

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION,  
Petitioner,

v.

BRADIUM TECHNOLOGIES LLC,  
Patent Owner.

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Case IPR2015-01435  
Patent 8,924,506 B2

Before BRYAN F. MOORE, BRIAN J. McNAMARA, and  
MINN CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

DECISION  
Denying Institution of *Inter Partes* Review  
*37 C.F.R. § 42.108*

## I. INTRODUCTION

Microsoft Corporation (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 1–21 (the “challenged claims”) of U.S. Patent No. 8,924,506 B2 (Ex. 1001, “the ’506 patent”). Bradium Technologies LLC (“Patent Owner”) filed a Preliminary Response (Paper 12, “Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted unless the information presented in the Petition “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the Petition and the Preliminary Response, we conclude that the information presented in the Petition does not establish a reasonable likelihood that Petitioner would prevail in showing the unpatentability of any of the challenged claims on the grounds set forth in the Petition. Accordingly, we deny Petitioner’s request to institute an *inter partes* review of claims 1–21.

### A. Related Proceedings

According to Petitioner, the ’506 patent is the subject of the following pending patent infringement case: *Bradium Techs. LLC v. Microsoft Corp.*, No. 1:15-cv-00031-RGA (D. Del.). Pet. 1–2. Petitioner has also filed petitions for *inter partes* review in *Microsoft Corp. v. Bradium Techs. LLC*, Cases IPR2015-01432 and IPR2015-01434, challenging U.S. Patent Nos. 7,139,794 B2 (“the ’794 patent”) and 7,908,343 B2 (“the ’343 patent”), respectively. The ’506 patent issued from a continuation-in-part application

of the application that resulted in the '343 patent. The '794 patent discloses similar subject matter and claims the benefit of priority from the same set of provisional applications as the '343 and '506 patents.

*B. The '506 Patent*

The '506 patent describes an image distribution system for retrieving high-resolution or large-scale images from a network image server over a limited-bandwidth communications channel for display on client devices, where a user may navigate over the images displayed on the client device by controlling a viewing frustum placed over the displayed images. *See* Ex. 1001, Abstract; col. 1, ll. 29–34; col. 5, ll. 31–59. The retrieval of large-scale or high-resolution images is achieved by selecting, requesting, and receiving update image parcels relative to an operator or user controlled image viewpoint. *See id.* at Abstract; col. 3, ll. 50–59. In an embodiment, when the viewing frustum is changed by user navigation commands, the client device determines the priority of the image parcels to be requested from the server “to support the progressive rendering of the displayed image,” and the image parcel requests are placed in a request queue to be issued in priority order. *See id.* at col. 7, ll. 50–65.

On the server side, high-resolution source image data is pre-processed by the image server to create a series of derivative images of progressively lower resolution. *See id.* at col. 6, ll. 7–12. Figure 2 of the '506 patent is reproduced below.

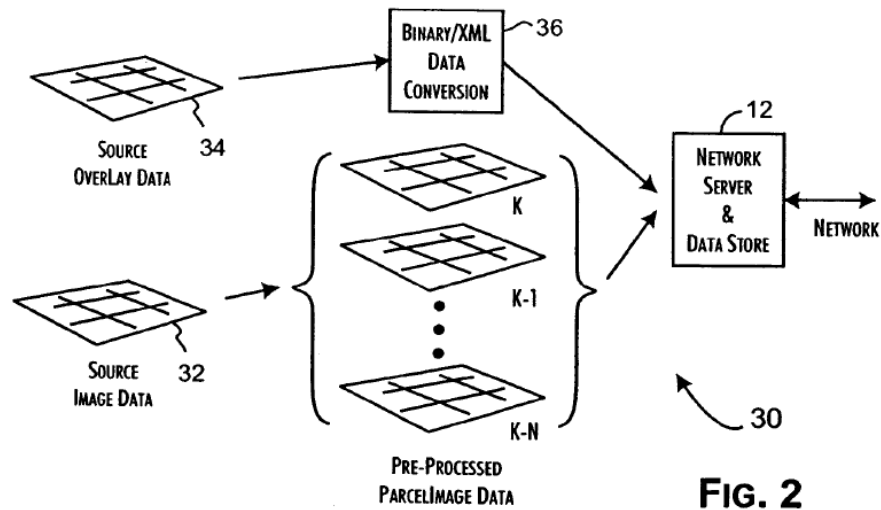


Figure 2 depicts preparation of pre-processed image parcels at the network image server. *See id.* at col. 4, ll. 60–63; col. 5, ll. 60–63; col. 6, ll. 7–10. As illustrated in Figure 2, source image data 32 is pre-processed to obtain a series  $K_{1-N}$  of derivative images of progressively lower image resolution. *Id.* at col. 6, ll. 10–12. Initially, the source image data—i.e., the series image  $K_0$ —is subdivided into a regular array of image parcels of a fixed byte size, e.g., 8K bytes. *Id.* at col. 6, ll. 12–17. In an embodiment, the resolution of a particular image in the series is related to the predecessor image by a factor of four while, at the same time, the array subdivision is also related by a factor of four, such that each image parcel of the series images has the same fixed byte size, e.g., 8K bytes. *Id.* at col. 6, ll. 17–22.

In another embodiment, the image parcels are compressed by a fixed ratio—for example, the 8K byte parcels are compressed by a 4-to-1 compression ratio such that each image parcel has a fixed 2K byte size. *Id.* at col. 6, ll. 23–28. This allows each image parcel to fit into a single network data packet, which improves data delivery and avoids the

transmission latency and processing overhead of managing image parcel data broken up over multiple network data packets. *See id.* at col. 8, ll. 15–22.

*C. Illustrative Claim*

Of the challenged claims, claims 1, 8, and 15 are independent. Claim 1 is illustrative of the challenged claims and is reproduced below:

1. A method of retrieving large-scale images over network communications channels for display on a limited communication bandwidth computer device, said method comprising:

issuing, from a limited communication bandwidth computer device to a remote computer, a request for an update data parcel wherein the update data parcel is selected based on an operator controlled image viewpoint on the computer device relative to a predetermined image and the update data parcel contains data that is used to generate a display on the limited communication bandwidth computer device;

processing, on the remote computer, source image data to obtain a series  $K_{1-N}$  of derivative images of progressively lower image resolution and wherein series image  $K_0$  being subdivided into a regular array wherein each resulting image parcel of the array has a predetermined pixel resolution wherein image data has a color or bit per pixel depth representing a data parcel size of a predetermined number of bytes, resolution of the series  $K_{1-N}$  of derivative images being related to that of the source image data or predecessor image in the series by a factor of two, and said array subdivision being related by a factor of two such that each image parcel being of a fixed byte size;

receiving said update data parcel from the data parcel stored in the remote computer over a communications channel;  
and

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