Trials@uspto.gov
571-272-7822

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACRONIS, INC.,
Petitioner,

v.

REALTIME DATA LLC,
Patent Owner.

Case IPR2018-00706
Patent 8,717,204 B2

Before JAMESON LEE, THOMAS L. GIANNETTI, and GARTH D. BAER, *Administrative Patent Judges.*

BAER, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

Petitioner Acronis, Inc. filed a Petition (Paper 1, "Pet.") requesting *inter partes* review of claims 12–14, 20, and 21 of U.S. Patent No. 8,717,204 B2 (Ex. 1001, "the '204 patent"). Pursuant to 35 U.S.C. § 314(a), we determined Petitioner showed a reasonable likelihood that it would prevail in establishing the unpatentability of all challenged claims and instituted an *inter partes* review. Paper 11, 17. Patent Owner Realtime Data LLC filed a Response (Paper 15, "Resp."), and Petitioner filed a Reply to Patent Owner's Response (Paper 16, "Reply"). An oral hearing was held before the Board. Paper 20.

We issue this Final Written Decision pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. Having considered the record before us, and as explained below, we determine Petitioner has shown by a preponderance of the evidence that claims 12–14, 20, and 21 of the '204 patent are unpatentable. *See* 35 U.S.C. § 316(e).

A. RELATED PROCEEDINGS

As required by 37 C.F.R. § 42.8(b)(2), each party identifies various judicial or administrative matters that would affect or be affected by a decision in this proceeding. Pet. 2–3; Paper 5, 1–8.

B. THE '204 PATENT

The '204 patent is titled "Methods for Encoding and Decoding Data" and describes a method of accelerated data transmission over a communications channel using data compression and decompression to provide secure transmission and transparent multiplication of communication bandwidth as well as to reduce latency. Ex. 1001, Abstract, 1:25–36. Figure 2 of the '204 patent is reproduced below.

