

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ORACLE AMERICA, INC., HP INC., HEWLETT PACKARD  
ENTERPRISE CO., AND HP ENTERPRISE SERVICES, LLC,  
Petitioner,

v.

REALTIME DATA LLC,  
Patent Owner.

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Case IPR2016-00373  
Patent 7,378,992 B2

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

BRADEN, *Administrative Patent Judge*.

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

## I. INTRODUCTION

### A. Background

Oracle America, Inc. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) to institute an *inter partes* review of claim 48 of U.S. Patent No. 7,378,992 B2 (Ex. 1001, “the ’992 patent”). Realtime Data LLC, (“Patent Owner”) timely filed a Preliminary Response (Paper 6, “Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . 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, the Petitioner’s supporting evidence, and Patent Owner’s Preliminary Response, we conclude Petitioner has established a reasonable likelihood it would prevail with respect to the one challenged claim. Accordingly, for the reasons that follow, we institute an *inter partes* review.

### B. Related Proceedings

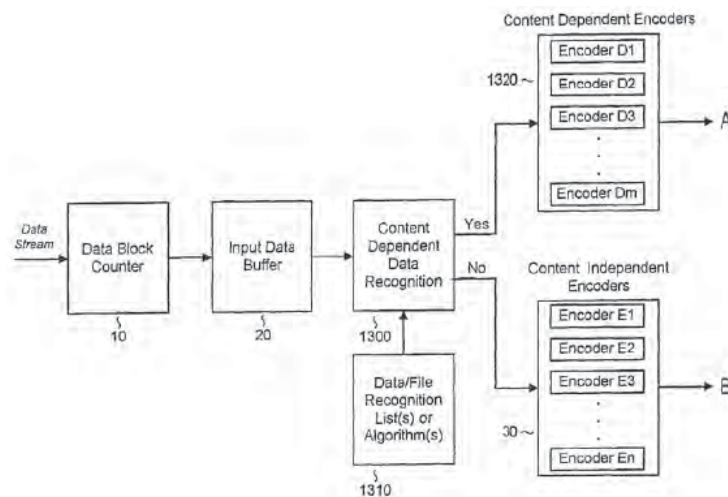
Petitioner informs us of the following co-pending litigation matters that would affect or could be affected by a decision in this proceeding: *Realtime Data LLC v Actian Corporation et al.*, E.D. Tex. Case No. 6:2015-cv-00463, *Realtime Data LLC v Dropbox, Inc.*, E.D. Tex. Case No. 6:2015-cv-00465, *Realtime Data LLC v EchoStart Corporation et al.*, E.D. Tex. Case No. 6:2015-cv-00466, *Realtime Data LLC v Oracle America, Inc., Hewlett-Packard Co. and HP Enterprise Services, LLC*, E.D. Tex. Case No. 6:2015-cv-00467, *Realtime Data LLC v Riverbed Technology, Inc. et al.*, E.D. Tex. Case No. 6:2015-cv-00468, *Realtime Data LLC v SAP America, Inc. et al.*, E.D. Tex. Case No. 6:2015-cv-00469, *Realtime Data LLC v*

*Teradata Corporation et al.*, E.D. Tex. Case No. 6:2015-cv-00470, all filed on May 8, 2015 and still pending currently. Pet. 3.

Petitioner also informs us of concurrently filed IPR2016-00374 (challenging U.S. Patent No. 8,643,513); IPR2016-00375 (challenging U.S. Patent No. 7,415,530); IPR2016-00376 (challenging U.S. Patent No. 7,415,530); and IPR2016-00377 (challenging U.S. Patent No. 9,116,908). Pet. 55–56.

### C. The '992 Patent

The '992 patent, titled “Content Independent Data Compression Method and System,” discloses systems and methods for analyzing a data block and selecting a compression method to apply to that block. Ex. 1001, Title, Abst. The '992 patent further discloses “fast and efficient data compression using a combination of content independent data compression and content dependent data compression.” *Id.* at 3:52–54. One embodiment of the '992 patent is illustrated in Figure 13A reproduced below.

