

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY CORPORATION AND  
POLYCOM, INC.  
Petitioners

v.

REALTIME ADAPTIVE STREAMING LLC  
Patent Owner

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Case No. IPR2018-01413  
Patent 9,769,477

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**PETITION FOR *INTER PARTES* REVIEW  
OF U.S. PATENT NO. 9,769,477**

**TABLE OF CONTENTS**

I. INTRODUCTION ..... 1

II. SUMMARY OF THE '477 PATENT ..... 2

    A. THE ALLEGED INVENTION OF THE '477 PATENT ..... 2

    B. SUMMARY OF THE PROSECUTION HISTORY OF THE '477 PATENT ..... 6

III. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(A)(1) ..... 7

    A. REAL PARTIES-IN-INTEREST AND RELATED MATTERS ..... 7

    C. LEAD AND BACK-UP COUNSEL UNDER 37 C.F.R. § ..... 9

    D. PAYMENT OF FEES UNDER 37 C.F.R. § 42.103 ..... 10

IV. REQUIREMENTS FOR INTER PARTES REVIEW UNDER 37 C.F.R. § 42.104 ..... 10

    A. GROUNDS FOR STANDING UNDER 37 C.F.R. § 42.104(A) ..... 10

    B. IDENTIFICATION OF CHALLENGE UNDER 37 C.F.R. § 42.104(B) AND RELIEF  
    REQUESTED ..... 10

        1. The Grounds for Challenge ..... 10

        2. Claim Construction Under 37 C.F.R. § 42.104(b)(3) ..... 11

V. THERE IS A REASONABLE LIKELIHOOD THAT THE CHALLENGED CLAIMS OF THE  
'477 PATENT ARE UNPATENTABLE ..... 13

    A. GROUND 1: PAULS IN VIEW OF BROOKS RENDERS CLAIMS 1-29 OBVIOUS ..... 13

VI. CONCLUSION ..... 64

## **I. INTRODUCTION**

Petitioners Sony Corporation and Polycom, Inc. (“Petitioners”) request *Inter Partes* Review of Claims 1-29 of U.S. Patent No. 9,769,477 B2 (“the ’477 Patent”). Ex. 1001, ’477 Patent. As demonstrated by Petitioners below, the purported distinguishing features of the ’477 Patent of compressing and decompressing data based on the throughput (bandwidth) of a communication channel were known in the prior art.

During its twenty-two month journey at the Office, from filing to issuance, the application that issued as the ’477 Patent was allowed over and over again—a total of 9 times. After each allowance the applicants loaded the Office with more prior art. There were 12 supplemental information disclosure statements in all, and the ’477 Patent has 50 pages of references cited on its face. At several points, after the first four notices of allowance, the applicants amended the claims, and amended the claims again following the seventh notice of allowance. In each instance the amended claims were promptly allowed less than a month later.

Although there was a lot of activity, one common landmark bypassed on this trip through the Office was any substantive rejection based on prior art. The claims submitted with the application were never rejected, in any version, as anticipated or obvious. And so, in the 50-page preamble of references appended to the ’477 Patent, not one was ever used by the Examiner in a rejection. Two references that do not

appear in the 50-page list are *Pauls* and *Brooks*, presented here for the first time as a basis for finding Claims 1-29 obvious. The Board should find each of these claims unpatentable, and cancel them, because the claims cover adaptive data compression techniques that were well known in the art before the earliest possible priority date of the '477 Patent.

## **II. SUMMARY OF THE '477 PATENT**

### **A. THE ALLEGED INVENTION OF THE '477 PATENT**

The '477 Patent describes and claims a system for compressing video data based on throughput, or bandwidth, of a communications channel. *See '477 Patent* (Ex. 1001) at 9:27-30, Claim 1. The focus of the written description is not on the data compression algorithms themselves, which were well known. *See, e.g., id.* at 1:37-38 (“There are a variety of data compression algorithms that are currently available ....”); 4:63-64 (“A rich and highly diverse set of lossless data compression and decompression algorithms exist within the current art.”). According to the applicants, what was needed was “a system and method that would provide dynamic modification of compression system parameters,” which would balance the compression speed and the resulting compression ratio of an algorithm. *See id.* at 1:63-67.

Many of the examples described in the written description involve interactions between a processor and a storing device. *See generally '477 Patent* (Ex. 1001). For

instance, “a preferred system in which this invention is employed comprises a data storage controller that preferably uses a real-time data compression system to provide ‘accelerated’ data storage and retrieval bandwidths.” *Id.* at 9:32-35. In this embodiment, “a controller tracks and monitors the throughput (data storage and retrieval) of a data compression system and generates control signals to enable/disable different compression algorithms when, e.g., a bottleneck occurs so as to increase the throughput and eliminate the bottleneck.” *Id.* at 10:3-9.

The written description describes available compression algorithms that are either symmetrical or asymmetrical. *See id.* An asymmetrical algorithm is “one in which the execution time for the compression and decompression routines differ significantly.” *Id.* at 10:12-15. “[E]ither the compression routine is slow and the decompression routine is fast or the compression routine is fast and the decompression routine is slow.” *Id.* at 10:16-18. A symmetrical algorithm is “one in which the execution time for the compression and the decompression routines are substantially similar.” *Id.* at 10:20-23. A controller selects the appropriate compression algorithm to use in any particular circumstance, and one factor driving that selection is “the overall throughput (bandwidth) of the host system.” *See id.* at 11:43-47. “Another factor that is used to determine the compression algorithm is the type of data to be processed.” *Id.* at 11:48-49. In embodiments, access profiles are

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