Trials@uspto.gov
571.272.7822

Paper 17
Entered: August 14, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TERADATA OPERATIONS, INC.,
Petitioner,

v.

REALTIME DATA LLC d/b/a IXO,
Patent Owner.

Case IPR2017-00806
Patent 7,161,506 C2

Before J. JOHN LEE, JASON J. CHUNG, and SCOTT C. MOORE
Administrative Patent Judges.

CHUNG, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, Teradata Operations, Inc., filed a Petition requesting an *inter partes* review of claims 104 and 105 ("the challenged claims") of U.S. Patent No. 7,161,506 C2 (Ex. 1001, "the '506 patent"). Paper 1 ("Pet."). In response, Patent Owner, Realtime Data LLC d/b/a IXO, filed a Preliminary Response. Paper 11 ("Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314, 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."

For the reasons set forth below, we institute an *inter partes* review of the challenged claims.

A. Related Proceedings

Petitioner and Patent Owner inform us that the '506 patent is involved in multiple suits in the U.S. District Courts for the Eastern District of Texas and Northern District of California and several *inter partes* review proceedings. Pet. 3–4; Paper 4, 1–10; Paper 16, 1–9.

B. The '506 Patent

The '506 patent describes systems and methods "for providing fast and efficient data compression using a combination of content independent data compression and content dependent data compression." Ex. 1001, Abst. The '506 patent further describes that the input data type includes a plurality of disparate data types. *Id.*

C. Challenged Claims

As noted above, Petitioner challenges claims 104 and 105 of the '506 patent, both of which are independent claims. Claim 104 and 105 are reproduced below:

> 104. A computer implemented method for compressing data, comprising:
>
> analyzing data within a data block of an input data stream to identify one or more data types of the data block, the input data stream comprising a plurality of disparate data types;
>
> performing content dependent data compression with a content dependent data compression encoder if a data type of the data block is identified; and
>
> performing data compression with a single data compression encoder, if a data type of the data block is not identified;
>
> wherein the analyzing of the data within the data block to identify one or more data types excludes analyzing based only on a descriptor that is indicative of the data type of the data within the data block.

Ex. 1001, 6:34–49.

> 105. A computer implemented method comprising:
>
> receiving a data block in an uncompressed form, said data block being included in a data stream;
>
> analyzing data within the data block to determine a type of said data block; and
>
> compressing said data block to provide a compressed data block;
>
> wherein if one or more encoders are associated to said type, compressing said data block with at least one of said one or more encoders, otherwise compressing said data block with a default data compression encoder, and
>
> wherein the analyzing of the data within the data block to identify one or more data types excludes analyzing based only on a descriptor that is indicative of the data type of the data within the data block.

Id. at 6:50–64.

D. Asserted Grounds of Unpatentability

Petitioner challenges the patentability of the '506 patent based on the following grounds under 35 U.S.C. § 103(a)[1]:

References	Basis	Claims Challenged
Franaszek[2] and Hsu[3,4]	§ 103(a)	104 and 105
Franaszek, Hsu, and Sebastian[5]	§ 103(a)	104 and 105

Additionally, Petitioner relies on the Declarations of Charles D. Creusere, Ph.D. (Ex. 1002) and Scott Bennett, Ph.D. (Ex. 1026), to support its challenges.

[1] The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), revised 35 U.S.C. § 103, effective March 16, 2013. The '506 patent was issued prior to the effective date of the AIA. Thus, we apply the pre-AIA version of § 103.
[2] U.S. Patent No. 5,870,036, filed Feb. 24, 1995, issued Feb. 9, 1999 (Ex. 1004, "Franaszek").
[3] W. H. Hsu and A. E. Zwarico, "Automatic Synthesis of Compression Techniques for Heterogeneous Files," *Software—Practice and Experience*, Vol. 25(10), 1097–1116 (1995) (Ex. 1005, "Hsu").
[4] Petitioner contends that Hsu was prior art as of 1995. Pet. 15 (citing Ex. 1026 ¶ 35). Patent Owner does not dispute the public availability date at this juncture. On this record, we accept Petitioner's contention for purposes of institution.
[5] U.S. Patent No. 6,253,264 B1, filed Mar. 6, 1998, issued June 26, 2001 (Ex. 1030, "Sebastian").

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, we construe claim terms in an unexpired patent 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 [37 C.F.R. § 42.100(b)] represents a reasonable exercise of the rulemaking authority that Congress delegated to the Patent Office."). Consistent with the broadest reasonable construction, claim terms are presumed to have their ordinary and customary meaning as understood by a person of ordinary skill in the art in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). Also, we must be careful not to read a particular embodiment appearing in the written description into the claim if the claim language is broader than the embodiment. *See In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) ("[L]imitations are not to be read into the claims from the specification."). An inventor, however, may provide a meaning for a term that is different from its ordinary meaning by defining the term in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). Petitioner argues for a construction of "data stream" while Patent Owner does not argue any terms. Pet. 11–12; *see generally* Prelim. Resp.

At this stage of the proceeding, and based on the record before us, we determine that no terms require express construction for purposes of this Decision. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) (only those claim terms or phrases that are in

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.