Trials@uspto.gov
571-272-7822

Paper 17
Entered: November 1, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

DAEDALUS BLUE, LLC,
Patent Owner.

IPR2021-00831
Patent 8,671,132 B2

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

MEDLEY, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

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 8 ("Prelim. Resp."). In accordance with Board authorization, Petitioner filed a Reply to the Preliminary Response (Paper 14, "Pet. Reply") and Patent Owner filed a Sur-Reply (Paper 16, "Sur-reply").[1]

Institution of an *inter partes* review is authorized by statute when "the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a) (2018). Upon consideration of the Petition, the Preliminary Response, and the evidence of record, we determine that Petitioner has established a reasonable likelihood of prevailing with respect to the unpatentability of at least one claim of the '132 patent. Accordingly, for the reasons that follow, we institute an *inter partes* review of claims 15–25 of the '132 patent.

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.) ("the underlying litigation") and *Daedalus Blue, LLC v. Oracle Corp. et al.*, No. 6:20-cv-00428-ADA (W.D. Tex.) (terminated). Pet. 4; Paper 4, 2. Petitioner also indicates that U.S. Patent Nos. 8,381,209 and 8,572,612,

[1] The parties filed confidential and non-confidential versions of their briefs. This Decision refers to the non-confidential (public) versions.

which are asserted in the underlying litigation, are also subject to *inter partes* reviews. Pet. 4.

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.

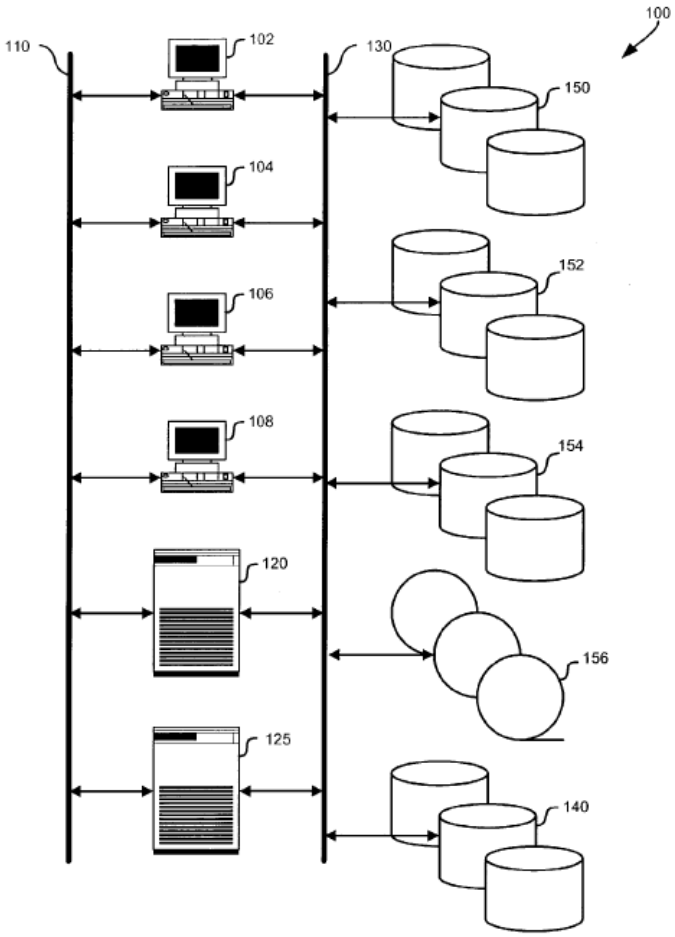

Fig. 1

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.

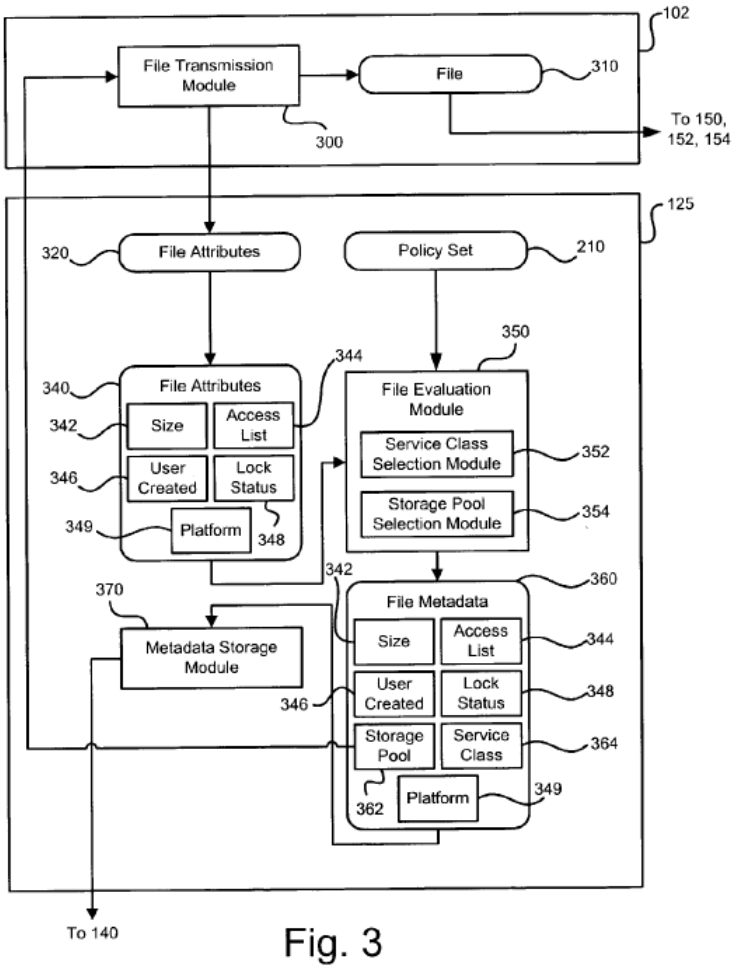

Fig. 3

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 a 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.

DOCKET ALARM

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.