

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

REALTIME DATA LLC,
Patent Owner.

Case IPR2016-01737
Patent 8,880,862 B2

Before GEORGIANNA W. BRADEN, J. JOHN LEE, and
JASON J. CHUNG, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

Apple, Inc. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 1–4, 6–7, 13, 23–34, 47–58, 83–96, 99–100, 105–111, 113, and 116 (“the challenged claims”) of U.S. Patent No. 8,880,862 B2 (Ex. 1001, “the ’862 Patent”). Realtime Data, LLC (“Patent Owner”) timely filed a Preliminary Response (Paper 6, “Prelim. Resp.”).

Under 35 U.S.C. § 314, an *inter partes* review may not be instituted unless the information presented in the Petition shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” *See also* 37 C.F.R § 42.4(a) (delegating authority to the Board). Upon consideration of the Petition, Patent Owner’s Preliminary Response, and the evidence cited therein, we determine that the information presented demonstrates a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of each of the challenged claims. Accordingly, we institute an *inter partes* review of the challenged claims.

B. Related Proceedings

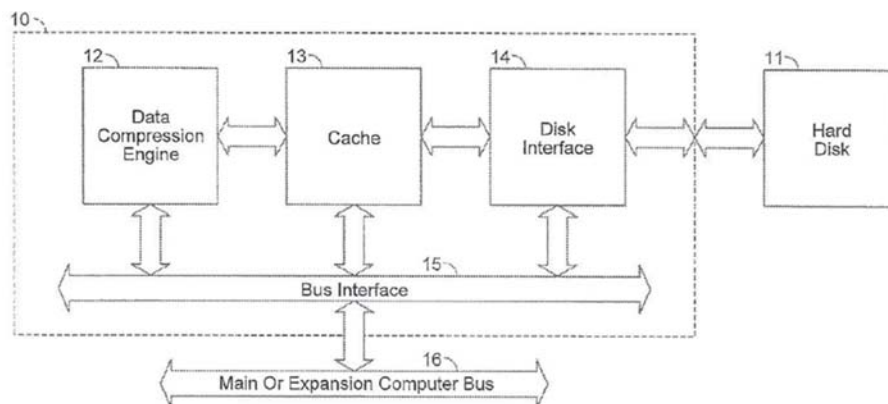
The parties identify the following cases as related to the challenged patent: *Realtime Data, LLC v. Microsoft Corporation*, Case No. 4:14-cv-00827 (E.D. Tex.), *Realtime Data, LLC v. Microsoft Corporation*, Case No. 6:15-cv-00885 (E.D. Tex.), and *Realtime Data, LLC v. Apple, Inc.*, Case No. 3:16-cv-02595 (N.D. Cal.) (transferred from *Realtime Data, LLC v. Apple, Inc.*, Case No. 6:15-cv-00885 (E.D. Tex.)). Pet. 1; Paper 5, 2.

C. The '862 Patent

The '862 Patent relates to “providing accelerated loading of operating system and application programs upon system boot or application launch,” and the use of data compression and decompression techniques for such purpose. Ex. 1001, 1:20–26. The specification discusses the limits of prior art storage devices, particularly the significant bandwidth limitations of “mass storage devices” such as hard disk drives. *Id.* at 1:43–57, 2:9–18. According to the specification,

“[A]ccelerated” data storage comprises receiving a digital data stream at a data transmission rate which is greater than the data storage rate of a target storage device, compressing the input stream at a compression rate that increases the effective data storage rate of the target storage device and storing the compressed data in the target storage device.

Id. at 5:41–47. One embodiment of the '862 Patent is illustrated in Figure 1, reproduced below.



As shown in Figure 1, data storage controller 10 is “operatively connected” to hard disk 11 and to host system’s bus 16. *Id.* at 5:63–6:53. Controller 10 includes cache 13 for data storage/preloading, and data compression engine 12 for data compression/decompression. *Id.* at 5:63–6:53, 20:50–22:11. The '862 Patent explains that, following reset or power on of a computer

system, the “initial bus commands inevitably instruct the boot device controller [e.g., controller 10] to retrieve data from the boot device (such as a disk) [e.g., hard disk 11] for the operating system.” *Id.* at 20:36–49.

D. Illustrative Claims

As noted above, Petitioner challenges claims 1–4, 6–7, 13, 23–34, 47–58, 83–96, 99–100, 105–111, 113, and 116 of the ’862 Patent. Pet. 1. Claims 1, 7, 22, and 27 are independent. Claim 1 is illustrative of the challenged claims, and is reproduced below:

1. A method for providing accelerated loading of an operating system in a computer system, the method comprising:
 - loading a portion of boot data in a compressed form that is associated with a portion of a boot data list for booting the computer system into a memory;
 - accessing the loaded portion of the boot data in the compressed form from the memory;
 - decompressing the accessed portion of the boot data in the compressed form at a rate that decreases a boot time of the operating system relative to loading the operating system utilizing boot data in an uncompressed form; and
 - updating the boot data list,wherein the decompressed portion of boot data comprises a portion of the operating system.

Ex. 1001, 26:38–51.

E. The Evidence of Record and Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability under 35 U.S.C. § 103 (Pet. 2):

Challenged Claims	Asserted Prior Art
All Challenged Claims	Sukegawa ¹ and Dye ²
All Challenged Claims	Sukegawa, Dye, and Settsu ³
All Challenged Claims	Sukegawa, Dye, and Burrows ⁴
All Challenged Claims	Sukegawa, Dye, Settsu, and Burrows
All Challenged Claims	Sukegawa, Dye, and Zwiegincew ⁵

Additionally, Petitioner relies on the Declaration of Dr. Charles J. Neuhauser (Ex. 1003) to support its challenges.

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are interpreted according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *see Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016) (“We conclude that the regulation represents a reasonable exercise of the rulemaking authority that Congress delegated to the Patent Office.”). Under that standard, and absent any special definitions, we give claim terms their ordinary and customary meaning, as would be understood by one of ordinary

¹ U.S. Patent No. 5,860,083, issued Jan. 12, 1999 (Ex. 1005, “Sukegawa”).

² U.S. Patent No. 6,145,069, filed Apr. 26, 1999, issued Nov. 7, 2000 (Ex. 1008, “Dye”).

³ U.S. Patent No. 6,374,353 B1, filed Mar. 3, 1999, issued Apr. 16, 2002 (Ex. 1006, “Settsu”).

⁴ Michael Burrows et al., *On-line Data Compression in a Log-structured File System* (1992) (Ex. 1007, “Burrows”).

⁵ U.S. Patent No. 6,317,818 B1, filed Mar. 30, 1999, issued Nov. 13, 2001 (Ex. 1010, “Zwiegincew”).

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