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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IPR2021-00831
Patent 8,671,132 B2

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Before SALLY C. MEDLEY, HYUN J. JUNG, and
ARTHUR M. PESLAK, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

Dismissing-in-Part and Denying-in-Part Patent Owner's Motion to Exclude
37 C.F.R. § 42.4(c)

I.   INTRODUCTION

Microsoft Corporation ("Petitioner") filed a Petition for *inter partes* review of claims 15–25 of U.S. Patent No. 8,671,132 B2 (Ex. 1001, "the '132 patent"). Paper 1 ("Pet."). Daedalus Blue, LLC ("Patent Owner") filed a Preliminary Response. Paper 7. In accordance with Board authorization, Petitioner filed a Reply to the Preliminary Response (Paper 13) and Patent Owner filed a Sur-Reply (Paper 15).[1] Upon review of these papers, we instituted *inter partes* review, pursuant to 35 U.S.C. § 314, as to claims 15–25 based on the challenges set forth in the Petition. Paper 17 ("Decision to Institute" or "Dec.").

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 30, "PO Resp."), Petitioner filed a Reply to Patent Owner's Response (Paper 34, "Pet. Reply"), and Patent Owner filed a Sur-Reply (Paper 38, "Sur-Reply"). Patent Owner filed a Motion to Exclude (Paper 42, "Mot. Exc."), Petitioner filed an Opposition (Paper 43, "Opp. Mot. Exc."), and Patent Owner filed a Reply (Paper 44, "Reply Mot. Exc."). On August 10, 2022, we held an oral hearing. A transcript of the hearing is of record. Paper 50 ("Tr.").

For the reasons that follow, we conclude that Petitioner has proven by a preponderance of the evidence that claims 15–25 of the '132 patent are unpatentable.

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[1] The parties filed confidential and non-confidential versions of their briefs. Certain confidential party briefs and exhibits are now publicly available and we refer to those versions. Paper 21; Ex. 2030, 5:17–7:21.

A. Related Matters

The parties indicate that related district court litigations are *Daedalus Blue, LLC v. Microsoft Corp.*, No. 6:20-cv-01152-ADA (W.D. Tex.) and *Daedalus Blue, LLC v. Oracle Corp. et al.*, No. 6:20-cv-00428-ADA (W.D. Tex.) (terminated). Pet. 3–4; Paper 4, 2.

B. The '132 Patent

The '132 patent relates to "policy-based data management on a distributed storage system." Ex. 1001, 1:9–10. The '132 patent addresses the shortcomings that "many known distributed storage systems have no method of prioritizing operations" and "current distributed storage systems are not capable of storing data using prioritized operations within multiple platforms." *Id.* at 1:33–34, 1:40–42. Accordingly, the '132 patent seeks to provide "a data management system, method, and apparatus that prioritize files within the network, with clients that operate based on a plurality of different operating platforms." *Id.* at 2:7–10.

Figure 1, reproduced below, illustrates an embodiment with a network that includes a number of client workstations that may operate on multiple different operating system platforms. *Id.* at 5:19–26.
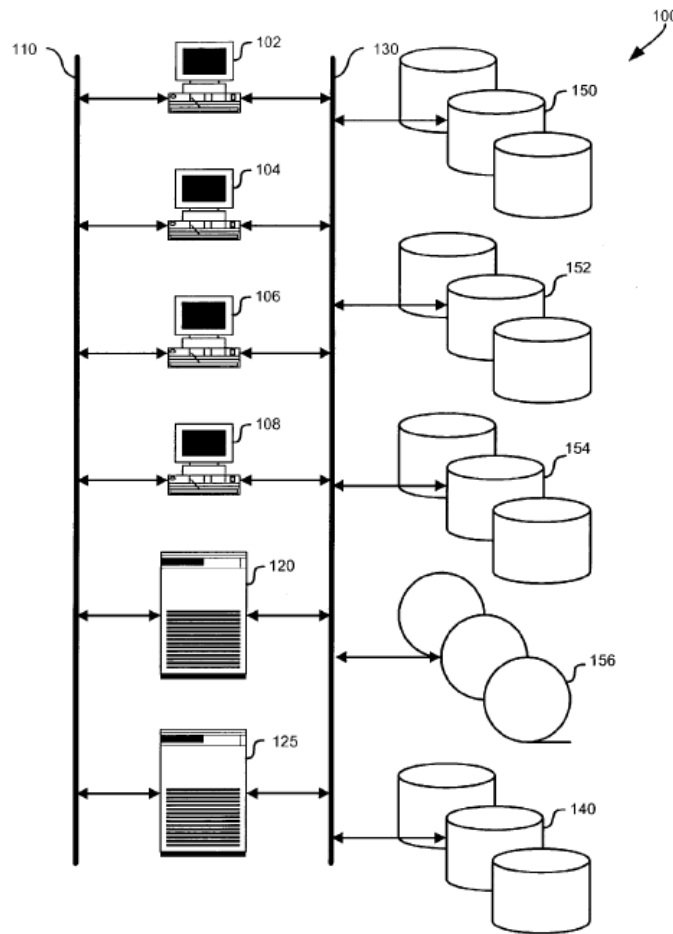
Fig. 1

