

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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MICROSOFT CORPORATION,  
Petitioner,

v.

DAEDALUS BLUE, LLC,  
Patent Owner.

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

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**DECLARATION OF DAVID A. PEASE, PH.D. IN SUPPORT OF  
PATENT OWNER DAEDALUS BLUE, LLC'S  
PRELIMINARY RESPONSE**

## I. INTRODUCTION

1. My name is David A. Pease, and I am currently retired from IBM Corporation with the honorary title of Distinguished Engineer Emeritus, and from the University of California, Santa Cruz as an Assistant Adjunct Professor in the Computer Engineering Department. I hold a Master's of Science and a PhD in Computer Engineering at the University of California, Santa Cruz.

2. I have been asked by Patent Owner Daedalus Blue, LLC ("Daedalus") to provide this declaration about the conception and development of the inventions claimed in U.S. Patent No. 8,671,132 ("the '132 patent"), of which I am a named inventor. I am being compensated for my time spent at my normal consulting rate of \$375 per hour. The amount of my compensation is not dependent upon the substance of my declaration or testimony, or upon the outcome of this matter.

3. I have personal knowledge of the facts and opinions set forth in this declaration, and, if called upon to do so, I would testify competently thereto.

## II. BACKGROUND

4. I started computer programming in 1971, and from 1971 to 1994 worked at a variety of companies as a programmer/analysis, systems programmer, diagnostics manager, systems/operations manager, hardware/ software technical advisor, manager, and consultant. Attached hereto as **Appendix A** is a true and correct copy of my Curriculum Vitae describing my background and experience.

5. I joined IBM in 1994 as a senior software engineer in the Storage Systems Group at IBM's Almaden Research Center in San Jose, California. Organizationally, the group was part of the research organization within IBM, charged with developing ideas for potential future storage systems/products. I worked at IBM for 25 years, from 1994 to 2019, when I retired.

6. In or around 1995, I became a Manager in the Storage Systems Group. In particular, I was the lead Manager for the Storage Tank project.

7. While at IBM, I "challenged" into graduate school based on my experience and grades from graduate-level classes I took through the Extension program. I obtained a Master's of Science and a PhD in Computer Engineering at the University of California, Santa Cruz, in 2003 and 2008, respectively.

### **III. THE '132 PATENT**

8. The subject matter described and claimed in the application that led to the '132 Patent was the outgrowth of work I and others at IBM did on a project called Storage Tank. The work on Storage Tank commenced as a research project in 1997, and gained momentum in early 2000, when a decision was made by IBM to develop Storage Tank into a commercial product. The inventions claimed in the '132 Patent were conceived and recorded in a specification no later than April 26, 2001. Work to develop those inventions into a commercial product continued through, and after, March 14, 2003, when the patent application was filed.

9. Storage Tank was the first distributed data management system that could support and facilitate millions of live file operations across a Storage Area Network (“SAN”), and accommodate clients operating on multiple platforms. Tying this together was a novel and robust policy management architecture capable of, among other things, delivering different levels of service.

10. IBM commercialized Storage Tank under the brand name “IBM TotalStorage SAN File System”, which was released in or around October 2003.

11. Storage Tank’s policy management architecture was later incorporated into IBM’s General Parallel File System (or “GPFS”), now known as IBM Spectrum Scale, used by many of the world’s largest companies and found on many of the world’s top supercomputers.

12. I have reviewed U.S. Patent No. 7,269,612 (“Devarakonda”), which I understand Petitioner has identified as a disclosure that allegedly anticipates claims 15-21, 23-25 of the ’132 Patent. I further understand that Devarakonda was filed on May 31, 2002 and does not claim priority to any other document. EX1008.

13. I declare that Devarakonda is not prior art to the inventions in the ’132 Patent inasmuch as my co-inventors and I conceived the claimed inventions prior to the filing date of Devarakonda, and thereafter continuously diligently worked to subsequent reduction to practice, including both by working on the Storage Tank project and as demonstrated by the filing of the application for the ’132 Patent.

14. As evidence of that conception and diligence, I enclose **Exhibits 2012-2017**.

**A. Conception**

15. **EX2012** attached hereto is a true and correct copy of the Storage Tank Initial Programming Functional Specifications, Version 1.1, dated April 26, 2001 (“**Specification**”). This document was prepared in the ordinary course of IBM’s business, and reflected the state of development of Storage Tank as of the date of the document. I personally participated in the preparation of the document, and reviewed the entire document at around the time it was created. According to IBM practice, the date shown on the specification is the date it was completed and had been reviewed by the list of reviewers shown on pages 3-5 of the specification.

16. I note that on page 3 of Specification, Linda Duyanovich is identified as the “owner” of the document. EX2012, 3. In IBM parlance, that meant that Ms. Duyanovich was the person responsible for maintaining the document. Ms. Duyanovich was also a leading contributor to the document.

17. I note that EX2012 is not the earliest version of the Storage Tank Specification. Our team started work on the specification in early 2000. As shown in the “Change History” on page 6 of EX2012, we went through several drafts. According to IBM practice, the first comprehensive specification would have been version 1.0, dated January 8, 2001.

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