

Case IPR2021-00831
U.S. Patent No. 8,671,132

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner

v.

DAEDALUS BLUE, LLC
Patent Owner

Case IPR2021-00831

U.S. Patent No. 8,671,132

Title: SYSTEM, METHOD, AND APPARATUS FOR POLICY-BASED DATA
MANAGEMENT

Filing Date: 03/14/2003

Issue Date: 03/11/2014

DAEDALUS BLUE, LLC'S UNOPPOSED MOTION TO EXPUNGE
EXHIBITS 2012-2017

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Exhibit No.	Description
2001	Declaration of Professor Jules White, Ph.D.
2002	Declaration of David Pease, Ph.D.
2003	Declaration of Linda Duyanovich.
2004	Order Governing Proceedings, <i>Daedalus Blue, LLC v. Microsoft Corp.</i> , Case No. 6:20-CV-1152-ADA, Dkt. No. 23 (W.D. Tex. June 30, 2021).
2005	Microsoft Corporation's Notice of Filing Petitions for Inter Partes Review, <i>Daedalus Blue, LLC v. Microsoft Corp.</i> , Case No. 6:20-cv-1152-ADA, Dkt. No. 19 (W.D. Tex. May 7, 2021).
2006	Defendant's Invalidity Contentions, <i>Daedalus Blue, LLC v. Microsoft Corp.</i> , Case No. 6:20-cv-1152-ADA.
2007	Chart C-1 from Defendant's Invalidity Contentions, <i>Daedalus Blue, LLC v. Microsoft Corp.</i> , Case No. 6:20-cv-1152-ADA.
2008	Chart C-2 from Defendant's Invalidity Contentions, <i>Daedalus Blue, LLC v. Microsoft Corp.</i> , Case No. 6:20-cv-1152-ADA.
2009	Chart C-6 from Defendant's Invalidity Contentions, <i>Daedalus Blue, LLC v. Microsoft Corp.</i> , Case No. 6:20-cv-1152-ADA.
2010	Chart C-7 from Defendant's Invalidity Contentions, <i>Daedalus Blue, LLC v. Microsoft Corp.</i> , Case No. 6:20-cv-1152-ADA.
2011	Microsoft Computer Dictionary, Fifth Edition, Definition for 'main frame,' 2002.
2012	IBM, "Storage Tank, Initial Programming Functional Specifications, Version 1.1," dated April 26, 2001. PROTECTIVE ORDER MATERIAL.
2013	IBM, "Storage Tank, Initial Programming Functional Specifications, Version 1.2," dated June 11, 2001. PROTECTIVE ORDER MATERIAL.
2014	IBM, "IBM Storage Tank: Storage Tank Strategy, Product Positioning," dated September 17, 2001. PROTECTIVE ORDER MATERIAL.
2015	IBM, "Storage Tank: Development Review," dated February 11, 2002. PROTECTIVE ORDER MATERIAL.
2016	IBM, "Storage Tank: Release 1: High Level Design, Version Draft 0," dated February 19, 2002. PROTECTIVE ORDER MATERIAL.
2017	IBM, "Storage Tank Development Schedule," dated February 2002. PROTECTIVE ORDER MATERIAL.

Exhibit No.	Description
2018	Defendant's Revised Proposed Claim Constructions, <i>Daedalus Blue, LLC v. Microsoft Corp.</i> , Case No. 6:20-cv-1152-ADA, dated August 11, 2021.
2019	Defendant's Disclosure of Extrinsic Evidence, <i>Daedalus Blue, LLC v. Microsoft Corp.</i> , Case No. 6:20-cv-1152-ADA, dated August 3, 2021.
2020	U.S. Patent No. 6,154,776 to Martin ("Martin").
2021	U.S. Patent No. 6,167,445 to Gai ("Gai").
2022	U.S. Patent No. 6,212,562 to Huang ("Huang").
2023	Declaration of Michael Flynn-O'Brien.
2024	Declaration of Christopher Jules White, Ph.D. (cited as "White POR Decl.>").
2025	Deposition Transcript of Erez Zadok, Ph.D. (cited as "Zadok Dep. Tr.>").
2026	Paulo Verissimo & Luis Rodrigues, DISTRIBUTED SYSTEMS FOR SYSTEMS ARCHITECTS (2001).
2027	Excerpt from Gelb's Storage Group ACS Routine with line numbers added.
2028	Supplemental Declaration of Christopher Jules White, Ph.D. SERVED AS SUPPLEMENTAL EVIDENCE; NOT FILED.
2029	Springer Link Purchase Receipt for Paulo Verissimo & Luis Rodrigues, DISTRIBUTED SYSTEMS FOR SYSTEMS ARCHITECTS (2001). SERVED AS SUPPLEMENTAL EVIDENCE; NOT FILED.
2030	Transcript of Conference Call in Case IPR2021-00831 (July 1, 2022).

All citations to specific pages of exhibits follow the pagination added to those exhibits per 37 C.F.R. § 42.63(d)(2)(i).

I. Introduction

With the Board's email authorization of May 23, 2024, Patent Owner Daedalus Blue, LLC moves to expunge sealed Exhibits 2012-2017. This motion is unopposed: counsel for Daedalus Blue have conferred with counsel for Petitioner Microsoft Corporation, who confirmed that Microsoft does not oppose the expungement of Exhibits 2012-2017.

Exhibits 2012-2017 are confidential IBM software development documents that Daedalus Blue cited in its preliminary response in an attempt to antedate the *Devarakonda* reference. After institution, however, Daedalus Blue contended that a particular claim limitation distinguished the challenged claims over *Devarakonda*, and did not renew its attempt to antedate *Devarakonda* in its patent owner response. Indeed, neither party cited any of Exhibits 2012-2017 in their post-institution briefing. Nor did the Board cite any of Exhibits 2012-2017 in its final written decision, which in any event did not reach whether the claims would have been unpatentable over *Devarakonda*.

Under those circumstances, and as explained further below, there is good cause to expunge Exhibits 2012-2017.

II. Procedural History

In its preliminary response, Daedalus Blue sought to antedate the *Devarakonda* reference. (Paper 7, at 20-22, 39-40; Paper 8, at 20-22, 39-40.) With

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