

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

REALTIME DATA, LLC,

Plaintiff,

v.

**RACKSPACE US, INC., NETAPP, INC.,
and SOLIDFIRE, INC.,**

Defendants.

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**CIVIL ACTION NO. 6:16-CV-00961
RWS-JDL**

MEMORANDUM OPINION AND ORDER

On June 29, 2016, Plaintiff filed this action for patent infringement. Plaintiff alleges that Defendants NetApp, Inc. and SolidFire, LLC (collectively, “NetApp”) infringe six Realtime patents and Defendant Rackspace infringes seven Realtime patents. (Doc. No. 33.) Specifically, Realtime alleges that all Defendants infringe U.S. Patent No. 7,415,530 (“the ’530 Patent”); U.S. Patent No. 9,116,908 (“the ’908 Patent”); U.S. Patent No. 8,643,513 (“the ’513 Patent”); U.S. Patent No. 7,378,992 (“the ’992 Patent”); U.S. Patent No. 7,161,506 (“the ’506 Patent”) and U.S. Patent No. 9,054,728 (“the ’728 Patent”). (*Id.*) Realtime alleges that Rackspace additionally infringes U.S. Patent No. 7,358,867 (“the ’867 Patent”). (*Id.*)

This claim construction opinion construes disputed claim terms in the Asserted Patents. Realtime has filed an Opening Claim Construction Brief (Doc. No. 128), Defendants have filed a Response (Doc. No. 139), and Realtime has filed a Reply (Doc. No. 145). The parties additionally submitted a Joint Claim Construction Chart pursuant to P.R. 4-5(d). (Doc. No. 148.) On April 27, 2017, the Court held a claim construction hearing. (*See* Doc. No. 157

(Hearing Tr.) Upon consideration of the parties' arguments and for the reasons stated herein, the Court adopts the constructions set forth below.

OVERVIEW OF THE PATENTS

The Asserted Patents can be categorized into two distinct families: (1) the content compression family, which includes the '992, '513, '506, '728, and '867 Patents; and (2) the data acceleration family, which includes the '530 and '908 Patents. (See Doc. No. 128 (Realtime Opening Claim Const. Br.), at 1.) The Court has previously construed terms of the '992, '513, and '728 Patent claims in *Realtime Data LLC v. Actian Corp. et al.*, No. 6:15-cv-463, Doc. No. 362 (E.D. Tex. Jul. 28, 2016) ("*Actian Order*"). The Court also previously construed terms of the '530 and '908 Patent claims in the *Actian Order* as well as in *Realtime Data LLC v. MetroPCS Texas, LLC*, No. 6:10-cv-493, Doc. No. 438 (E.D. Tex. Oct. 1, 2012) ("*MetroPCS Order*").

The content compression patent family relates to systems and methods of data compression using different techniques based on the content of the data. '513 Patent, at Abstract, 3:55-58. The Asserted Patents in the "content compression" patent family are related and have substantially the same specification. Two representative independent claims of the '513 Patent recite:

1. A method of compressing a plurality of data blocks, comprising:
 - analyzing the plurality of data blocks to recognize when an appropriate content independent compression algorithm is to be applied to the plurality of data blocks;
 - applying the appropriate content independent data compression algorithm to a portion of the plurality of data blocks to provide a compressed data portion;
 - analyzing a data block from another portion of the plurality of data blocks for recognition of any characteristic, attribute, or parameter that is indicative of an appropriate content dependent algorithm to apply to the data block; and

applying the appropriate content dependent data compression algorithm to the data block to provide a compressed data block when the characteristic, attribute, or parameter is identified,
wherein the analyzing the plurality of data blocks to recognize when the appropriate content independent compression algorithm is to be applied excludes analyzing based only on a descriptor indicative of the any characteristic, attribute, or parameter, and
wherein the analyzing the data block to recognize the any characteristic, attribute, or parameter excludes analyzing based only on the descriptor.

15. A device for compressing data comprising:

a first circuit configured to analyze a plurality of data blocks to recognize when an appropriate content independent compression algorithm is to be applied to the plurality of data blocks;
a second circuit configured to apply the appropriate content independent data compression algorithm to a portion of the plurality of data blocks to provide a compressed data portion;
a third circuit configured to analyze a data block from another portion of the plurality of data blocks for recognition of any characteristic, attribute, or parameter that is indicative of an appropriate content dependent algorithm to apply to the data block; and
a fourth circuit configured to apply the appropriate content dependent data compression algorithm to the data block to provide a compressed data block when the any characteristic, attribute, or parameter is identified,
wherein the first circuit is further configured to analyze the plurality of data blocks to recognize when the appropriate content independent compression algorithm is to be applied by excluding analyzing based only on a descriptor indicative of the any characteristic, attribute, or parameter, and
wherein the third circuit is further configured to analyze the data block to recognize the any characteristic, attribute, or parameter by excluding analyzing based only on the descriptor.

'513 Patent, at 26:22–46, 27:32–28:19. Claim 48 of the '992 Patent recites:

48. A computer implemented method comprising:

receiving a 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
compressing, if said first data type is not the same as one of said several data types, said data block with a default encoder to provide said compressed data block;
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.

'992 Patent, *Inter Partes* Reexamination Certificate (Jan. 8, 2014), at 2:7–25. Claim 105 of the '506 Patent recites:

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.

'506 Patent, *Inter Partes* Reexamination Certificate (Jan. 8, 2014), at 2:50–64. Claim 1 of the '728 Patent recites:

1. A system for compressing data comprising:
a processor;
one or more content dependent data compression encoders; and
a single data compression encoder;
wherein the processor is configured:
to analyze data within a data block to identify one or more parameters or attributes of the data wherein the analyzing of the data within the data block to identify the one or more parameters or attributes of the data excludes analyzing based solely on a descriptor that is indicative of the one or more parameters or attributes of the data within the data block;

to perform content dependent data compression with the one or more content dependent data compression encoders if the one or more parameters or attributes of the data are identified; and
to perform data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified.

'728 Patent, at 26:29–48. Claim 16 of the '867 Patent recites:

16. A method comprising:
 - receiving a plurality of data blocks;
 - determining whether or not to compress each one of said plurality of data blocks with a particular one or more of several encoders;
 - if said determination is to compress with said particular one or more of said several encoders for a particular one of said plurality of data blocks:
 - compressing said particular one of said plurality of data blocks with said particular one or more of said several encoders to provide a compressed data block;
 - providing a data compression type descriptor representative of said particular one or more of said several encoders;
 - outputting said data compression type descriptor and said compressed data block;
 - if said determination is to not compress said particular one of said plurality of data blocks:
 - providing a null data compression type descriptor representative of said determination not to compress; and
 - outputting said null data compression type descriptor and said particular one of said plurality of data blocks.

'867 Patent, Certificate of Correction (Jul. 8, 2008), pages 1–2.

The data acceleration patent family generally relates to systems and methods to accelerate the storage and retrieval of data blocks from a memory device. '530 Patent, at 12:38–40. The two Asserted Patents in the data acceleration patent family also share a common specification. Claim 1 of the '530 Patent is representative and recites:

1. A system comprising:
 - a memory device; and
 - a data accelerator, wherein said data accelerator is coupled to said memory device, a data stream is received by said data accelerator in received form, said data stream includes a first data block and a

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