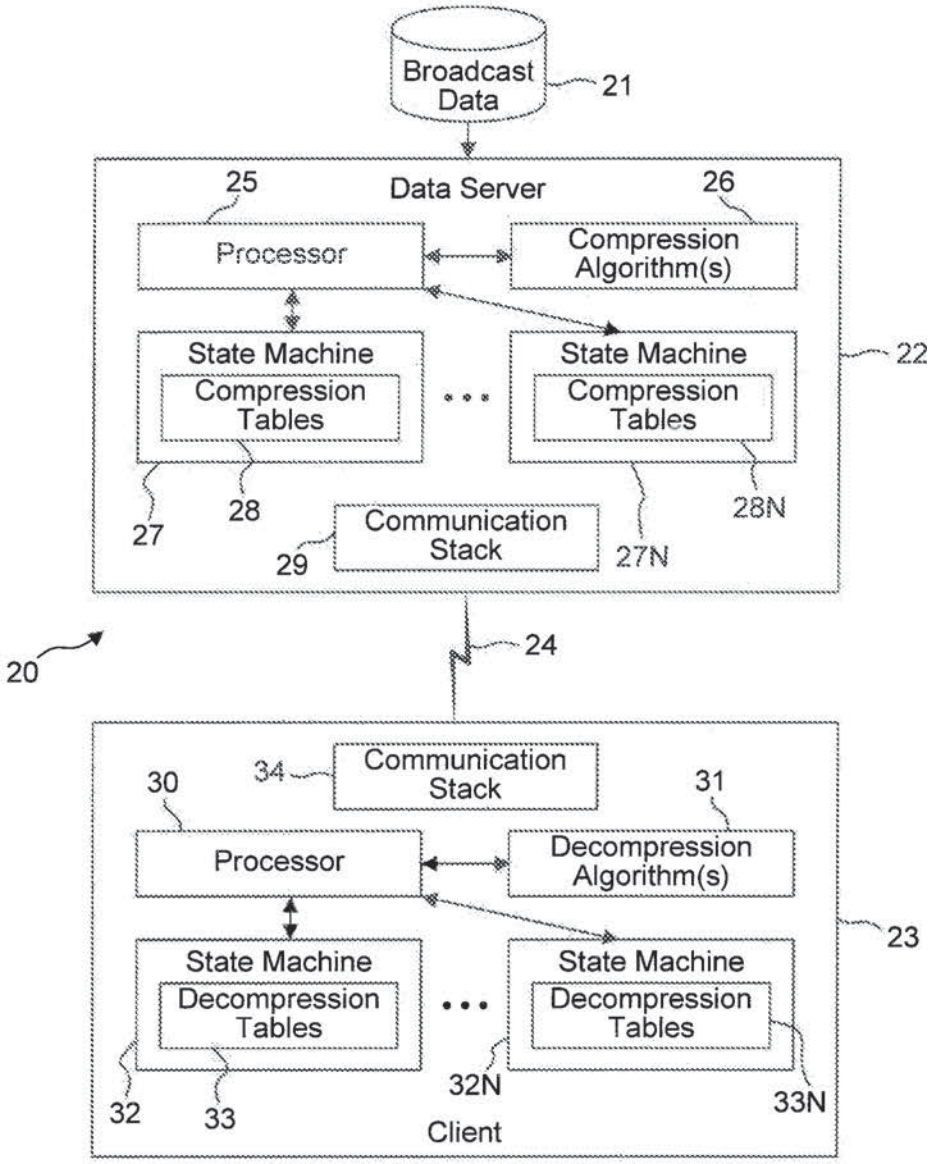

Figure 2 is a block diagram of a system and method for providing accelerated transmission of data over a communication channel according to the present invention. *Id*. at 5:58–61. The '204 patent teaches that broadcast data 21 is processed by data server 22 before transmission to client 23 over communication channel 24. *Id*. at 8:65–67. Data server 22 uses processor 25 to execute one or more compression algorithms 26 to compress the data. *Id*. at 9:1–5. Similarly, client 23 has processor 30 to execute decompression

algorithms 31. *Id*. at 9:30–31. According to the '204 patent, "[t]he 'acceleration' of data transmission over the communication channel is achieved when the total time for compression, transmission, and decompression, is less than the total time for transmitting the data in uncompressed form." *Id.* at 6:60–64.

C. ILLUSTRATIVE CLAIM

Of the challenged claims, claim 12 is independent and representative. Claim 12 is reproduced below.

> 12. A method for processing data, the data residing in data fields, comprising:
>
> recognizing any characteristic, attribute, or parameter of the data;
>
> selecting an encoder associated with the recognized characteristic, attribute, or parameter of the data;
>
> compressing the data with the selected encoder utilizing at least one state machine to provide compressed data having a compression ratio of over 4:1; and
>
> point-to-point transmitting the compressed data to a client;
>
> wherein the compressing and the transmitting occur over a period of time which is less than a time to transmit the data in an uncompressed form.

Ex. 1001, 23:55–67.

D. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Claims Challenged	Statutory Basis	References
12–14, 20, and 21	§ 103	Dawson[1] and Gormish[2]

Pet. 4.

II. ANALYSIS

A. Level of Ordinary Skill in the Art

Petitioner asserts that "[a] person of ordinary skill in the art at the time of the alleged invention of the '204 Patent would have had at least a bachelor's degree, or equivalent, in Computer and Electrical Engineer[ing], Computer Science, Engineering, or a closely related program of study, and one to two years of industry or graduate experience." Pet. 5 (citing Ex. 1002 ¶¶ 11–13). Patent Owner does not provide its own formulation of a person of ordinary skill or contest Petitioner's assertion. We agree with and adopt Petitioner's proposal because it is consistent with the problems and solutions in the prior art of record. *See Daiichi Sankyo Co. v. Apotex, Inc.*, 501 F.3d 1254, 1256 (Fed. Cir. 2007).

B. Claim Construction

Petitioner proposes that we construe the terms "recognizing" and "analyzing" of claims 12 and 21 as not requiring an active step of directly analyzing data within data blocks. Pet. 5. Patent Owner asserts that the terms do not require construction to resolve the parties' dispute. Resp. 4. We agree with Patent Owner that no express claim construction is necessary

[1] U.S. Patent No. 5,553,160 (issued Sept. 3, 1996) (Ex. 1003, "Dawson").
[2] U.S. Patent No. 5,912,636 (issued June 15, 1999) (Ex. 1004, "Gormish").

to determine whether the challenged claims are unpatentable. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) ("[O]nly those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy.").

C. Asserted Prior Art

1. Dawson (Ex. 1003)

Dawson is titled "Method and Apparatus for Dynamically Selecting an Image Compression Process Based on Image Size and Color Resolution," and discloses "dynamically selecting an image compression process" based on "size and color resolution" of each image. Ex. 1003, 4:12–23. Dawson's Figure 4 is reproduced below.

