

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTIFIO, INC.,
Petitioner,

v.

DELPHIX CORP.,
Patent Owner.

Case IPR2015-00100
Patent 8,566,361 B2

Before KARL D. EASTHOM, JENNIFER S. BISK, and
PATRICK R. SCANLON, *Administrative Patent Judges*.

SCANLON, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

Petitioner, Actifio, Inc., filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–6, 8, 14, 16–19, 24, and 25 of U.S. Patent No. 8,566,361 B2 (Ex. 1001, “the ’361 patent”) pursuant to 35 U.S.C. §§ 311–319. Patent Owner, Delphix Corp., filed a Preliminary Response (Paper 6, “Prelim. Resp.”). On May 14, 2015, we instituted an *inter partes* review as to all challenged claims (Paper 7, “Inst. Dec.”).

After institution, Patent Owner filed a Patent Owner Response (Paper 17, “PO Resp.”), and Petitioner filed a Reply (Paper 25, “Reply”). Petitioner relies on the Declaration of Erez Zadok (Ex. 1016) and the Supplemental Declaration of Erez Zadok (Ex. 1070) in support of its contentions, and Patent Owner relies on the Declaration of Prashant Shenoy, Ph.D. (Ex. 2016) in support of its contentions.

An oral hearing was held on February 2, 2016. A transcript of the hearing is included in the record. Paper 58 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6(b). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1–6, 8, 14, 16–19, 24, and 25 of the ’361 patent are unpatentable.

II. BACKGROUND

A. *Related Matters*

The parties indicate that the ’361 patent is at issue in *Delphix Corp. v. Actifio, Inc.*, No. 5:13-cv-04613-BLF (N.D. Cal.). Pet. 2; Paper 4, 2. The

'361 patent is also the subject of another petition for *inter partes* review filed by Petitioner—IPR2015-00108. Pet. 2; Paper 4, 2.

B. The '361 Patent (Ex. 1001)

The '361 patent describes systems and methods for managing databases and lifecycle workflows based on databases. Ex. 1001, 1:12–14. More specifically, the '361 patent involves creating one or more virtual databases based on a production database or another virtual database at a particular point in time. *Id.* at 5:64–66. Virtual databases are created “using storage level snapshots of production databases or clones of production databases instead of a live production database.” *Id.* at 6:16–19. “A virtual database created for a point in time is stored as a set of files that contain the information of the database as available at that point in time.” *Id.* at 6:31–34.

Figure 1 of the '361 patent is reproduced below.

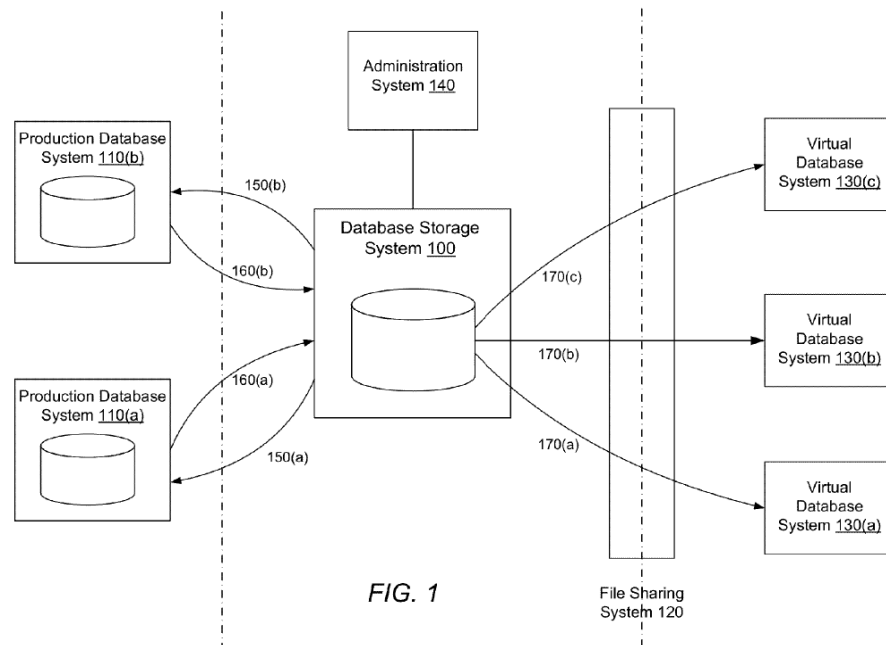


Figure 1 illustrates how information may be copied from production database systems 110 to database storage system 100. *Id.* at 7:12–15. To create a

virtual database, database storage system 100 creates files representing the corresponding information from a production database system at a given point in time. *Id.* at 7:50–52. More particularly, database storage system 100 retrieves and stores information from production database systems 110. *Id.* at 9:38–39. Database storage system 100 then exposes the files to virtual database system 130 using file sharing system 120. *Id.* at 7:53–55. Virtual database system 130 includes database server 230 and operating system 240. *Id.* at 7:60–8:6, Fig 2(a).

C. Illustrative Claim

Of the challenged claims in the '361 patent, claims 1, 14, 17, and 24 are independent. Claim 1 is illustrative of the claims at issue:

1. A method for replicating a database, the method comprising:

linking a source database, wherein linking the source database comprises receiving information identifying the source database;

loading the source database at multiple points in time, wherein the loading comprises:

receiving database blocks for different point-in-time copies of the source database, and

storing the database blocks in a first storage system;

replicating the database blocks of the source database from the first storage system to a second storage system; and

provisioning a virtual database (VDB) from the second storage system to a system running a database server, wherein provisioning comprises:

creating a set of files linked to the stored database blocks on the second storage system, and

mounting the set of files to the system allowing the database server running on the system to access the set of files.

Ex. 1001, 35:39–58.

D. The Prior Art

Petitioner relies on the following prior art:

1. JAWAHAR LAL, ROGER SANDERS & JEREMY BRUMER, DB2: CLONING A DATABASE USING NETAPP FLEXCLONE™ TECHNOLOGY, TR-3460 (2006) (“Sanders”) (Ex. 1004);

2. John K. Edwards et al., *FlexVol: Flexible, Efficient File Volume Virtualization in WAFL*, 2008 PROC. USENIX ANN. TECHNICAL CONF. 129 (“Edwards”) (Ex. 1005); and

3. DARRIN CHAPMAN, MIKE FEDERWISCH, & CHUCK DUFRESNE, SNAPMIRROR® BEST PRACTICES GUIDE, TR-3446 (2006) (“Chapman”) (Ex. 1006).

E. Instituted Ground of Unpatentability

We instituted the instant *inter partes* review on the following ground of unpatentability:

References	Basis	Claims Challenged
Sanders, Edwards, and Chapman	§ 103	1–6, 8, 14, 16–19, 24, and 25

III. ANALYSIS

A. Printed Publication—Sanders and Chapman

Patent Owner contests that Sanders and Chapman are prior art “printed publications” in accordance with 35 U.S.C. §§ 102 and 311(b). PO Resp. 1–4. We look to the underlying facts to make a legal determination as to whether a document is a printed publication. *Suffolk Techs., LLC v. AOL Inc.*, 752 F.3d

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