

Crossroads Systems (Texas), Inc.
v.
Pathlight Technology, Inc., a Delaware Corporation

Crossroads Systems (Texas), Inc.
v.
Chaparral Network Storage, Inc., a Delaware Corporation

*Oral Deposition of
Jeffrey Russell*

September 26, 2000

COMPRESSED TRANSCRIPT

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CROSSROADS EXHIBIT 2310
Oracle Corp. v. Crossroads Systems, Inc.
IPR2015-0

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1 MR. ROGERS: Objection. Vague.
 2 THE WITNESS: I've got an electrical
 3 engineering degree. That's it.
 4 Q. (BY MR. GARRETT) Where is your degree from?
 5 A. My degree is from Purdue University.
 6 Q. What type of degree is it? When I say that I
 7 mean master's or --
 8 A. Oh, I'm sorry. It's a Master's of Science and
 9 Electrical Engineering from Purdue University.
 10 Q. Where did you get your undergrad?
 11 A. My undergraduate degree came from Marquette
 12 University, and that was a Bachelor's of Science in
 13 Electrical Engineering.
 14 Q. Do you have any other degrees besides those
 15 two?
 16 A. No, I don't.
 17 Q. Are you working towards any other degrees?
 18 A. Yes, I am.
 19 Q. What is that?
 20 A. I'm working towards Ph.D. in electrical
 21 engineering.
 22 Q. Where are you doing that?
 23 A. I'm doing that at the University of Texas at
 24 Austin.
 25 Q. And how much longer do you have to go?

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1 A. No.
 2 Q. And I mean that in terms of your job title.
 3 A. No, I haven't.
 4 Q. What title did you hold before architect?
 5 A. Hardware engineer.
 6 Q. How long were you an architect -- or have you
 7 been an architect? Excuse me.
 8 A. About one year.
 9 Q. When did you receive the title of hardware
 10 engineer?
 11 A. When I started at Crossroads.
 12 Q. When was that?
 13 A. I started at Crossroads in 1995.
 14 Q. Do you remember what month?
 15 A. Yes, I do.
 16 Q. What month is that?
 17 A. November.
 18 Q. Was it called Crossroads then?
 19 A. No. It was not.
 20 Q. What was it called?
 21 A. Infinity CommStor.
 22 Q. How many people worked at Infinity CommStor at
 23 that time?
 24 A. I don't know.
 25 Q. Can you hazard a guess?

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1 A. I don't know.
 2 Q. I understand. You mentioned that you lead
 3 some people, is that right, in your job
 4 responsibilities?
 5 A. I wouldn't say I officially lead them. I
 6 provide leadership in technical areas.
 7 Q. Can you name those people for me?
 8 A. I'm trying to think. To just come up with a
 9 list I don't think is appropriate, because it winds up
 10 being most of the company. Does that make sense?
 11 Q. I guess. Can you tell me do you answer to
 12 anyone? Is there -- do you have a boss?
 13 A. Oh, yes. I have a manager.
 14 Q. Who is that?
 15 A. John Steczkowski.
 16 Q. How do you spell John's last name?
 17 A. S-T-E-C-Z-K-O-W-S-K-I.
 18 Q. What is John's title?
 19 A. His title is director.
 20 Q. Is there a gentleman named John Middleton at
 21 Crossroads?
 22 A. Yes, there is.
 23 Q. What does he do?
 24 A. He's the vice president of engineering.
 25 Q. Do you answer to Mr. Middleton?

