

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

STERLING COMPUTERS CORPORATION,
Patent Owner.

IPR2025-00270
U.S. Patent No. 8,073,911

**PETITIONER'S PRELIMINARY REPLY FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 8,073,911**

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Each independent claim of the '911 Patent recites “*relational references pointing to a plurality of sent submessages.*” Ex.1001, cls. 1, 10, 13, 27. PO argues that “*relational references*” requires a **relational model** based on a relational database, POPR, 11–13, 37, but apart from lacking any support in the intrinsic record, its proposal contradicts its claim construction position in the district court case. There, it argued that the plain and ordinary meaning of “*relational references*” means “references that relate things together.” Patent Owner cannot interpret a claim term one way for infringement and another for validity. *Amazon.com, Inc. v. Barnesandnoble.com, Inc.*, 239 F.3d 1343, 1351 (Fed. Cir. 2001).

I. PO’S PROPOSED CONSTRUCTION LACKS SUPPORT

The specification provides no support for PO’s interpretation, as “relational model” appears only once in the specification with no definition. It states: “As described in that application,¹ **the messaging system uses a relational model** to represent and store messages exchanged among the end-users.” Ex.1001, 2:60–62. The '461 App. also does not define “relational model.” Instead, it describes “*relational references*” as using pointers to access memory locations or addresses of related submessages, as discussed further below in §II. And while PO seeks to narrow the term’s scope, PO pointed to no support for lexicography or disclaimer.

¹ “that application” refers to U.S. Pat. App. No. 10/789,461 ('461 App.), which is incorporated by reference to the '911 patent specification. Ex.1001, 2:57–62.

See Thorner v. Sony Computer Ent. Am. LLC, 669 F.3d 1362, 1365 (Fed. Cir. 2012) (“There are only two exceptions to th[e] general rule” that claims must be construed according to their plain and ordinary meaning: “1) when a patentee sets out a definition and acts as his own lexicographer, or 2) when the patentee disavows the full scope of a claim term either in the specification or during prosecution.”).

PO argues that the ’911 patent’s “relational model” uses tables for managing the relational database. POPR, 11–13, 39. But PO and its expert cite no support from the ’911 patent as it is silent on using tables to store references to submessages. And although the ’461 App. teaches a relational database, the same disclosure explains that—consistent with Petitioner’s proposal (*see infra* §II)—the messaging system sends and stores pointers that provide access to locations of submessages. *See* ’461 App., [0041] (“an S-Mail includes **a pointer (i.e., a reference) to the locations** of the current submessage 16, along with **pointers** to any history submessages”).

If, as PO argues, the scope of “*relational references*” is limited to the relational model, pointers would be unnecessary, and the claim language “*relational references pointing*” would be meaningless. Instead, the ’461 App. repeatedly states that the messaging system sends and stores pointers referencing the locations of the submessages (*id.*, [0041], [0046]), indicating that “*relational references*” are not limited to the relational model). Finally, PO also argues: “The ’911 Patent adopts the relational approach, where message containers and sub-messages are linked via

shared keys or identifiers (e.g., foreign keys and primary keys).” POPR, 14. But nothing in the ’911 patent discloses using shared keys, foreign keys, or primary keys.

II. RELATIONAL REFERENCES REFER TO POINTERS

Contrary to PO’s assertion, a POSITA would understand that “*references*” in the context of the ’911 patent are pointers, which are variables that contain memory locations (addresses). Ex.1003, ¶¶70-73. Such “pointers” are “*relational*” because they point to related messages exchanged among users. Ex.1001, 4:63-63.

First, the claim language itself states that the “*references*” are “*pointing to a plurality of sent submessages.*” *Second*, the specification explicitly describes a “reference” as a “pointer.” It describes a message exchanged in the “relational messaging system” as an “S-Mail,” where “an S-Mail includes **a pointer (i.e., a reference) to the locations** of the current submessage 16, along with **pointers** to any history submessages.” ’461 App., [0041]. By reciting “**a pointer (i.e., a reference)**,” the specification confirms that “a reference” is “a pointer.” The specification also explains that a reference—consistent with being a pointer—“points to” the location of a submessage. Ex.1001, 4:59–64 (“The [message] container itself does not contain content, but rather **points to** submessages and/or attachments **in which content resides**”). Where the specification describes what a reference *is*, it indicates that a “reference” is a “pointer” to the locations of other submessages. ’461 App., [0045]–[0046].

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Respectfully Submitted,

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