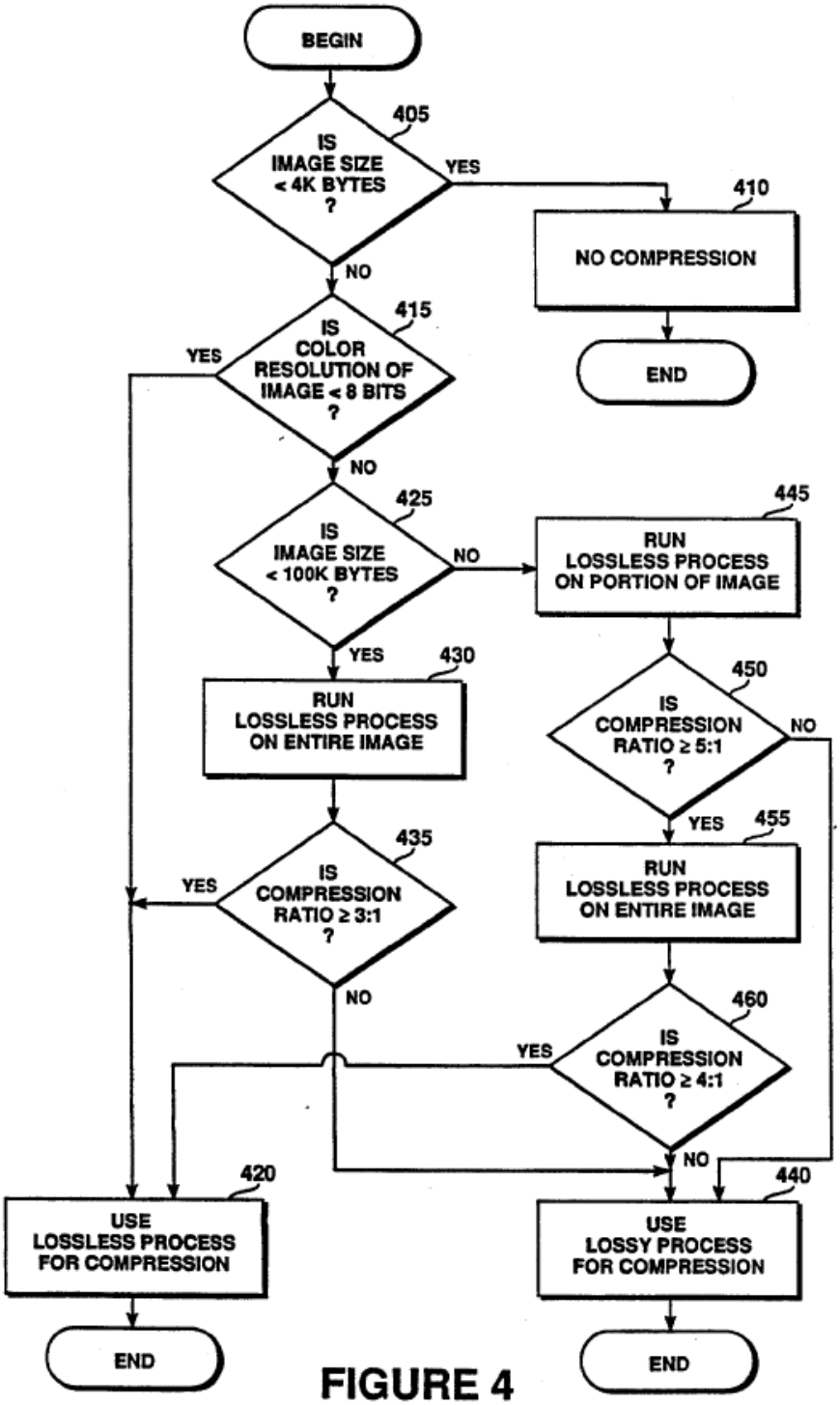

FIGURE 4

Figure 4 is a flowchart showing the steps for selecting an image compression process. *Id*. at 9:55–56. First, a determination is made as to whether the image size is less than a predetermined value (e.g., 4k bytes, as shown). *Id*.

at 9:57–59. If the image size is less than 4k bytes, the image is not compressed. *Id*. at 10:3–4. According to Dawson,

> [t]he selection of this predetermined threshold (4k bytes) is based on the time required to compress the image, transfer it over the communication line and then decompress it at the target agent versus the time required to transfer the image in uncompressed format. No compression is performed if the image is small enough to be transferred quicker in uncompressed format than the combined time required to compress the image, transfer it over the communication line and then decompress it at the target agent.

Id. at 10:5–14.

Next, after identifying the size and color resolution of the image data block, Dawson's method determines "whether the color resolution of the image is less than a predetermined value." *Id.* at 10:15–19. "If the color resolution is less than eight bits, then a lossless process is used for compression." *Id.* at 10:23–24. However, if the color resolution is greater than eight bits and the lossless process on a portion of the image results in less than a 5:1 compression ratio, Dawson selects a lossy compressor. *See id*. at Fig. 4, 11:25–33. Thus, Dawson's system produces one of three possible outcomes: (1) the image remains uncompressed; (2) the image may be compressed using a lossless compression process; or (3) the image may be compressed using a lossy compression process. *Id*. at 4:25–32.

2. Gormish (Ex. 1004)

Relevant to this case, Gormish describes "encoding and/or decoding apparatus used for the compression and expansion of data" using "[a] finite state machine compris[ing] a number of tables, which collectively have a plurality of states." Ex. 1004, Abstract.

