UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DELL INC., EMC CORPORATION, HEWLETT-PACKARD
ENTERPRISE CO., HP ENTERPRISE SERVICES, LLC, and TERADATA
OPERATIONS, INC.

Petitioners

v.

REALTIME DATA LLC
Patent Owner

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Case IPR2017-00176
&
Case IPR2017-00806
[consolidated]
Patent No. 7,161,506

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PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

EXHIBIT LIST

Exhibit No.	Description
2001	Declaration of Kayvan B. Noroozi in Support of Motion for Admission *Pro Hac Vice*.
2002	Transcript of Oral Deposition of Charles D. Creusere, January 19, 2017 taken in IPR2016-00972 and IPR2016-01002.
2003	Transcript of Oral Deposition of Charles D. Creusere, August 4, 2017, taken in IPR2017-00176 and IPR2017-00179.[1]
2004	Declaration of Dr. Kenneth A. Zeger, Ph.D.

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[1] Although initially taken in IPR2017-00176 and IPR2017-00179, the parties have agreed (and the Board has ordered) that the deposition shall be treated as having also been taken in IPR2017-00806 and IPR2017-00808. *See* IPR2017-00176, Paper 28 at 4; IPR2017-00179, Paper 29 at 4; IPR2017-00806, Paper 19 at 4; IPR2017-00808, Paper 18 at 4.

I.   Introduction

Petitioners allege that claims 104 and 105 of the '506 patent are obvious over the combination of Franaszek, Hsu, and Sebastian. The testimony of Petitioners' own expert, Dr. Creusere, along with Patent Owner's expert, Dr. Zeger, now proves otherwise.

Claim 104 limitation [c] requires performing data compression on a data block for which a data type has not been identified. Dr. Creusere's testimony establishes that, to the extent a POSA would combine Franaszek with Hsu at all, the POSA would make use of Hsu's teachings to recognize a data type with respect to every data block in the ensuing combined system. Section III.A, *infra.* Dr. Zeger's testimony further establishes that a POSA would expect Hsu to identify a data type with respect to each data block, and that Hsu would in fact do so. Section III.B, *infra.* Sebastian's role in the combined system would have no effect to the contrary. *Id.* Since Petitioners' alleged combination would always identify a data block's data type, Claim 104 limitation [c] would never be met, and Petitioners' obviousness theory as to claim 104 fails. Section III.C, *infra.*

Petitioners theory with respect to Claim 105 is similarly self-defeating. Claim 105 limitation [d2] requires compressing a data block once limitation [d1] of that claim has not been met. But Petitioners' alleged combination would always

perform limitation [d1] and would thus never meet limitation [d2]. Section IV, *infra*. Petitioners' only theories as to how the combined system of Franaszek, Hsu, and Sebastian would purportedly meet limitation [d2] ignore Hsu's existence entirely and ascribe teachings to Sebastian that Dr. Creusere admitted Sebastian does not contain, and that Dr. Zeger explains a POSA would not derive. *Id.*

Accordingly, as demonstrated by the testimony of both experts in this proceeding, the arguments set forth herein, and the record as a whole, the Board should find claims 104 and 105 not unpatentable.

II.   Background of the '506 patent and challenged claims

Petitioners Dell, EMC, HPE, and Teradata (collectively, "Petitioners") challenge claims 104 and 105 of the '506 patent.[2] The '506 patent relates to data

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[2] Pursuant to the Board's order of consolidation and coordination, Patent Owner files this common Patent Owner's Response to the separate Petitions filed in IPR2017-00176 (by Petitioners Dell Inc., EMC Corporation, Hewlett-Packard Enterprise Co., and HP Enterprise Services, LLC) and IPR2017-00806 (by Petitioner Teradata Operations, Inc.). *See* IPR2017-00176, Paper 28 at 4; IPR2017-806, Paper 19 at 4.

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