

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

MICROSOFT CORPORATION,

Petitioner,

v.

DAEDALUS BLUE, LLC,

Patent Owner.

---

Case No.: IPR2021-00831

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

---

**PETITIONER'S PRELIMINARY REPLY  
[SEALED]**

**TABLE OF CONTENTS**

**Page**

I. The Balance of the *Fintiv* Factors Strongly Supports Institution..... 1

II. Patent Owner’s Allegations of Prior Invention of the ’132 Patent Fail.  
..... 5

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Allergan, Inc. v. Apotex Inc.</i> , 754 F.3d 952 (Fed. Cir. 2014) .....	7
<i>ATI Techs., ULC. v. Iancu</i> , 920 F.3d 1362 (Fed. Cir. 2019) .....	6
<i>Brown v. Barbacid</i> , 436 F.3d 1376 (Fed. Cir. 2006) .....	6
<i>Chegg, Inc. v. Netsoc, LLC</i> , No. IPR2019-01171, Paper 39 (PTAB Dec. 2, 2020) .....	7
<i>Fid. Info. Servs., LLC v. Groove Digital, Inc.</i> , IPR2019-00193, Paper 58 (PTAB Apr. 30, 2020) .....	6
<i>Juniper Networks v. WSOU Investments, LLC</i> , IPR2021-00538, Paper 9 (PTAB Aug. 18, 2021).....	1, 2, 3, 4
<i>Merck Sharp &amp; Dohme Corp. v. Actavis Labs. FL, Inc.</i> , No. 15-vc-6075 (PGS)(DEA), 2017 WL 4366720 (D.N.J. Sept. 29, 2017) .....	5
<i>In re Meyer Mfg. Corp.</i> , 411 F. App'x 316 (Fed. Cir. 2010) .....	6
<i>Nvidia Corp. v. Invensas Corp.</i> , IPR2020-00603, Paper 11 (PTAB Sept. 3, 2020).....	4
<i>Singh v. Brake</i> , 317 F.3d 1334 (Fed. Cir. 2003) .....	7
<i>Spectralytics, Inc. v. Cordis Corp</i> , 576 F. Supp. 2d 1030 (D. Minn. 2008).....	5, 6
<i>In re Steed</i> , 802 F.2d 1311 (Fed. Cir. 2015) .....	6, 7

**Statutes**

35 U.S.C. § 102(a) .....5  
35 U.S.C. § 102(b) .....5

## LISTING OF EXHIBITS

EXHIBIT NO.	DESCRIPTION
1001	U.S. Patent No. 8,671,132 to Carlson et al. (the “132 Patent”)
1002	File History of U.S. Patent No. 8,671,132 (the “132 FH”)
1003	Declaration of Dr. Erez Zadok (“Zadok”) re U.S. Patent No. 8,671,132
1004	<i>Curriculum Vitae</i> of Dr. Erez Zadok
1005	U.S. Patent No. 5,018,060 to Gelb (“Gelb”)
1006	IBM, <i>Tivoli Storage Manager: A Technical Introduction</i> (“Tivoli”)
1007	Excerpt from Brent Callaghan, <i>NFS Illustrated</i> (Addison Wesley Longman, Inc. 2000) (“Callaghan”)
1008	U.S. Patent No. 7,269,612 to Devarakonda (“Devarakonda”)
1009	Complaint for Patent Infringement, <i>Daedalus Blue, LLC v. Microsoft Corporation</i> , Case No. 6:20-cv-01152-ADA (Dec. 16, 2020 W.D. Tex.)
1010	IBM Redbooks, <i>How to order IBM Redbooks</i> , available at <a href="https://www.redbooks.ibm.com/Redbooks.nsf/pages/howtobuy?Open">https://www.redbooks.ibm.com/Redbooks.nsf/pages/howtobuy?Open</a>
1011	Affidavit of Duncan Hall (Internet Archive) re IBM, <i>Tivoli Storage Manager: A Technical Introduction</i>
1012	U.S. Copyright Office Record for Brent Callaghan, <i>NFS Illustrated</i> (Addison Wesley Longman, Inc. 2000)
1013	U.S. Library of Congress Certification for Brent Callaghan, <i>NFS Illustrated</i> (Addison Wesley Longman, Inc. 2000)

# 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.