D. Obviousness of Claims 12–14, 20, and 21 Based on Dawson and Gormish

As explained below, we conclude that Petitioner has shown by a preponderance of evidence that claims 12–14, 20, and 21 would have been obvious over Dawson and Gormish.

1. Petitioner's Proposed Combination of Dawson and Gormish

Except for one limitation, Petitioner reads the '204 patent's claimed encoding method onto Dawson's method of dynamically selecting an image compression process—either lossless or lossy—based on the size and color resolution of each image. Petitioner relies on Gormish to teach a single limitation requiring compressing the data using a state machine. *See* Pet. 31 (citing Ex. 1004, 2:35–39). According to Petitioner, "[t]he combination of Dawson with Gormish would apply a known technique (a finite state machine) to a known device (lossless and lossy compressors) for improvement to yield predictable results." *Id.* at 32. Petitioner further explains that a skilled artisan "would have been motivated to implement the finite state machine of Gormish with the teachings of Dawson because Gormish's finite state machine 'provides increased speed for entropy coding using a finite state machine coder that is capable of accommodating n-bit inputs.'" *Id.* (quoting Ex. 1004, 2:25–27).

2. The Timing Constraint

Independent claim 12 recites "wherein the compressing and the transmitting occur over a period of time which is less than a time to transmit the data in an uncompressed form." Petitioner asserts that Dawson teaches this timing constraint. Pet. 36–37. Specifically, in describing Figure 4, Dawson discloses the following:

> If the image size is less than 4k bytes, then the image is not compressed, Step **410**. That is, no compression is performed if the image is small enough in size. The selection of this predetermined threshold (4k bytes) is based on the time required to compress the image, transfer it over the communication line and then decompress it at the target agent versus the time required to transfer the image in uncompressed format. No compression is performed if the image is small enough to be transferred quicker in uncompressed format than the combined time required to compress the image, transfer it over the communication line and then decompress it at the target agent.

Ex. 1003, 10:3–14; *see* Pet. 36–37. As Petitioner explains, "[t]he timing constraint of Dawson is captured in the first step of the flowchart of FIG. 4 . . . when Dawson makes a determination 'as to whether the image size is less than a predetermined value (4k bytes as shown), step 405.'" Reply 3–4 (citing Ex. 1003, 9:58–59, Fig. 4); *see* Pet. 36–37. We agree with Petitioner that Dawson teaches "wherein the compressing and the transmitting occur over a period of time which is less than a time to transmit the data in an uncompressed form."

Patent Owner asserts Dawson is deficient because it discloses only "circumstances in which it is designed ***not* to compress** an image," which cannot meet the timing constraint. Resp. 10. In addition, Patent Owner argues, "the ability of the system to meet [the timing constraint] depends on both the speed of the encoder and the speed of the communication channel, neither of which are disclosed in Dawson." *Id*. at 11. According to Patent Owner, "Dawson uses the size of an image as a *proxy* for compression time and transfer time," but "[w]hether the timing constraint actually would be achieved for any given image in any given implementation depends on other

factors that are not disclosed." *Id.* at 19 (internal quotation marks omitted). We disagree with Patent Owner's arguments.

Dawson addresses transmitting images in a video conferencing system "as fast as possible." Ex. 2005, 31:11–12; *see* Ex. 1003, 2:18–22. According to Dawson, file size (i.e., 4k bytes) is a "predetermined threshold" that "is based on the time required to compress the image, transfer it over the communication line and then decompress it at the target agent versus the time required to transfer the image in uncompressed format." Ex. 1003, 10:5–10. Thus, on one side of Dawson's threshold, the time to compress, transfer, and decompress an image file is less than the time to transfer it uncompressed. On the other side of the threshold, as Dawson teaches, "[n]o compression is performed if the image is small enough to be transferred quicker in uncompressed format than the combined time required to compress the image, transfer it over the communication line and then decompress it at the target agent." *Id*. at 10–14. In short, we agree with Petitioner's expert, Dr. Boncelet, that in context, one skilled in the art would understand Dawson to teach not only when *not to* compress, but also when *to* compress. *See* Ex. 2005, 66:25–67:6 ("[T]he discussion in Dawson of . . . the videoconferencing system talks about transmitting images . . . compressed faster than it would be able to transmit them uncompressed."); *id*. at 88:19–89:1 (explaining that "as one of ordinary skill in the art, I would have a reasonable expectation that the combination of Dawson and Gormish would meet the stated goals of Dawson, to be able to transmit the images faster compressed than uncompressed").

