

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

SANDPIPER CDN, LLC,
Patent Owner.

IPR2026-00174

Patent No. 9,762,692

PETITIONER'S PRELIMINARY REPLY

EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent No. 9,762,692 (“Ex-1001”)
1002	File History of the ’692 patent
1003	Declaration of Mark R. Lanning
1004	Curriculum Vitae of Mark R. Lanning
1005	U.S. Patent App. Pub. No. 2006/0015574 (“Seed”)
1006	U.S. Patent App. Pub. No. 2004/0221019 (“Swildens”)
1007	David Gourley & Brian Totty, <i>HTTP The Definitive Guide</i> , O’Reilly (Sept. 2002)
1008	John Dilley, et al., <i>Globally Distributed Content Delivery</i> , IEEE Internet Computing, Vol. 6, Issue 5, 50 (Oct. 31, 2002)
1009	Rajkumar Buyya, et al., <i>Content Delivery Networks</i> , Springer (2008)
1010	U.S. Patent App. Pub. No. 2002/0065899 A1
1011	U.S. Patent No. 8,180,720 B1
1012	U.S. Patent No. 7,024,466 B2
1013	Jianliang Xu, et al., <i>Caching & Prefetching for Web Content Distribution</i> , IEEE Computing in Sci. & Eng’g, Vol. 6, Issue 4, 54 (Aug. 31, 2004)
1014	Opening Claim Construction Brief, <i>Sandpiper CDN, LLC v. Comcast Cable Commc’ns, LLC</i> , No. 2:24-cv-00886 (E.D. Tex. Nov. 14, 2025), ECF No. 88
1015	Responsive Claim Construction Brief, <i>Sandpiper CDN, LLC v. Comcast Cable Commc’ns, LLC</i> , No. 2:24-cv-00886 (E.D. Tex. Dec. 9, 2025), ECF No. 93
1016	Int’l Pub. No. WO 2007/021974 A2
1017	U.S. Patent No. 6,301,617 B1
1018	U.S. Patent App. Pub. 2004/0093419
1019	U.S. Patent No. 7,133,905 B2
1020	U.S. Patent App. Pub. 2010/0281063 A1
1021	U.S. Patent No. 6,330,561 B1
1022	Complaint, <i>Sandpiper CDN, LLC v. Microsoft Corporation</i> , No. 2:25-cv-00664-JRG-RSP (E.D. Tex. June 26, 2025), ECF No. 1
1023	Stipulation Letter, dated January 26, 2026
1024	Sandpiper CDN, LLC, Division of Corporations - Filing
1025	Assignment from Level 3 Communications to Sandpiper CDN, LLC

Exhibit	Description
1026	<i>Sandpiper CDN, LLC v. Google LLC</i> , No. 2:24-cv-03951, Dkt. 1 (C.D. Cal.)
1027	<i>Sandpiper CDN, LLC v. Google LLC</i> , No. 2:24-cv-03951, Dkt. 28 (C.D. Cal.)
1028	<i>Sandpiper CDN, LLC v. Google LLC</i> , No. 2:24-cv-03951, Dkt. 45-1 (C.D. Cal.)
1029	<i>Sandpiper CDN, LLC v. Google LLC</i> , No. 2:24-cv-03951, Dkt. 93 (C.D. Cal.)
1030	<i>Sandpiper CDN, LLC v. Comcast Cable Commc 'ns LLC</i> , No. 2:24-cv-00886, Dkt. 1 (E.D. Tex.)
1031	<i>Sandpiper CDN, LLC v. Comcast Cable Commc 'ns LLC</i> , No. 2:24-cv-00886, Dkt. 62 (E.D. Tex.)
1032	<i>Sandpiper CDN, LLC v. Microsoft Corp.</i> , No. 2:25-cv-00664, Dkt. 1 (E.D. Tex.)
1033	<i>Sandpiper CDN, LLC v. Microsoft Corp.</i> , No. 2:25-cv-00664, Dkt. 41 (E.D. Tex.)
1034	<i>Google LLC v. Sandpiper CDN, LLC</i> , IPR2025-00806, -00826, Paper 13 (Sep. 12, 2025) (referring petitions)
1035	<i>Google LLC v. Sandpiper CDN, LLC</i> , IPR2025-00860, -00969, -01010, Paper 14 (Oct. 10, 2025) (referring petitions)
1036	<i>Google LLC v. Sandpiper CDN, LLC</i> , IPR2025-00826, Paper 15 (Nov. 7, 2025) (Institution Decision)
1037	<i>Google LLC v. Sandpiper CDN, LLC</i> , IPR2025-00806, Paper 14 (Nov. 10, 2025) (Institution Decision)
1038	<i>Google LLC v. Sandpiper CDN, LLC</i> , IPR2025-00860, Paper 15 (Nov. 25, 2025) (Institution Decision)
1039	<i>Google LLC v. Sandpiper CDN, LLC</i> , IPR2025-00969, Paper 14 (Nov. 28, 2025) (Institution Decision)
1040	<i>Google LLC v. Sandpiper CDN, LLC</i> , IPR2025-01010, Paper 17 (Dec. 1, 2025) (Institution Decision)
1041	<i>Sandpiper CDN, LLC v. Comcast Cable Commc 'ns</i> , No. 2:24-cv-886, Dkt. 113 (Feb. 18, 2026)
1042	Docket Navigator, Sandpiper CDN, Cases Search
1043	<i>Google LLC v. Sandpiper CDN, LLC</i> , IPR2025-00826, Paper 9 (Aug. 14, 2025) (Petitioner's Opposition to Patent Owner's Request for Discretionary Denial of Institution)
1044	<i>Sandpiper CDN, LLC v. Microsoft Corp.</i> , No. 2:25-cv-00664, Dkt. 43 (E.D. Tex.)

