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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, INC.,
Petitioner,

v.

REALTIME ADAPTIVE STREAMING, LLC,
Patent Owner.

Case IPR2018-00883
Patent 8,934,535 B2

Before KEVIN W. CHERRY, GARTH D. BAER, and
NABEEL U. KHAN, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
35 U.S.C. § 314

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I. INTRODUCTION

A. Background

Unified Patents, Inc. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) to institute an *inter partes* review of claims 15, 16, 17, 19, 22, and 23 (the “challenged claims”) of U.S. Patent No. 8,934,535 B2 (Exhibit 1001, “the ’535 Patent”). Realtime Adaptive Streaming, LLC (“Patent Owner”) timely filed a Preliminary Response. Paper 11 (“Prelim. Resp.”). At the request of the parties, we authorized additional briefing on the issue of whether Petitioner had named all of the real parties-in-interest (“RPIs”). Paper 18. Patent Owner filed a supplemental brief (Paper 21, “P.O. Supp. Br.”) and Petitioner filed a response (Paper 25, “Pet. Resp.”). We have authority under 37 C.F.R. § 42.4(a) and 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.” Having considered the arguments and the associated evidence presented in the Petition and the Preliminary Response, for the reasons described below, we institute *inter partes* review of all the challenged claims on all the grounds set forth in the Petition.

B. Related Proceedings

The parties inform us that the ’535 Patent is involved in the following litigations:

- *Realtime Data, LLC v. Echostar Corp.*, No. 6:17-cv-84 (E.D. Tex.)
- *Realtime Data LLC d/b/a IXO v. DISH Network Corporation et al.*, 6:17-cv-00421 (E.D. Tex.)

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- *Realtime Adaptive Streaming, LLC v. Sling TV, LLC*, No. 1:17-cv-2097 (D. Colo.)
- *Realtime Adaptive Streaming, LLC v. Amazon.com, Inc.*, No. 6:17-cv-549 (E.D. Tex.)
- *Realtime Adaptive Streaming LLC v. EchoStar Technologies, LLC et al.*, No. 6:17-cv-00567 (E.D. Tex.)
- *Realtime Adaptive Streaming, LLC v. Hulu, LLC*, No. 2:17-cv-7611 (C.D. Cal.)
- *Realtime Adaptive Streaming, LLC v. Cisco Systems, Inc.*, No. 6:17-cv-591 (E.D. Tex.)
- *Realtime Adaptive Streaming, LLC v. Brightcove, Inc.*, No. 1:17-cv-1519 (D. Del.)
- *Realtime Adaptive Streaming, LLC v. Haivision Network Video, Inc.*, No. 1:17-cv-1520 (D. Del.)
- *Realtime Adaptive Streaming, LLC v. Polycom, Inc.*, No. 1:17-cv-2692 (D. Colo.)
- *Realtime Adaptive Streaming, LLC v. Netflix, Inc.*, No. 1:17-cv-1692 (D. Del.)
- *Realtime Adaptive Streaming, LLC v. Sony Elecs., Inc.*, No. 1:17-cv-1693 (D. Del.)
- *Realtime Adaptive Streaming, LLC v. Apple, Inc.*, No. 1:17-cv-2869 (D. Colo.)
- *Realtime Adaptive Streaming, LLC v. Adobe Sys. Inc.*, No. 1:18-cv-10355 (D. Mass.)
- *Realtime Adaptive Streaming, LLC v. Samsung Elec. Co., Ltd.*, No. 6:18-cv-00113 (E.D. Tex.)
- *Realtime Adaptive Streaming LLC v. Wowza Media Systems LLC*, No. 1:18-cv-00927 (D. Colo.)
- *Realtime Adaptive Streaming LLC v. Google LLC et al*, No. 2:18-cv-03629 (D.C. Cal.)
- *Realtime Adaptive Streaming LLC v. Avaya Inc.*, No. 1:18-cv-01046 (D. Colo.)

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- *Realtime Adaptive Streaming LLC v. Broadcom Corporation et al.*, No. 1:18-cv-01048 (D. Colo.)
- *Realtime Adaptive Streaming LLC v. LG Electronics Inc. et al.*, No. 6:18-cv-00215 (E.D. Tex.)
- *Realtime Adaptive Streaming LLC v. Advanced Micro Devices, Inc.*, No. 1:18-cv-01173 (D. Colo.)
- *Realtime Adaptive Streaming LLC v. Intel Corporation*, No. 1:18-cv-01175 (D. Colo.)
- *Realtime Adaptive Streaming LLC v. Mitel Networks, Inc.*, No. 1:18-cv-01177 (D. Colo.)
- *Realtime Adaptive Streaming LLC v. Cox Communications, Inc.*, No. 8:18-cv-00942 (C.D. Cal.)
- *Realtime Adaptive Streaming LLC v. Charter Communications, Inc. et al.*, No. 1:18-cv-01345 (D. Colo.)
- *Realtime Adaptive Streaming, LLC v. Comcast Cable Communications, LLC d/b/a Xfinity et al.*, No. 1-18-cv-01446 (D. Colo.)

Pet. 1–2; Paper 10, 2–4.

Patent Owner further informs us that the '535 Patent is involved in the following *inter partes* review proceedings:

- *Hulu, LLC et al v. Realtime Adaptive Streaming LLC*, IPR2018-01169
- *Hulu, LLC et al v. Realtime Adaptive Streaming LLC*, IPR2018-01170
- *Sling TV LLC et al v. Realtime Adaptive Streaming LLC*, IPR2018-01332
- *Sling TV LLC et al v. Realtime Adaptive Streaming LLC*, IPR2018-01342
- *Cisco Systems, Inc. v. Realtime Adaptive Streaming LLC*, IPR2018-01384

Paper 10, 1–2.

C. The '535 Patent

The '535 Patent relates generally to compressing and decompressing data based on an actual or expected throughput (bandwidth) of a system. Ex. 1001, 1:21–25. The '535 Patent explains that data compression algorithms can have varied performance characteristics. Ex. 1001, 1:32–35. For example, with a typical dictionary-based compression algorithm, such as Lempel-Ziv, the size of the dictionary can affect the performance of the algorithm. Ex. 1001, 1:35–38. A large dictionary may yield very good compression ratios, but may make the algorithm take a long time to execute. On the other hand, a smaller dictionary would yield a faster compression time but at the expense of lower compression ratio. Ex. 1001, 1:38–44. Thus, one challenge in employing data compression is selecting the appropriate algorithm from a variety of algorithms for a given application or system. The desired balance between speed and efficiency is an important factor in determining which algorithm to select for data compression. A system that provides dynamic modification of compression system parameters to provide an optimal balance between speed and compression ratio is highly desirable. Ex. 1001, 1:56–60.

The '535 Patent describes two categories of compression algorithms—asymmetrical and symmetrical. An asymmetrical data compression algorithm is “one in which the execution time for the compression and decompression routines differ significantly.” Ex. 1001, 9:64–66. Thus, in an asymmetrical algorithm, either the compression time is fast with the decompression time being slow, or vice versa. An example of an asymmetric algorithm is Lempel-Ziv. Ex. 1001, 10:2–4. A symmetric compression algorithm, on the other hand, is “one in which the execution

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