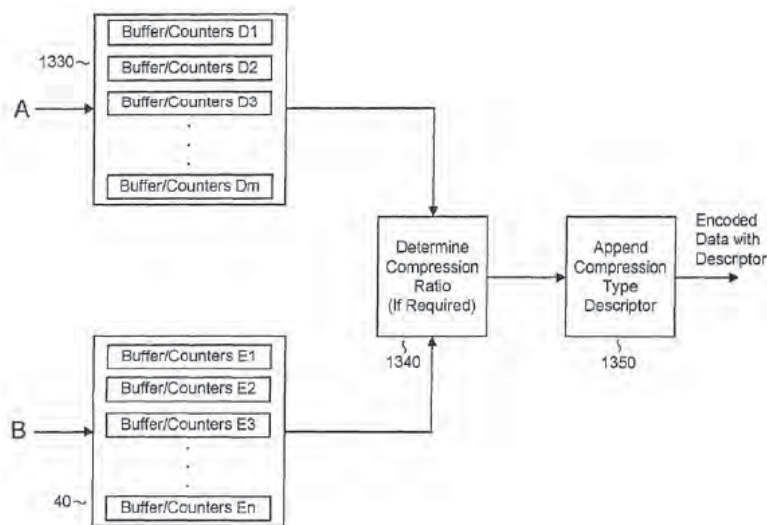


As shown above in Figure 13A of the '992 patent, the system receives an input data stream of data blocks. *Id.* at 16:7–12. Content dependent data recognition module 1300 analyzes the incoming data stream to recognize

“data types” and other parameters indicative of the “data type/content.” *Id.* at 16:27–33. If module 1300 recognizes the data type of a given data block, module 1300 routes the block to content dependent encoder module 1320 (*id.* at 16:36–40); if not, it routes the block to “content independent” (or “default”) encoder module 30 (*id.* at 3:54–55, 3:60–63, 16:4–7, 16:36–40, 18:17–20).

Content dependent encoder module 1320 comprises lossy or lossless compression encoders (*id.* at 16:45–53); content independent encoder module 30 comprises only lossless encoders (*id.* 16:60–62). Lossy encoders provide for an “inexact” representation of the original uncompressed data (*id.* at 1:64–67); lossless encoders provide for an “exact” representation (*id.* 2:11–13). The ’992 patent teaches that “[e]ncoding techniques” may be selected “based upon their ability to effectively encode different types of input data.” *Id.* at 12:61–64.

Another embodiment of the ’992 patent is illustrated in Figure 13B reproduced below.



As shown above in Figure 13B of the ’992 patent, “compression ratio module 1340, operatively connected to the content dependent output

builder/counters 1330 and content independent buffer/counters 40 determines the compression ratio obtained for each of the enabled encoders D1 . . . Dm and/or E1 . . . En.” *Id.* at 17:49–54. It sets the compression ratio “by taking the ratio of the size of the input data block to the size of the output data block stored in the corresponding buffer/counters BCD1, BCD2, BCD3 . . . BCDm and/or BCE1, BCE2, BCE3 . . . BCEn.” *Id.* at 17:54–57.

*D. Summary of the Prosecution History and the Challenged Claim*

The ’992 patent has undergone two reexamination proceedings. *See* Ex. 1034 (Request for Reexamination No. 95/000,478); Ex. 1036 (Request for Reexamination No. 95/001,928). During these reexaminations, twenty-one claims were cancelled and six new claims were added. *See* Ex. 1001 (’928 Reexamination Certificate); Ex. 1009 (’928 Reexamination, Right of Appeal Notice); Ex. 1035 (’478 Reexamination, Decision on Appeal). As noted above, Petitioner challenges claim 48 of the ’992 patent, which was added and allowed during the second reexamination. *See* Ex. 1009, 2.

Claim 48 is reproduced below (with paragraphing):

48. A computer implemented method comprising:
  - receiving a first data block;
  - associating at least one encoder to each one of several data types;
  - analyzing data within the data block to identify a first data type of the data within the data block;
  - compressing, if said first data type is the same as one of said several data types, said data block with said at least one encoder associated with said one of said several data types that is the same as said first data type to provide a compressed data block; and

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