In addition, we disagree with Patent Owner's assertion that Dawson must disclose implementation details such as encoder speed and

communication channel speed. *See* Resp. 11. Nothing in Dawson suggests that meeting the timing constraint is contingent on additional implementation details. To the contrary, Dawson indicates file size alone is a sufficient threshold indicator between "the time required to compress the image, transfer it over the communication line and then decompress it at the target agent versus the time required to transfer the image in uncompressed format." Ex. 1003, 10:3–11; *see id.* at 10:11–14.[3] Beyond Dawson's disclosure, Petitioner presented testimony from Dr. Boncelet that Dawson "chose the 4K number because that was — given the hardware available to them at the time, that was probably where the break-even point was." Ex. 2005, 70:5–8. In that regard, Patent Owner has not submitted evidence to the contrary. Given the record evidence, we agree with Petitioner that Dawson teaches "wherein the compressing and the transmitting occur over a period of time which is less than a time to transmit the data in an uncompressed form."

3. The Compression Ratio Constraint

Independent claim 12 also recites "compressing the data with the selected encoder utilizing at least one state machine to provide compressed data having a compression ratio of over 4:1." Petitioner explains that the combined disclosures of Dawson and Gormish teach this compression ratio constraint. Pet. 29–34. Specifically, as Petitioner explains, Dawson's algorithm ensures at least a 4:1 compression ratio in step 460 of Figure 4. *See id*. at 29–30; Reply 15. Although Dawson is silent as to whether its encoder employs a finite state machine, as Petitioner notes, Gormish

[3] We address whether Petitioner has shown a reasonable expectation of success for achieving the claimed invention in Section II(D)(4) below.

discloses compressing data using a finite state machine coder. *See* Pet. 31 (citing Ex. 1004, 2:35–39, 6:15–19, Fig. 1B).

In addition, according to Petitioner, "[t]he combination of Dawson with Gormish would apply a known technique (a finite state machine) to a known device (lossless and lossy compressors) for improvement to yield predictable results." *Id.* at 32. Moreover, Petitioner asserts that a skilled artisan "would have been motivated to implement the finite state machine of Gormish with the teachings of Dawson because Gormish's finite state machine 'provides increased speed for entropy coding using a finite state machine coder that is capable of accommodating n-bit inputs.'" *Id.* (quoting Ex. 1004, 2:25–27). In light of Petitioner's assertions, we conclude Petitioner has articulated sufficient reasoning with some rational underpinning to support the legal conclusion that its asserted combination of Dawson and Gormish would have been obvious to one of ordinary skill in the art. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

Patent Owner does not contest that Gormish teaches encoding using a finite state machine or Petitioner's rationale for combining references. However, Patent Owner argues that the asserted prior art does not teach the compression constraint because "the cited portion of Dawson indicates what the system is designed to do '*if*' a compression ratio of at least 4:1 is achieved." Resp. 20. According to Patent Owner, "[t]he fact that a system is designed to allow for the possibility of a 4:1 compression ratio is not evidence that the step of the *method* 'actually would' be performed in any given situation—as required to show obviousness." *Id*. (citing *ParkerVision v. Qualcomm*, 903 F.3d, 1354, 1363 (Fed. Cir. 2018)). According to Patent Owner, "the ability of the system to achieve a 4:1 compression ratio depends

on a number of factors," and "nothing in Dawson, Gormish, or the Petition discloses a guarantee of achieving a 4:1 compression ratio." *Id.* at 24–25. In addition, Patent Owner argues, Petitioner "do[es] not provide any specific examples of specific data that would be compressed by the proposed combination of Dawson and Gormish, much less what compression ratios would have been achieved on that unspecified data." *Id.* at 21; *see also id*. at 31 (arguing that "the Petition offers no discussion of what level of optimization the encoder in the combined system would have, or why a POSA would choose that level of optimization"). We disagree with Patent Owner's argument.

"[A] prior art product that sometimes, but not always, embodies a claimed method nonetheless teaches that aspect of the invention." *Hewlett-Packard Co. v. Mustek Sys., Inc.*, 340 F.3d 1314, 1326 (Fed. Cir. 2003). Petitioner sets forth conditions when Dawson affirmatively achieves a compression ratio of at least 4:1, as disclosed in Dawson's Figure 4, step 460. Specifically, we agree with Petitioner that Dawson's Figure 4 algorithm ensures at least a 4:1 compression ratio when "image size exceeds 100 kilobytes (Steps 405 and 425 both 'No'), the color resolution of the image is greater than 8 bits (Step 415), and the compression ratio achieved on a portion of an image by lossless encoder is at least 5:1 compression ratio (Steps 445 and 450)." Reply 15 (citing Ex. 1003, Fig. 4; Ex. 1002 ¶ 63; Pet. 30). Given Dawson's disclosure in step 460 of Figure 4 (i.e., "IS COMPRESSION RATIO ≥ 4:1?"), we agree with Petitioner that the combination of Dawson and Gormish teaches "compressing the data with the selected encoder utilizing at least one state machine to provide compressed data having a compression ratio of over 4:1."