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1 MR. ROGERS: Objection. Lacks
 2 foundation, calls for speculation. Are you asking him
 3 to guess?
 4 MR. GARRETT: Yes, I am.
 5 MR. ROGERS: Lacks foundation, calls for
 6 speculation. I admonish the witness to answer if he
 7 knows the answer. I admonish the witness not to guess.
 8 THE WITNESS: I'd guess there were six
 9 people.
 10 MR. ROGERS: Move to strike to the
 11 extent the witness is speculating.
 12 Q. (BY MR. GARRETT) What were your duties as
 13 hardware engineer?
 14 MR. ROGERS: Objection. Vague.
 15 THE WITNESS: Can you be more specific
 16 about that?
 17 Q. (BY MR. GARRETT) Let's talk about what
 18 you -- the projects that you worked on as hardware
 19 engineer.
 20 MR. ROGERS: Objection. Vague.
 21 overbroad.
 22 THE WITNESS: So what projects?
 23 Q. (BY MR. GARRETT) What was the first thing you
 24 did when you began at Crossroads?
 25 A. Okay. First thing I did was at Infinity

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1 A. Yes, indirectly. He's John's boss.
 2 Q. Do you ever talk with Brian Smith?
 3 MR. ROGERS: Objection. Vague,
 4 relevance.
 5 THE WITNESS: Yes.
 6 Q. (BY MR. GARRETT) Generally what about?
 7 MR. ROGERS: Objection. Vague,
 8 relevance, overbroad.
 9 THE WITNESS: How are things going, time
 10 of day, that kind of stuff.
 11 Q. (BY MR. GARRETT) So does that mean that you
 12 don't report to Mr. Smith at all in terms of your
 13 responsibilities?
 14 A. I couldn't agree with that. He's the CEO. So
 15 indirectly everyone reports to him.
 16 Q. When did you first meet Brian Smith?
 17 A. '94 or '95.
 18 Q. Where did you meet him at?
 19 A. I met him at IBM.
 20 Q. Did you two work together there, or did you
 21 just know of him?
 22 A. We worked in similar areas. I didn't work
 23 directly with him.
 24 Q. I'm going to get back to that in a minute, but
 25 tell me, have you always been an architect?

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1 CommStor I worked on a development kit for fibre
 2 channel. So it involved a small amount of hardware
 3 design, a little bit of software.
 4 Q. How long did you work on that development kit?
 5 A. Nine months, I'm guessing, plus or minus a
 6 couple months.
 7 Q. Did that development kit have a name?
 8 A. Yes, it did.
 9 Q. Do you recall what the name is?
 10 A. I'm not sure.
 11 Q. What was the next thing you worked on at
 12 Crossroads after the development kit?
 13 A. There's a variety of small projects that might
 14 have followed after that. I'm not sure exactly what I
 15 was doing when I finished that.
 16 Q. Can you describe any of those projects for me?
 17 A. Not in detail, or I don't even remember
 18 specifically, but there were a lot of what-if kinds of
 19 things.
 20 Q. Did you work on a project called Verrazano?
 21 A. Yes. That was -- I would characterize that as
 22 the big project that happened after the first one.
 23 Q. When did you begin work on Verrazano?
 24 A. That's another one that I can't say for sure.
 25 Q. Would it have been in 1996?

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1 MR. ROGERS: Lacks foundation, calls for
 2 speculation.
 3 THE WITNESS: Yes. It would have been
 4 in 1996.
 5 Q. (BY MR. GARRETT) Would it have been in the
 6 first half of 1996?
 7 A. I don't know for sure.
 8 Q. Do you know when Verrazano began?
 9 A. No, I don't.
 10 Q. Do you believe that it began at a certain
 11 time?
 12 MR. ROGERS: Objection. Vague, lacks
 13 foundation. Did it have a beginning? Is that the
 14 question?
 15 MR. GARRETT: Does he have a belief as
 16 to when it began.
 17 THE WITNESS: I don't believe there
 18 was --
 19 MR. ROGERS: Wait. Wait a second.
 20 Let's go to the question asked. What's the question
 21 now?
 22 MR. GARRETT: The question is, does he
 23 have a belief as to when it began.
 24 MR. ROGERS: Okay.
 25 THE WITNESS: You ask do I have a belief

