. | Title / Description |
|-------------|---|
| 2303 | <p>July 11, 1997 Letter and Draft Patent Application from Mr. Anthony Peterman (Baker & Botts LLP) to Mr. Geoffrey Hoese</p> <p>(Plaintiff's Exhibit 266 in Trial of <i>Crossroads Systems, (Texas), Inc. v. Chaparral Network Storage, Inc.</i>, Docket No. A 00-CA-217 SS (W.D. Tex. 2001))</p> |
| 2307 | <p>Verrazano FC-SCSI Bridge Product Overview Presentation, June 19, 1996</p> <p>(Plaintiff's Exhibit 4 in Trial of <i>Crossroads Systems, (Texas), Inc. v. Chaparral Network Storage, Inc.</i>, Docket No. A 00-CA-217 SS (W.D. Tex. 2001))</p> |
| 2308 | <p>Verrazano Software Development, Sept. 10, 1996</p> <p>(Plaintiff's Exhibit 5 in Trial of <i>Crossroads Systems, (Texas), Inc. v. Chaparral Network Storage, Inc.</i>, Docket No. A 00-CA-217 SS (W.D. Tex. 2001))</p> |
| 2309 | <p>Verrazano: System Structure Drawings, Document Number DS04100, Jan. 22, 1997</p> <p>(Plaintiff's Exhibit 6 in Trial of <i>Crossroads Systems, (Texas), Inc. v. Chaparral Network Storage, Inc.</i>, Docket No. A 00-CA-217 SS (W.D. Tex. 2001))</p> |
| 2312 | <p>Verrazano Bare Board Drawings (latest revisions Sept. 3, 1997) CRDS 50579</p> |

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