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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BLUE COAT SYSTEMS, INC.
Respondent
v.

REALTIME DATA LLC.
Patent Owner, Appellant

Appeal 2012-002371
Inter partes Reexamination Control No. 95/000,479
United States Patent 7,161,506 B2
Technology Center 3900

Before RICHARD TORCZON, ALLEN R. MacDONALD, and STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

This proceeding arose from a third party request on behalf of Blue Coat Systems, Inc. for an *inter partes* reexamination of U. S. Patent 7,161,506 B2 (the '506 patent), entitled "Systems and Methods for Data Compression such as Content Dependent Data Compression," assigned to Realtime Data LLC and issued to James J. Fallon (January, 9, 2007). Claims 1-5, 8, 9, 11, 17, 20-23, 27, 39, 43, 69-73, 79, 81, 82, 84-90, 96, and 98 presently stand rejected. Claims 6, 7, 16, 41, and 42 have been confirmed. We have jurisdiction under 35 U.S.C. §§ 134(b) and 306.

STATEMENT OF THE CASE

The '506 patent describes "data compression and decompression using content independent and content dependent data compression and decompression" (col. 6, ll. 21-23).

Claim 1 on appeal reads as follows:

> 1. A method for compressing data, comprising the steps of:
> analyzing 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; if a data type of the data block is identified;
> performing data compression with a single data compression encoder, if the data type of the data block is not identified.

(App. Br. 44, Claims Appendix.)

The Examiner relies upon the following prior art references:

MacLean	US 5,167,034	Nov. 24, 1992
Kawashima	US 5,805,932	Sep. 8, 1998[1]
Franaszek	US 5,870,036	Feb. 9, 1999
Reynar	US 5,951,623	Sep. 14, 1999
Sebastian	US 6,253,264 B1	Jun. 26, 2001

CCITT, "Data Compression Procedures for Data Circuit Terminating Equipment (DCE) Using Error Correction Procedures," Recommendation V.42 bis, International Telecommunication Union, Geneva, 1990 ("CCITT").

Rejections

Claims 1-5, 8, 9, 11, 17, 21-23, 43, 69, 72, 73, 79, and 81 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sebastian (Ans. 5);

Claims 69, 70, 72, 73, 79, 81, 82, 84, and 85 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Franaszek (Ans. 8);

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sebastian, Franaszek, and Reynar (Ans. 9);

Claims 27 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sebastian and any one of CCITT or Reynar (Ans. 10);

Claim 82 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sebastian and MacLean (Ans. 11);

Claims 70, 71, 84-90, 96, and 98 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sebastian and Kawashima (Ans. 11).

[1] Cited in conjunction with corresponding International Publication Number WO 95/29437 A1 (Nov. 1995).

DISCUSSION

As stated above, claims 1-5, 8, 9, 11, 17, 20-23, 27, 39, 43, 69-73, 79, 81, 82, 84-90, 96, and 98 presently stand rejected. Appellant "retracts any rebuttal arguments of the Examiner's rejection of claims 1-5, 8, 9, 11, 17, 20-23, 27, 39, 43, 69-78, 79, 81, 82, 84-90, 96, and 98. . . ."[2] Since Appellant does not dispute any of the Examiner's rejections of the claims, we sustain the Examiner's rejection of claims 1-5, 8, 9, 11, 17, 21-23, 43, 69, 72, 73, 79, and 81 as being anticipated by Sebastian; claims 69, 70, 72, 73, 79, 81, 82, 84, and 85 as being anticipated by Franaszek; claim 20 as being unpatentable over Sebastian, Franaszek, and Reynar; claims 27 and 39 as being unpatentable over Sebastian and any one of CCITT or Reynar; claim 82 as being unpatentable over Sebastian and MacLean; and claims 70, 71, 84-90, 96, and 98 as being unpatentable over Sebastian and Kawashima.

DECISION

The Examiner's decision to reject claims 1-5, 8, 9, 11, 17, 20-23, 27, 39, 43, 69-73, 79, 81, 82, 84-90, 96, and 98 is affirmed.

Requests for extensions of time in this *inter partes* reexamination proceeding are governed by 37 C.F.R. § 1.956. *See* 37 C.F.R. § 41.79.

AFFIRMED

rvb

[2] Patent Owner's Rebuttal Brief Under 37 C.F.R. § 41.71, Retracting the Arguments Made to Overcome the Claim Rejections and Thereby Eliminating the Issues on Appeal, filed October 28, 2011, p. 6.

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