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1 as the 972 patent. Do you understand that when I say
 2 "the 972 patent" that I'm referring to Russell
 3 Exhibit 1?
 4 A. Yes, I do.
 5 Q. Okay. Also from time to time, before I
 6 forget, I'm going to refer to the acronym S-C-S-I as
 7 SCSI. Do you understand that when I refer to the term
 8 SCSI that's what I mean?
 9 A. Yes, I do.
 10 Q. Do you know what SCSI stands for?
 11 A. Yeah.
 12 Q. Can you tell me?
 13 A. It's the acronym for what you just explained
 14 the term.
 15 Q. What is that -- what do the letters stand for,
 16 do you recall?
 17 A. The letters stand for small computer systems
 18 interface.
 19 Q. Thanks. Who's the other inventor listed on
 20 the 972 patent?
 21 A. Geoff Hoes.
 22 Q. What did you and Mr. Hoes invent,
 23 Mr. Russell?
 24 A. We invented a virtual storage router with
 25 access control.

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1 of when it began?
 2 Q. (BY MR. GARRETT) Correct.
 3 A. I would say, yes, I have a belief.
 4 Q. What is your belief?
 5 A. There is no single point in time that it
 6 started. That answers it. There was no single point
 7 you can say, it started at this point in time.
 8 Q. What's the basis for your answer?
 9 A. What's the basis. What do you mean by what's
 10 the basis?
 11 Q. Why are you answering in that fashion? That
 12 seems strange that something didn't have a beginning.
 13 MR. ROGERS: Objection. Argumentative.
 14 THE WITNESS: I think it had a
 15 beginning, but I don't think there was a specific point
 16 in time I could say was the beginning.
 17 Q. (BY MR. GARRETT) And that's because?
 18 MR. ROGERS: I'm waiting for a full
 19 question.
 20 MR. GARRETT: That's my question.
 21 MR. ROGERS: And your question is,
 22 "That's because?"
 23 MR. GARRETT: Yes.
 24 MR. ROGERS: Objection. Vague.
 25 Q. (BY MR. GARRETT) Let me explain. There's

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1 Q. What makes you say that?
 2 MR. ROGERS: Objection. Vague and
 3 ambiguous.
 4 THE WITNESS: That's what it says on the
 5 piece of paper here.
 6 Q. (BY MR. GARRETT) Did you write that?
 7 A. No, I did not.
 8 Q. So then what brings you to the conclusion that
 9 you invented a virtual storage router with access
 10 control?
 11 MR. ROGERS: Same objection.
 12 THE WITNESS: You've shown me this
 13 patent that I'm a co-inventor on, and the title says
 14 that's what we invented. So that's the basis for my
 15 conclusion.
 16 Q. (BY MR. GARRETT) Okay. Did your invention
 17 solve any problems that existed in the prior art?
 18 MR. ROGERS: Lacks foundation, calls for
 19 speculation, calls for an expert opinion, calls for a
 20 legal conclusion.
 21 Q. (BY MR. GARRETT) I'm not asking for legal
 22 conclusions or expert opinions, Mr. Russell. I'm just
 23 asking if you solved any problems that existed in the
 24 prior art.
 25 MR. ROGERS: Same objections.

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1 usually a reason why people say things, and I'm just
 2 trying to flesh out the reason behind your answer.
 3 A. So could you repeat the whole thing?
 4 MR. ROGERS: Just a second.
 5 Argumentative. Counsel, you can ask questions.
 6 Please, we don't want any psychology lectures. I don't
 7 mean to be impertinent, but please just ask questions.
 8 MR. GARRETT: I'm trying to do that,
 9 Counsel, but if I have to explain myself, then I have
 10 to explain myself.
 11 MR. ROGERS: Okay. Then I'm going to
 12 object that it's argumentative.
 13 MR. GARRETT: That's fine. Let's move
 14 on. Would you mark this?
 15 (Exhibit No. 1 marked.)
 16 Q. (BY MR. GARRETT) Mr. Russell, I'm handing you
 17 what's been marked as Russell Exhibit 1. Do you know
 18 what that is?
 19 A. Yes, I do.
 20 Q. What is it?
 21 A. It says it's the United States Patent Number
 22 5,941,972.
 23 Q. Are you listed as an inventor on that patent?
 24 A. Yes, I am.
 25 Q. From time to time I'm going to refer to that

