Trials@uspto.gov
571-272-7822

Paper 12
Entered: February 2, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE CORPORATION, NETAPP INC., and HUAWEI TECHNOLOGIES CO., LTD.,
Petitioners,

v.

CROSSROADS SYSTEMS, INC.,
Patent Owner.

Case IPR2014-01207
Patent 7,051,147 B2

Before HYUN J. JUNG, NEIL T. POWELL, and KRISTINA M. KALAN, *Administrative Patent Judges.*

KALAN, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioners Oracle Corporation, NetApp Inc., and Huawei Technologies Co., Ltd. filed a Petition (Paper 1, "Pet.") to institute an *inter partes* review of claims 14–39 of U.S. Patent No. 7,051,147 B2 (Ex. 1001, "the '147 patent") pursuant to 35 U.S.C. §§ 311–319. Patent Owner Crossroads Systems, Inc. filed a Preliminary Response (Paper 11, "Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314, which provides that *inter partes* review may not be instituted unless "the information presented in the petition . . . and any [preliminary] response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a).

Petitioners challenge claims 14–39 as obvious under 35 U.S.C. § 103. We institute an *inter partes* review as to claims 14–39 on certain grounds as discussed below.

II. BACKGROUND

A. Related Matters

The parties indicate that the '147 patent is asserted in co-pending matters captioned *Crossroads Systems, Inc. v. Oracle Corp.*, Case No. 1-13-cv-00895-SS (W.D. Tex.), *Crossroads Systems, Inc. v. Huawei Technologies Co. Ltd.*, Case No. 1-13-cv-01025-SS (W.D. Tex.), and *Crossroads Systems, Inc. v. NetApp, Inc.*, Case No. 1-14-cv-00149 (W.D. Tex.). Pet. 2–3; Paper 9, 3. The '147 Patent is also involved in Case IPR2014-01209, and belongs to a family of patents that are the subject of multiple petitions for *inter partes* review, including IPR2014-01177, IPR2014-01197, IPR2014-01226, IPR2014-01233, and IPR2014-01463.

B. The '147 Patent (Ex. 1001)

The '147 patent, titled "Storage Router and Method for Providing Virtual Local Storage," issued on May 23, 2006. The '147 patent describes a storage router, storage network, and method that provide virtual local storage on remote Small Computer System Interface (SCSI) storage devices to Fibre Channel (FC) devices. Ex. 1001, Abstract; 1:23–26. "A plurality of Fibre Channel devices, such as workstations, are connected to a Fibre Channel transport medium, and a plurality of SCSI storage devices are connected to a SCSI bus transport medium." *Id*. at 2:11–14. The storage router interfaces between the Fibre Channel transport medium and the SCSI bus transport medium, maps between the workstations and the SCSI storage devices, and implements access controls for storage space on the SCSI storage devices. *Id*. at 2:14–19. "The storage router then allows access from the workstations to the SCSI storage devices using native low level, block protocol in accordance with the mapping and the access controls." *Id*. at 2:19–22.

C. Illustrative Claim

Claim 14 of the '147 patent is reproduced below:

> 14. An apparatus for providing virtual local storage on a remote storage device to a device operating according to a Fibre Channel protocol, comprising:
> a first controller operable to connect to and interface with a first transport medium, wherein the first transport medium is operable according to the Fibre Channel protocol;
> a second controller operable to connect to and interface with a second transport medium, wherein the second transport medium is operable according to the Fibre Channel protocol; and
> a supervisor unit coupled to the first controller and the second controller, the supervisor unit operable to control access from the device connected to the first transport medium to the remote storage device connected to the second transport medium using

native low level, block protocols according to a map between the device and the remote storage device.

Ex. 1001, 11:5–22.

D. The Prior Art

Petitioners rely on the following prior art:

1. CRD-5500 SCSI RAID Controller User's Manual (1996) ("CRD-5500 User's Manual") (Ex. 1003);
2. CRD-5500 SCSI RAID Controller Data Sheet (Dec. 4, 1996) ("CRD-5500 Data Sheet") (Ex. 1004);
3. Smith *et al.*, *Tachyon: A Gigabit Fibre Channel Protocol Chip*, HEWLETT-PACKARD J. (Oct. 1996) ("Smith") (Ex. 1005);
4. U.S. Patent No. 6,219,771 B2, issued Apr. 17, 2001 ("Kikuchi") (Ex. 1006);
5. U.S. Patent No. 6,073,209, issued June 6, 2000 ("Bergsten") (Ex. 1007); and
6. JP Patent Application Pub. No. Hei 5[1993]-181609, published July 23, 1993 ("Hirai") (Ex. 1008).

E. The Asserted Grounds

Petitioners challenge claims 14–39 of the '147 patent on the following grounds:

References	**Basis**	**Claims Challenged**
CRD-5500 User's Manual, CRD-5500 Data Sheet, and Smith	§ 103	14–39
Kikuchi and Bergsten	§ 103	14–39
Bergsten and Hirai	§ 103	14–39

F. Claim Interpretation

The Board interprets claim terms in an unexpired patent using the "broadest reasonable construction in light of the specification of the patent in

which [they] appear[].” 37 C.F.R. § 42.100(b); *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012). Under the broadest reasonable interpretation standard, claim terms are given their ordinary and customary meaning in view of the specification, as would be understood by one of ordinary skill in the art at the time of the invention. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). For purposes of this Decision, we find that no express claim construction is necessary.

III. ANALYSIS

We turn now to Petitioners’ asserted grounds of unpatentability and Patent Owner’s arguments in the Preliminary Response to determine whether Petitioners have met the threshold standard of 35 U.S.C. § 314(a).

A. Asserted Ground Based on CRD-5500 User’s Manual, CRD-5500 Data Sheet, and Smith

Petitioners challenge claims 14–39 as obvious under 35 U.S.C. § 103 over CRD-5500 User’s Manual, CRD-5500 Data Sheet, and Smith. Pet. 12–27. To support this assertion, Petitioners rely on the Declaration of Professor Jeffrey S. Chase, Ph.D. (Ex. 1010, “Chase Declaration”).

The Petition states that “[t]he explanations set forth below summarize the grounds of unpatentability. . . . Pinpoint citations are provided to the declaration of Professor Chase (*Ex. 1010*) which describes in further detail the combined system, supporting rationale, and the correspondence to the claimed subject matter.” Pet. 11–12. The Petition introduces and summarizes the CRD-5500 User’s Manual, CRD-5500 Data Sheet, and Smith references. Pet. 12–16. Petitioners then assert, in a section titled “The Combined System of *CRD-5500 User Manual*, *CRD-5500 Data Sheet* and *Smith*,” that the references, in combination, disclose the claimed subject matter. *Id*. at 16–19

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.