4. Reasonable Expectation of Success and How Petitioner Combines the References

Patent Owner asserts that the Petition is deficient both because it does not adequately explain "*how* Dawson and Gormish would be combined," and "makes no attempt to demonstrate that a POSA would have reasonably expected success in attempting the proposed combination." Resp. 28, 36. Patent Owner focuses on alleged missing implementation details—"the data to be compressed, hardware and software implementation, speed of communication channel, level of optimization, and encoder configurations," *id.* at 37—that would, according to Patent Owner, "affect the ability of the system to meet the claims." *Id.*; *see also id.* at 30–31. In particular, Patent Owner asserts these missing implementation details would impact whether Petitioner's asserted combination would meet the claimed timing and compression ratio constraints. *See id*. at 30 ("[T]he ability to meet [the timing constraint] depends on the speed of the encoder."); *id*. at 31 (asserting that missing hardware implementation details "prevents any determination of whether the system would meet [the compression ratio constraint]").

We disagree with Patent Owner's argument because neither the challenged claims nor the '204 patent's Specification recites the alleged missing features. Although an obviousness challenge needs to account for all claim limitations, "an unclaimed and undisclosed feature . . . cannot be the basis for finding [a] patent to be non-obvious over the prior art." *Smith & Nephew, Inc. v. Rea*, 721 F.3d 1371, 1381 (Fed. Cir. 2013).

Petitioner provides sufficient persuasive detail addressing how one skilled in the art would have combined Gormish's state machine into Dawson's encoding system to reach the *claimed* invention. Specifically, as Petitioner explains, one skilled in the art "would have implemented

Gormish's finite state machine, as either software or hardware, into one or both of [Dawson's] lossless compressor 152 and/or lossy compressor 153 of Dawson as highlighted below:"

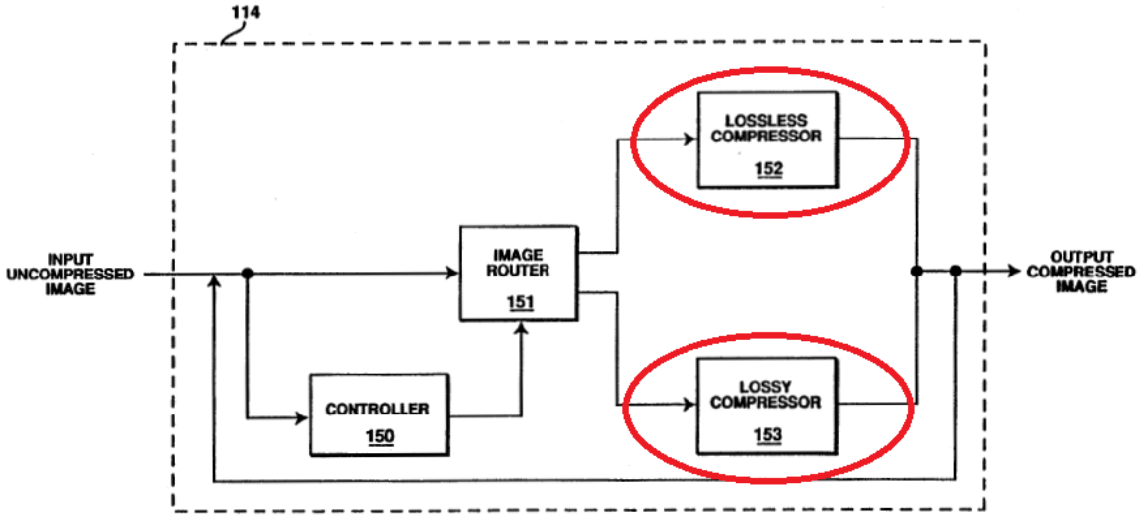

FIGURE 1B

Pet. 32 (citing Ex. 1003, Fig. 1B). Dawson's Figure 1B above shows the implementation of a compression manager. Ex. 1003, 4:41–42. Petitioner's expert, Dr. Boncelet, likewise articulates how to implement Gormish's finite state machine into Dawson's compression system, either as a lossless or lossy encoder. *See* Ex. 2005, 23:12–22, 24:3–8.