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1 THE WITNESS: I don't think we solved a
 2 problem that existed in the prior art.
 3 Q. (BY MR. GARRETT) So it wouldn't surprise you
 4 to learn, then, that there's someone out there that's
 5 invented a storage router exactly like the one
 6 described in this patent?
 7 MR. ROGERS: Objection. Lacks
 8 foundation, calls for speculation, argumentative, and
 9 assumes facts not in evidence.
 10 THE WITNESS: I would have to be
 11 speculating to answer that question.
 12 MR. ROGERS: In addition, vague.
 13 Q. (BY MR. GARRETT) Speculate away.
 14 MR. ROGERS: No. Don't speculate away.
 15 I'm going to instruct the witness not to speculate
 16 away. You need to answer his question.
 17 MR. GARRETT: Counsel, I think you know
 18 that there are two valid grounds for instructing the
 19 witness not to answer, once of which is privilege, the
 20 other of which is I'm harassing him or being oppressive
 21 in some way. But under the rules, instructing the
 22 witness not to speculate is improper.
 23 MR. ROGERS: Go ahead and ask your next
 24 question.
 25 MR. GARRETT: Well, no. I would like an

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1 answer to this question.
 2 MR. ROGERS: Ask your question.
 3 Q. (BY MR. GARRETT) Did your invention solve any
 4 problems in the prior art?
 5 MR. ROGERS: Asked and answered.
 6 MR. GARRETT: I didn't get an answer,
 7 Counsel.
 8 MR. ROGERS: You did. Could you read it
 9 back, please, madam court reporter?
 10 MR. GARRETT: I did. I apologize. I
 11 now remember. He answered no, I believe. So I
 12 apologize.
 13 MR. ROGERS: Whatever the answer is.
 14 Q. (BY MR. GARRETT) So according to you, your
 15 invention didn't solve any problems that existed in the
 16 prior art?
 17 MR. ROGERS: Asked and answered.
 18 Q. (BY MR. GARRETT) Why did you file an
 19 application for it then?
 20 A. Are you asking me why did I file an
 21 application for this invention?
 22 Q. Correct.
 23 A. I filed this application because I thought we
 24 invented something new that -- invented something new.
 25 Q. What about it was new?

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1 A. The invention virtualizes storage with a
 2 manner of access control.
 3 Q. Was storage ever virtualized before you made
 4 your invention?
 5 MR. ROGERS: Lacks foundation, calls for
 6 speculation, calls for an expert opinion.
 7 THE WITNESS: I don't think I have the
 8 basis to answer if something like that had ever existed
 9 before.
 10 Q. (BY MR. GARRETT) Why not?
 11 MR. ROGERS: Argumentative.
 12 THE WITNESS: I'm not an expert in this
 13 whole field.
 14 Q. (BY MR. GARRETT) That's okay. We don't
 15 expect you to be an expert, but what I'm trying to get
 16 at is, you must have had some familiarity with the
 17 field of interfaces between fibre channel and SCSI; is
 18 that correct?
 19 MR. ROGERS: I'm going to object. The
 20 question is argumentative. Counsel, again, please just
 21 ask questions. We don't need comments or lectures --
 22 MR. GARRETT: Okay.
 23 MR. ROGERS: -- responding to prior
 24 answers. So I object that it's argumentative, just
 25 the compound. Can we have the question again? Just the

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1 question part.
 2 (The referenced portion was read back by
 3 the court reporter.)
 4 MR. ROGERS: Vague.
 5 THE WITNESS: So are you asking me if
 6 I'm familiar with fibre channel and SCSI?
 7 Q. (BY MR. GARRETT) Devices that interface
 8 between fibre channel and SCSI, and at the time that
 9 you filed the application.
 10 A. I don't know.
 11 Q. Whose idea was it to file the application that
 12 led to the 972 patent?
 13 MR. ROGERS: I'm going to object as
 14 vague. Also, to the extent it calls for the witness to
 15 disclose attorney/client privileged communication, I'll
 16 instruct the witness not to do that. If you can answer
 17 the question without disclosing attorney/client
 18 privileged communications, go ahead and do it.
 19 THE WITNESS: I can't recall exactly who
 20 said let's file the patent.
 21 Q. (BY MR. GARRETT) Do you have a belief about
 22 who wanted to file the application?
 23 MR. ROGERS: Lacks foundation, calls for
 24 the witness to speculate given the prior answer.
 25 THE WITNESS: Yes. I have a belief.