Figure 1 is a schematic block diagram of network 100 with clients 102, 104, 106, and 108. *Id.* at 5:19–22. "The network 100 is preferably configured to bear large amounts of traffic, particularly data packets and messaging packets related to data storage, retrieval, and maintenance." *Id.* at 5:29–31. Clients 102, 104, 106, and 108 are connected to local area network (LAN) 110, along with metadata servers 120 and 125. *Id.* at 5:32–35. Storage area network (SAN) 130 includes storage pools 150, 152, 154, and 156. *Id.* at 5:48–51. The storage pools "may vary in storage type, configuration, location, accessibility, etc." *Id.* at 5:51–53.

Figure 3, reproduced below, illustrates "executable modules and data structures for implementing file storage and classification" in the embodiment shown in Figure 1. *Id.* at 9:12–15.
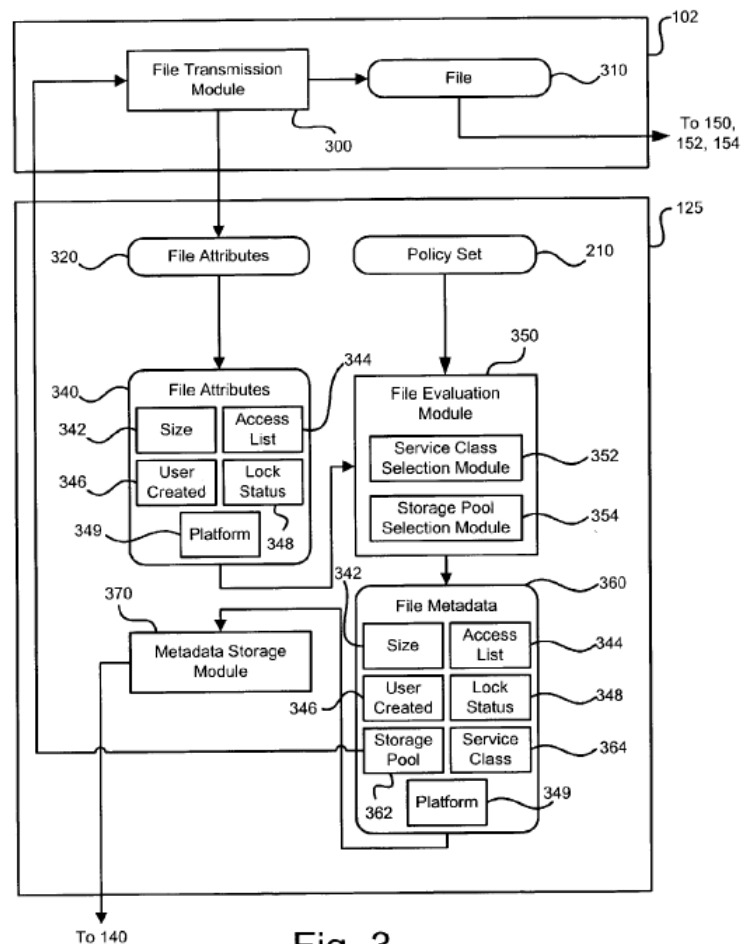

Fig. 3

Figure 3 is a schematic block diagram that shows executable modules and data structures residing in client 102 and metadata server 125. *Id.* at 9:12–17. Client 102 communicates with metadata server 125 to request a pool for storing file 310 on SAN 130. *Id.* at 9:21–23. For assigning a service class and storage pool to the file, client 102 transmits file attributes 320 of the file to the metadata server via file transmission module 300. *Id.* at 9:21–30. File attributes may include file size, an access list, the user who created the file, lock status, and the platform for which the file is formatted.

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