In addition, the record supports that one skilled in the art would have had a reasonable expectation of success in combining the asserted teachings to achieve the claimed timing and compression ratio constraints. We credit Dr. Boncelet's testimony that "[a] person of ordinary skill in the art certainly could use Gormish and . . . have a reasonable expectation that Gormish would work well in the Dawson framework." Ex. 2005, 21:22–22:1; s*ee id.* at 88:19–89:1 (explaining that "as one of ordinary skill in the art, I would have a reasonable expectation that the combination of Dawson and Gormish would meet the stated goals of Dawson, to be able to transmit the images

faster compressed than uncompressed"); *id.* at 70:16–22 (explaining that Dawson "chose the 4K number because that was — given the hardware available to them at the time, that was probably where the break-even point was"); *see also* Ex. 1002 ¶¶ 65–69 (describing the asserted combination and explaining how and why a skilled artisan would have combined the references). The prior art supports Dr. Boncelet's assertion. Dawson notes that "[a]ny of a wide variety of data compression algorithms can be used," Ex. 1003, 12:22–24, while Gormish states that its finite state machine can be implemented as either a lossless or lossy compressor, Ex. 1004, 20:34–38. Thus, as Dr. Boncelet testified, "Dawson allows the choice of what kind of compressor to use, either lossy or lossless, whether it's Huffman coding, arithmetic coding, Gormish, LZW, JPEG, et cetera . . . . The system still works with the existing thresholds and with Gormish." Ex. 2005, 55:25–56:9. We note the '204 patent includes none of the encoder speed or communication channel speed metrics that Patent Owner asserts are missing from Dawson.

In addition, Dawson's methods of achieving the timing and compression ratio constraints do not depend on the compression implementation details that Patent Owner contends are missing. To the contrary, Dawson's algorithm for achieving at least a 4:1 compression ratio looks only to post compression results, while its algorithm for achieving the timing constraint looks only to pre-compression file size. *See* Ex. 1003, Fig. 4 (steps 405, 460). Thus, both algorithms would be unaffected by the specific encoder employed or the type of data to be compressed. In light of the evidence of record, we find Petitioner adequately demonstrates how the

asserted prior art would be combined and that one skilled in the art would have a reasonable expectation of success in doing so.

5. Undisputed Elements

As outlined below, Petitioner has shown by a preponderance of the evidence that the combination of Dawson and Gormish teaches the remaining limitations of claims 12–14, 20, and 21.

a. Claim 12

Independent claim 12 recites "[a] method for processing data, the data residing in data fields." We agree with Petitioner that Dawson teaches the preamble. *See* Pet. 24–25. Specifically, Dawson teaches processing image data for compression and transmission. *Id*. at 24 (citing Ex. 1003, 1:9–12, 4:12–15). In addition, a skilled artisan would understand that Dawson teaches the data resides in data fields because the "data is received, processed, and transmitted in data packets or data blocks" and "data packets or data blocks generally include data fields such as headers, descriptors, and routing information." *Id.* at 24–25 (citing Ex. 1002 ¶¶ 54–55). Patent Owner does not dispute these teachings. Accordingly, we find Dawson teaches "[a] method for processing data, the data residing in data fields."

Independent claim 12 further recites "recognizing any characteristic, attribute, or parameter of the data." We agree with Petitioner that Dawson teaches this limitation because Dawson teaches identifying image size and resolution. *See id*. at 25–26 (citing Ex. 1003, 4:15–23, 9:12–15, 9:60–64, 14:17–23). Patent Owner does not dispute these teachings. Accordingly, we find Dawson teaches "recognizing any characteristic, attribute, or parameter of the data."

Independent claim 12 further recites "selecting an encoder associated with the recognized characteristic, attribute, or parameter of the data." We agree with Petitioner that Dawson teaches this limitation because Dawson selects either a lossless or lossy compressor based on the size and color resolution of the image data. *See id*. at 26–28 (citing Ex. 1003, Abstract, 4:21–23, 10:15–19, 10:23–24, Figs. 1B, 4). Patent Owner does not dispute these teachings. Accordingly, we find Dawson teaches "selecting an encoder associated with the recognized characteristic, attribute, or parameter of the data."

Independent claim 12 further recites "point-to-point transmitting the compressed data to a client." We agree with Petitioner that Dawson teaches this limitation because Dawson teaches "compression of image data for transfer between two agents." *Id*. at 35 (citing Ex. 1003, 1:11–12). Patent Owner does not dispute this teaching. Accordingly, we find Dawson teaches "point-to-point transmitting the compressed data to a client."

b. Claim 13

Claim 13 depends from claim 12 and further recites "decompressing the compressed data at the client." We agree with Petitioner that Dawson teaches this limitation because Dawson teaches "agent 201 decompresses the image received." *Id*. at 37 (quoting Ex. 1003, 8:22–25). Patent Owner does not dispute Petitioner's assertion in this regard. Accordingly, we find Dawson teaches "decompressing the compressed data at the client."