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1 Q. (BY MR. GARRETT) What is that belief?
 2 A. I believe Geoff Hoese was the primary
 3 influence.
 4 Q. Did he indicate that to you?
 5 MR. ROGERS: Objection. Vague.
 6 THE WITNESS: Can you repeat that?
 7 Q. (BY MR. GARRETT) Sure. Did Geoff Hoese
 8 indicate that he wished to file the application in a
 9 manner that led you to believe it was him who was the
 10 one who wanted to start the process?
 11 A. I don't know.
 12 Q. Was Brian Smith involved at all in the
 13 drafting of the application that led to the 972 patent?
 14 MR. ROGERS: Lacks foundation, calls for
 15 speculation.
 16 THE WITNESS: Not that I'm aware of.
 17 Q. (BY MR. GARRETT) So you never communicated
 18 with Mr. Smith during the time that you were helping to
 19 create the application that led to the 972 patent?
 20 MR. ROGERS: Objection. Vague,
 21 relevance.
 22 THE WITNESS: Could you be --
 23 MR. ROGERS: Also I'm going to object
 24 that it mischaracterizes the witness' prior testimony.
 25 THE WITNESS: So are you asking just if

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1 I communicated with Brian Smith during that time?
 2 Q. (BY MR. GARRETT) Let me be more specific.
 3 Did you communicate with Mr. Smith about the
 4 application drafting process?
 5 A. No.
 6 Q. Do you know if Mr. Hoese did?
 7 A. I don't know.
 8 Q. Okay. Okay. I would like to ask you a few
 9 questions about the text of the 972 patent, and as you
 10 may or may not be aware, the patent is arranged in
 11 terms of columns and line numbers. So if I refer to
 12 column 1, line number 5, do you understand that I'm
 13 trying to direct your attention to somewhere along in
 14 here?
 15 A. Okay. I understand that.
 16 Q. Okay. If you would, Mr. Russell, turn your
 17 attention to Figure 1 for a minute.
 18 A. Which one? Oh. I found Figure 1.
 19 Q. What does it represent?
 20 MR. ROGERS: Lacks foundation, calls for
 21 speculation. The document speaks for itself.
 22 THE WITNESS: I couldn't tell you what
 23 it means. It's a drawing that has -- that's
 24 self-evident from what's there on the paper.
 25 Q. (BY MR. GARRETT) Could you explain to me

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1 what's on the paper?
 2 MR. ROGERS: Document speaks for itself.
 3 Do you just want him to recite what's on the paper? Go
 4 ahead.
 5 THE WITNESS: What I see on the paper is
 6 workstations connected together, and there's a network
 7 server, and it's connected with a SCSI bus to disk
 8 drives.
 9 Q. (BY MR. GARRETT) Looking at element 14, which
 10 is designated as a network server, is that something
 11 you invented, Mr. Russell?
 12 MR. ROGERS: Objection. Vague. Let me
 13 just make sure I understand the question. Are you
 14 asking him if he invented network servers?
 15 MR. GARRETT: I am.
 16 THE WITNESS: Before I answer that,
 17 could you define "network server"?
 18 Q. (BY MR. GARRETT) I want to use it in the same
 19 fashion that you've used it in the 972 patent.
 20 A. I would need -- I don't know how it's used in
 21 the 972 patent.
 22 Q. Well, take your time and read it then.
 23 MR. ROGERS: The whole patent?
 24 MR. GARRETT: Sure.
 25 MR. ROGERS: So what do you want to do?

4 (Pages 19 to 24)

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