

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTIFIO, INC.,
Petitioner,

v.

DELPHIX CORP.,
Patent Owner.

Case IPR2015-00108
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 9–13 and 21–23 of U.S. Patent No. 8,566,361 (Ex. 1101, “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 1, 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 18, “PO Resp.”), and Petitioner filed a Reply (Paper 25, “Reply”). Petitioner relies on the Declaration of Erez Zadok (Ex. 1117) and the Supplemental Declaration of Erez Zadok (Ex. 1137) in support of its contentions, and Patent Owner relies on the Declaration of Prashant Shenoy, Ph.D. (Ex. 2115) 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 55 (“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 9–13 and 21–23 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.*, Case No. 5:13-cv-04613-BLF (N.D. Cal.). Pet. 2; Paper 5, 2.

The '361 patent is also the subject of another petition for *inter partes* review filed by Petitioner—IPR2015-00100. Pet. 2; Paper 5, 2.

B. The '361 Patent (Ex. 1101)

The '361 patent describes systems and methods for managing databases and lifecycle workflows based on databases. Ex. 1101, 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.

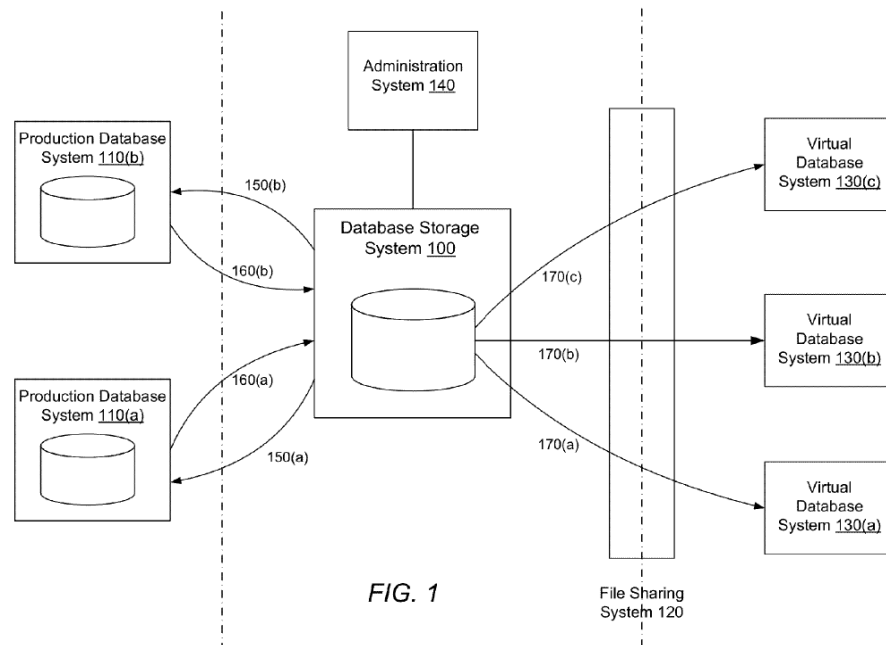


Figure 1 illustrates how information may be copied from production database systems 110 to database storage system 100. *Id.* at 7:12–15. To create a

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 9 and 21 are independent. Claim 9 is illustrative of the claims at issue:

9. A method for creating a data warehouse and a data mart from a database, the method comprising:

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

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

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

storing the database blocks in a storage system;

provisioning a first virtual database (VDB) to an operational data store system, wherein provisioning the first VDB comprises:

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

mounting the set of files to the operational data store system;

performing extract, transform, and load (ETL) operations on the data in the first virtual database and storing the output of

the ETL operations in a second database in a data warehouse system; and

receiving database blocks for different point-in-time copies of the second database.

Ex. 1101, 36:34–56.

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. 1104);

2. John K. Edwards et al., *FlexVol: Flexible, Efficient File Volume Virtualization in WAFL*, PROC. OF THE 2008 USENIX ANNUAL TECHNICAL USENIX CONF. 129 (2008) (“Edwards”) (Ex. 1105);

3. DIPESH PATEL & GENEROSA LITTON, NETAPP WHITE PAPER, RAPID DATABASE DEVELOPMENT AND DEPLOYMENT, WP-7014-0307 (2007) (“Patel”) (Ex. 1106); and

4. DARRIN CHAPMAN, MIKE FEDERWISCH, & CHUCK DUFRESNE, SNAPMIRROR® BEST PRACTICES GUIDE, TR-3446 (2006) (“Chapman”) (Ex. 1107).

E. Instituted Grounds of Unpatentability

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

References	Basis	Claims Challenged
Sanders, Edwards, and Patel	§ 103	9–12, 21, and 22
Sanders, Edwards, Patel, and Chapman	§ 103	13 and 23

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