Exhibit	Description
1045	<i>Sandpiper CDN, LLC v. Microsoft Corp.</i> , No. 2:25-cv-00664, Dkt. 57 (E.D. Tex.)
1046	<i>Google LLC v. Sandpiper CDN, LLC</i> , IPR2025-00969, Paper 17 (Dec. 5, 2025) (Director Review request)
1047	<i>Google LLC v. Sandpiper CDN, LLC</i> , IPR2025-00806, -00826, -00969, -01010, Paper 20 (Jan. 12, 2026) (denying Director Review)
1048	<i>Sandpiper CDN, LLC v. Comcast Cable Commc'ns</i> , No. 2:24-cv-886, Dkt. 104 (Jan. 23, 2026)
1049	<i>Sandpiper CDN, LLC v. Microsoft Corp.</i> , No. 2:25-cv-00664, Dkt. 32 (E.D. Tex.)
1050	Federal Court Management Statistics for the 12-Month Period Ending 12-31-2025

I. The '692 Patent Issued Over an Unaddressed Board Rejection

PO incorrectly suggests that the Board's determination during prosecution that Seed/Outten did not disclose servers comprising "distinct" portions of a content provider's library was dispositive. Paper 9, 10-11 ("POPR"). During prosecution, the Board determined under BRI that claim 1 and claim 15 (claim 17 during prosecution) recited two alternative methods (1[pre]-[c] v. 1[pre]-[b] and 1[d][i]-[d][iv]; 15[pre]-[a] v. 15[pre]-15[c]), and that the claims "may be anticipated or rendered obvious by prior art that discloses or teaches or suggests either method." EX1002, 2330-32. For claim 1, the Board "agree[d] with the Examiner's findings" that Seed teaches/suggests the first method's limitations. *Id.*, 2335-36. The Board then affirmed an obviousness rejection over Seed/Outten, while suggesting the references did not disclose "distinct" portions (not then claimed). *Id.*, 2338-39. For claim 15, the Board reversed the Examiner's rejection over Seed/Outten because the Board determined the references did not disclose the second method's "distinct" portions limitation. *Id.*, 2342. However, the Board entered a new rejection that Seed anticipated and/or rendered claim 15 obvious. *Id.*, 2344. The Board's statements compel the conclusion that Seed taught both claims' first methods. On remand, the Examiner allowed the claims based on amendments only to the second methods—the only methods implicating the "distinct" portions issue—without addressing the first methods. *Id.*, 2363-68. Accordingly, claims 1 and 15 should never have issued.

II. The POPR Mischaracterizes the Petition’s Analysis of 1[d][ii]/10[d]/15[c]

PO argues “Petitioner acknowledges that Seed ‘does not expressly disclose’” the “distinct” portions limitation. POPR, 20 (internal citation omitted). That is wrong. The Petition argues Seed teaches “distinct” portions, and alternatively that Swildens does. Pet., 24-26, 37, 44-45.

PO further argues the Petition fails to show that Swildens discloses the “distinct” portions limitation because Swildens’ “group of LAN-connected servers can be configured to ‘access each other’s local storage devices.’” POPR, 21 (citing EX1006, ¶¶88-89); *id.* (arguing Swildens discloses “servers [that] share common storage” with “access to the *same* content”). PO mischaracterizes the Petition. The Petition explains that, unless specifically configured to allow overlap, each piece of content is assigned to, and stored on, the local storage of a particular server according to a hash function. Pet., 25-26 (citing Swildens (EX1006, ¶¶50, 58, 60, 61)). That the servers can access content stored on other servers does not mean they have “common storage,” as PO incorrectly suggests.

III. The POPR Applies Incorrect Narrow Positions (1[c]/1[d][i]/10[c]/15[b])

As an initial matter, PO failed to dispute that Seed taught 1[c], 1[d][i], or 15[b] during prosecution, and the Board determined that it did. EX1002, 2174, 2179-91, 2335-36. For 1[c], PO now argues Seed does not obtain and serve a resource *because* it is determined to be popular. POPR, 25-32. However, that is an obviousness dispute

that is best addressed with a full record. For 1[d][i]/15[b], PO further argues that the prior art redirects based on “availability” and not “popularity.” *Id.*, 22-25. But “availability” is controlled by popularity in Seed and Swildens. Pet., 23-24, 54-58. PO’s argument incorrectly assumes the claims require redirecting “*only if*” an object is unpopular. Separately, for 10[c], PO argues Swildens’ “auto migration server” does not provide “information about which tier of servers should handle [certain] requests.” POPR, 32-34. This incorrectly assumes providing “information” requires a discrete list. Swildens’ auto-migration server provides the claimed “information” by assigning content to a server that handles requests for the content. Pet., 36-37.

IV. The Petition Has No Gap Filling, and *Chevron/Deeper* Do Not Apply

First, the alleged “gaps” PO identifies are not gaps at all. POPR, 38-39. The Petition is grounded in Seed’s and Swildens’ disclosures and cites extrinsic support to show why a POSITA would have read the disclosures to teach the limitations. Pet., 20 (for 1[c], citing Seed, [0013], [0046], [0059]); EX1003, ¶¶132-35 (for 1[d][ii], citing support as to Swildens’ disclosure of hash functions). And Petitioner’s expert may explain “what [a prior art]’s teachings would indicate to a skilled artisan.” *Yealink (USA) Network Tech. Co. v. Barco N.V.*, IPR2025-00491, Paper 20, 28 (July 29, 2025). Second, *Chevron* and *Deeper* are inapposite. See POPR, 40. Those IPRs involved deficiencies as to most—but not all—challenged claims, making institution inefficient. Here, there are no such deficiencies.

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U.S. Patent No. 9,762,692

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of Petitioner's Preliminary
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