

EXHIBIT 5

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:	§	Chapter 11
	§	
CROSSROADS SYSTEMS, Inc.	§	Case No. 17-51926
	§	
Debtor.	§	

SCHEDULE OF RETAINED CAUSES OF ACTION¹

Certain documents, or portions thereof, contained in the Plan Supplement or referenced herein remain subject to continuing review and negotiation by the Debtor. The Debtor reserves all rights to amend, revise, or supplement the Plan Supplement, and any of the documents and designations contained therein, including, without limitation, this Schedule, at any time before the Effective Date of the Prepackaged Plan, or any such other date as may be provided for by the Prepackaged Plan or by order of the Bankruptcy Court.

Except as otherwise expressly provided in the Prepackaged Plan, including, without limitation, with respect to the Released Parties, the Debtor and Reorganized Debtor reserve the right to commence and pursue any and all Causes of Action against any Person, including, without limitation, Causes of Action that are not expressly identified in this Schedule. Neither confirmation of the Prepackaged Plan nor the occurrence of the Effective Date shall in any way affect such right.

Without in any way limiting the foregoing, the provisions of Article X of the Prepackaged Plan or any of the disclosures set forth with the Disclosure Statement, the Prepackaged Plan or the Plan Supplement, the Debtor and the Reorganized Debtor, as applicable, expressly reserve and retain, and from and after the Effective Date may commence, enforce, settle or otherwise resolve or administer, all Causes of Action and all rights in relation thereto that are not expressly released pursuant to the provisions of Article IX of the Prepackaged Plan. For the avoidance of doubt, such Causes of Action shall include, without limitation, the following:

I. Patent Causes of Action

Unless otherwise expressly released pursuant to the terms of the Prepackaged Plan, any and all Causes of Action against any Person related to rights that are provided by or arise under or pursuant to the terms of any patent to which the Debtor or the Reorganized Debtor, as applicable, own or have an interest in, including, without limitation, any and all Causes of Action for patent infringement. For the avoidance of doubt, such Causes of Action shall include, without limitation, all such Causes of Action that are or may be held against the following:

- A. Dot Hill Systems Corp.** In relation to that certain civil action number 1:13-cv-00800-SS pending in the Western District of Texas, Austin Division.
- B. Oracle Corporation.** In relation to that certain civil action number 1:13-cv-00895-SS pending in the Western District of Texas, Austin Division.

¹ Unless separately defined herein, all capitalized terms appearing herein shall have the meanings ascribed to such terms in the *Prepackaged Plan of Reorganization for Crossroads Systems, Inc. Under Chapter 11 of the United States Bankruptcy Code* (as modified, amended, or supplemented from time to time, the "Prepackaged Plan") filed in the above-captioned case.

- C. **Cisco Systems, Inc.** In relation to that certain civil action number 1:14-cv-00148-SS pending in the Western District of Texas, Austin Division.
- D. **NetApp, Inc.** In relation to that certain civil action number 1:14-cv-00149-SS pending in the Western District of Texas, Austin Division.
- E. **Quantum Corporation.** In relation to that certain civil action number 1:14-cv-00150-SS pending in the Western District of Texas, Austin Division.

II. Contractual Causes of Action

Unless otherwise expressly released pursuant to the terms of the Prepackaged Plan, any and all Causes of Action against any Person related to rights that are provided by or arise under or pursuant to the terms of any contract to which the Debtor or the Reorganized Debtor, as applicable, are a party or beneficiary, including, without limitation, any and all Causes of Action for breach of contract, recoupment and setoff, as applicable.

III. Causes of Action Related to Deposits, Adequate Assurance Postings and Other Collateral Postings

Unless otherwise expressly released pursuant to the terms of the Prepackaged Plan, any and all Causes of Action against any Person to whom or for whose benefit the Debtor provided deposits, made adequate assurance payments, or posted other collateral, for the recovery of such deposits or payments, for the credit of such deposits or payments against amounts owed, or for recoupment or setoff of amounts owed against such deposits or payments.

IV. Causes of Action to Contest Claims Asserted in the Chapter 11 Case

Except as expressly provided otherwise in the Prepackaged Plan, any and all Causes of Action against any Person that has asserted, or hereafter asserts, a Claim against any of the Debtor, or for whom a Claim against any of the Debtor has been scheduled, for purposes of contesting the validity or allowance of such Claim, to seek an offset against such Claim, or to otherwise defend against such Claim.

V. Causes of Action Related to Overpayments, Outstanding Receivables and Other Obligations Owed to the Debtor or the Estate

Unless otherwise expressly released pursuant to the terms of the Prepackaged Plan, any and all Causes of Action against any Person that owes, or that may in the future owe, money to the Debtor or the Reorganized Debtor, as applicable, regardless of whether such Person is specifically identified in the Prepackaged Plan, the Plan Supplement, the Disclosure Statement, the Debtor's filed schedules of assets and liabilities, the Debtor's statement of financial affairs, or any amendments thereto.

VI. Causes of Action Related to Taxes and Tax Refunds

Unless otherwise expressly released pursuant to the terms of the Prepackaged Plan, any and all Causes of Action against any Person that owes, or that may in the future owe, money related to tax refunds to the Debtor or the Reorganized Debtor, as applicable, or that asserts that taxes are owed to such Person by the Debtor or the Reorganized Debtor, as applicable, in each case regardless of whether such Person is specifically identified in the Prepackaged Plan, the Plan Supplement, the Disclosure Statement, the Debtor's filed Schedules, or any amendments thereto.

VII. Causes of Action Related to Other Litigation or Potential Litigation

Unless otherwise expressly released pursuant to the terms of the Prepackaged Plan, any and all Causes of Action against any Person that is party to or that may in the future become party to any litigation, arbitration,

or any other type of adversarial proceeding or disputed resolution proceeding, whether formal or informal, judicial or non-judicial, involving the Debtor or Reorganized Debtor, as applicable, regardless of whether such Person is specifically identified in the Prepackaged Plan, the Plan Supplement, the Disclosure Statement, the Debtor's filed Schedules, or any amendments thereto.