

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,

Petitioner,

v.

DAEDALUS BLUE, LLC,

Patent Owner.

Case No. IPR2021-00832

U.S. Patent No. 8,381,209

Original Issue Date: February 19, 2013

Title: MOVEABLE ACCESS CONTROL LIST (ACL) MECHANISMS FOR
HYPERVISORS AND VIRTUAL MACHINES AND VIRTUAL PORT
FIREWALLS

DECLARATION OF DR. TIMOTHY L. HARRIS

I, Dr. Timothy L. Harris, declare as follows:

1. I am a resident of Cambridge, England, over the age of 18, and competent to make this declaration. I could and would testify as to the matters set forth herein if called upon to do so. I submit this declaration in support of Petitioner Microsoft Corporation's petition in the above-referenced proceeding.

2. I am an Academic Visitor in the Department of Computer Science and Technology at Cambridge University, and a Principal Architect for Petitioner. I obtained Bachelor of Arts (1997) and Doctor of Philosophy (2000) degrees in Computer Science from Cambridge University.

3. From 2000-2004, I served as a Lecturer (roughly equivalent to a US Assistant Professor) at Cambridge University. As a Lecturer, I was a principal investigator or co-investigator on several funded research grants conferred by the Engineering and Physical Sciences Research Council (EPSRC), which is the UK's main agency for funding research in engineering and the physical sciences. These included early work on the Xen virtual machine monitor and the broader XenoServers cloud computing platform.

4. The information set forth herein is based on my personal knowledge obtained through the course of my duties as a Lecturer and academic researcher.

5. Through my work on the XenoServers platform, I collaborated with my colleagues at Cambridge University, including Dr. Andrew Warfield, Dr. Steven Hand, and Dr. Ian Pratt, on developing a virtual machine monitor, or hypervisor, for the XenoServers platform. One aspect of this work was to develop solutions to routing network traffic to and among the virtual machines used in the XenoServers platform, including using a hypervisor to perform traffic routing functions. My colleagues and I documented our work in a paper titled “Isolation of Shared Network Resources in XenoServers” (hereinafter “Warfield”), which we authored in the Fall of 2002. I have reviewed Ex. 1007, and this document is a true and correct copy of this paper.

6. Our intent in writing Warfield was to provide information about our solutions to the general academic research community, including specifically the academic researchers who were using a global test platform known as PlanetLab. We wanted to foster a discussion amongst the research community about best approaches to virtualizing network resources.

7. PlanetLab was a worldwide consortium of academic and industry organizations devoted to fostering research and experimentation in planetary-scale networking. PlanetLab was active from 2002 through 2020, when it was shut down. The PlanetLab platform was a collection of computers networked

together into a very large-scale distributed computing system, using virtual machines located at numerous sites across the globe. Researchers could use this system to test and deploy a wide variety of networked computing applications. Within the academic community, PlanetLab was a well-known source of information about virtualization and large-scale distributed computing.

8. To help foster collaboration amongst these researchers as well as to promote the free exchange of useful information on topics of interest to the PlanetLab system, PlanetLab published a series of PlanetLab Design Notes on its website. These Design Notes were made available to the public and were intended to be used by the academic community to further the development of technologies relating to worldwide networking and similar systems.

9. We completed writing Warfield in October 2002. On October 30, 2002, my colleague Dr. Warfield e-mailed the final paper to the editor of PlanetLab's website, Dr. Larry Peterson of Princeton University. I was a recipient of Dr. Warfield's e-mail on October 30, 2002 and I retained a copy of this e-mail in my e-mail archives. I have reviewed Ex. 1031. This document is a true and correct copy of Dr. Warfield's e-mail with the attached final version of Warfield as it was maintained in my e-mail archives. I have also reviewed Ex.

1007 and compared it with the version of Warfield attached to Dr. Warfield's email. These two versions of Warfield are the same.

10. As I note above, our intent in writing Warfield was to inform the scientific community about our solutions to the issues raised in Warfield. When we submitted Warfield to PlanetLab, we did so with the express intent that it be publicly disseminated to the general scientific community, as well as to the plethora of academic and industry researchers who were using PlanetLab's systems, via PlanetLab's website. I observe that PlanetLab's webpage for PlanetLab Design Notes recites a publication date of November 2002. Ex. 1029. That date indicates to me that Warfield was made publicly available as of November 2002, which is consistent with the October 30, 2002 transmission date of Warfield to PlanetLab I discuss above.

11. Additionally, I observe that Warfield was identified by Dr. Warfield in his 2006 Ph.D. dissertation as a "published result." Ex. 1045, at p. 21. This indicates to me as well as any academic researcher that Dr. Warfield is stating that Warfield was known to the public as of the date of his dissertation, and therefore the subject matter of Warfield is not part of the original research Dr. Warfield completed to support his dissertation. It is important for a doctoral dissertation to contain the author's original research as a contribution to the

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