Claim 13 further recites "wherein the compressing, the transmitting, and the decompressing occur over a period of time that is less than the time to transmit the data in uncompressed form." As explained in Section II(D)(2) above, Dawson's algorithm (as disclosed in Dawson's Figure 4),

includes ensuring that "[n]o compression is performed if the image is small enough to be transferred quicker in uncompressed format than the combined time required to compress the image, transfer it over the communication line and then decompress it at the target agent." *Id*. at 38 (quoting Ex. 1003, 10:10–14). Other than its argument addressing the timing constraint for claim 12, addressed above, Patent Owner does not separately contest Dawson's teachings related to claim 13. For the reasons explained above in our analysis of the timing constraint recited in claim 12, we find Dawson teaches "wherein the compressing, the transmitting, and the decompressing occur over a period of time that is less than the time to transmit the data in uncompressed form."

c. Claim 14

Claim 14 depends from claim 12 and further recites "wherein a data packet that includes the data fields also includes multiple messages." We agree with Petitioner that Dawson teaches this limitation because Dawson teaches that the compressed image may be transmitted in "multiple smaller sections." *Id*. at 39–40 (quoting Ex. 1003, 3:40–42). Patent Owner does not contest Petitioner's assertions in this regard. Accordingly, we find Dawson teaches "wherein a data packet that includes the data fields also includes multiple messages."

d. Claim 20

Claim 20 depends from claim 12 and further recites "wherein the compressing is performed on a server, and wherein the compressed data is transmitted from the server." We agree with Petitioner that Dawson teaches this limitation. *See id.* at 40–42. Specifically, Dawson teaches transferring a compressed image "from a first agent to a second agent." *Id*. at 40 (quoting

Ex. 1003, 4:13–15). Dawson further teaches that the first agent "includes a central processing unit (CPU) 210, a user interface 211, a compression manager 212, a data storage device 213, and a communication interface 214." *Id*. at 41 (quoting Ex. 1003, 7:6–10). Citing support from Dr. Boncelet, Petitioner explains that "[a] person of ordinary skill in the art would have understood that the transmitting agent may also be a 'server' because a server includes the same components, such as CPU, compression manager, data storage, and communication interface that are found in an agent." *Id*. at 42 (citing Ex. 1002 ¶¶ 84–88). Patent Owner does not contest Petitioner's assertions in this regard. Accordingly, we find Dawson teaches "wherein the compressing is performed on a server, and wherein the compressed data is transmitted from the server."

e. Claim 21

Claim 21 depends from claim 12 and further recites "wherein the recognizing includes analyzing the data within the data fields and excludes analyzing based on a descriptor that is indicative of the recognized characteristic, attribute, or parameter of the data within the data fields." We agree with Petitioner that Dawson teaches this limitation because Dawson "analyzes the data within the image data block to identify the size and color resolution of the image." *Id*. at 43 (citing Ex. 1003, 14:18–23). Specifically, instead of analyzing a descriptor indicative of the recognized characteristic, attribute, or parameter, Dawson teaches that "'image size is generated by multiplying the screen resolution of the image by the color resolution of the image' for each image frame." *Id*. (quoting Ex. 1003, 9:60–63). As Petitioner explains:

> because Dawson teaches actually analyzing the data to identify a parameter or attribute (size and color resolution) of the data

> block without relying exclusively on any file type extensions that may be appended to the data, Dawson necessarily "excludes analyzing based only on a descriptor that is indicative of the one or more parameters or attributes of the data within the data block."

Id. (citing Ex. 1002 ¶¶ 89–91). Patent Owner does not dispute these teachings. Accordingly, we find Dawson teaches "wherein the recognizing includes analyzing the data within the data fields and excludes analyzing based on a descriptor that is indicative of the recognized characteristic, attribute, or parameter of the data within the data fields."

III. CONCLUSION

As indicated in the table below, Petitioner has shown by a preponderance of the evidence that claims 12–14, 20, and 21 would have been obvious over Dawson and Gormish.[4]

References	Basis	Claims	Claims Shown Unpatentable	Claims Not Shown Unpatentable
Dawson and Gormish	§ 103	12–14, 20, and 21	12–14, 20, and 21	None

[4] Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this decision, we draw Patent Owner's attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. *See* 84 Fed. Reg. 16654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. *See* 37 C.F.R. § 42.8(a)(3), (b)(2).

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner has shown by a preponderance of the evidence that claims 12–14, 20, and 21 of the ’204 patent are unpatentable; and

FURTHER ORDERED that, because this is a Final Written Decision, the parties to the proceeding seeking judicial review of the decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

PETITIONER:

Janine Carlan
Jasjit Vidwan
ARENT FOX LLP
janine.carlan@arentfox.com
jasjit.vidwan@arentfox.com

PATENT OWNER:

Joel Stonedale
Kayvan Noroozi
William Rothwell
NOROOZI PC
joel@noroozipc.com
kayvan@noroozipc.com
william@noroozipc.com