UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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UNITED PATENTS, INC.,
Petitioner,

v.

REALTIME DATA LLC,
Patent Owner.

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Case IPR2017-02129
Patent 8,717,204 B2

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Before JAMESON LEE, THOMAS L. GIANNETTI, and
JENNIFER S. BISK, Administrative Patent Judges.

BISK, Administrative Patent Judge.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, United Patents, Inc., filed a Petition (Paper 1, "Pet.") requesting *inter partes* review of claims 1–30 of U.S. Patent No 8,717,204 B2, issued on May 6, 2014 (Ex. 1001, "the '204 patent") pursuant to 35 U.S.C. §§ 311–19. Patent Owner, Realtime Data LLC, filed a Preliminary Response (Paper 8, "Prelim. Resp."). Subsequent to the Petition, Patent Owner filed a statutory disclaimer of claims 1–11, 15–17, and 22–30 of the '204 patent. Ex. 2002. Petitioner filed a Reply to Patent Owner's Preliminary Response (Paper 9), and Patent Owner filed a corresponding Sur-Reply (Paper 10), upon authorization of the Board, to address Patent Owner's arguments concerning application of the Board's institution discretion under 35 U.S.C. §§ 314(a) and 325(d).

Upon consideration of the parties' briefing and supporting evidence, including Patent Owner's statutory disclaimer, we determine that Petitioner has not shown a reasonable likelihood of prevailing in its contention that at least one of remaining claims 12–14 and 18–21 is unpatentable. Accordingly, we deny Petitioner's request for *inter partes* review.

A. *Related Matters*

Petitioner and Patent Owner identify several related litigations in the Eastern District of Texas, the Northern District of California, the District of Massachusetts, and the District of Delaware involving the '204 patent. Pet. 1–2; Paper 5, 5–7. Another petitioner has also challenged the '204 patent in two separate petitions. The first, a request for covered business method patent review was denied January 18, 2018. Case No. CBM2017-00061, Paper 10 (Jan. 18, 2018). The second, a petition for *inter partes* review, was granted, and an *inter partes* review was instituted for claims 12–14 and 18–

21 on obviousness grounds based on XMill[1]. Case No. IPR2017-01710
("the '710 proceeding"), Paper 11 (Jan. 18, 2018). Patent Owner
additionally identifies several other filed petitions challenging eleven other
of Patent Owner's patents. Paper 5, 2–5.

A. The '204 Patent

The '204 patent is directed to "systems and methods of providing
accelerated transmission of broadcast data" "over a communication channel
using data compression and decompression to provide secure transmission
and transparent multiplication of communication bandwidth, as well as
reduce the latency associated with data transmission of conventional
systems." Ex. 1001, 6:13–19. The '204 patent describes accelerated data
transmission as the process of compressing a received data stream in real-
time and transmitting the compressed data over a communication channel.
Id. at 6:27–35. According to the '204 patent, the benefits of higher
bandwidth and lower latency come from "the faster than real-time, real-time,
near real[-]time, compression" of the data stream. *Id.* at 6:35–39. Figure 2
of the '204 patent, illustrating a method of providing such accelerated
transmission of data according to one embodiment of the disclosed
invention, is reproduced below. *Id.* at 8:59–61.

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[1] Hartmut Liefke, Dan Suciu, *XMill: an Efficient Compressor for XML Data,*
2000 ACM SIGMOD International Conference on Management of Data
(Proceedings), 153–64 (2000).
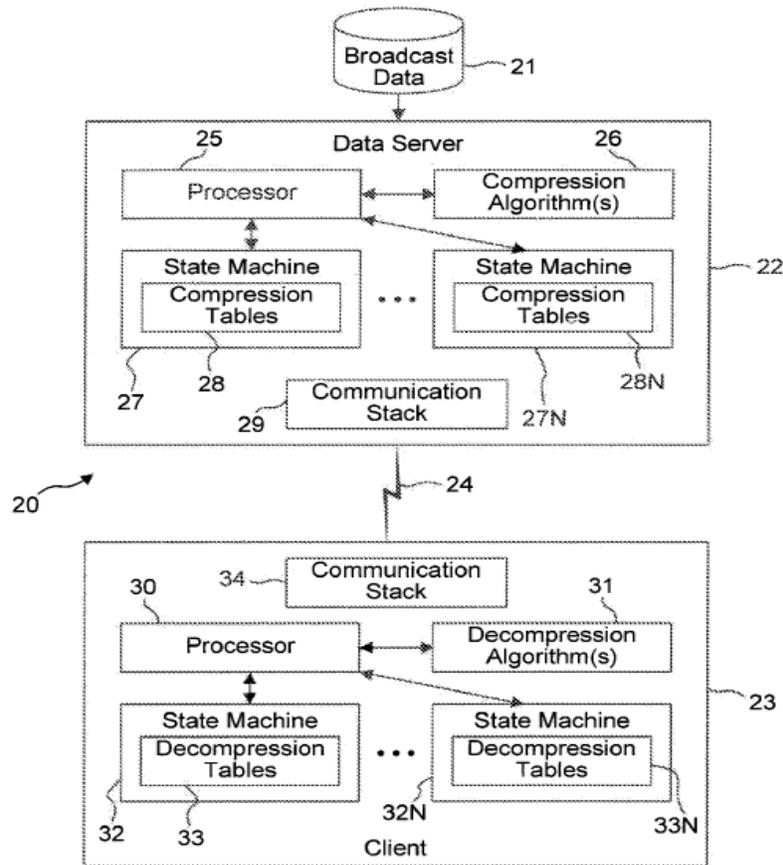
As shown in Figure 2, broadcast data 21 is processed by data server 22 prior to transmission to client 23 over communication channel 24. *Id.* at 8:65–9:1. Data server 22's processor 25 executes one or more real-time compression algorithms 26, such as Huffman or Arithmetic encoding, which use state machines 27–27*n*. *Id.* at 9:1–16. Each state machine, in turn, comprises a set of compression tables 28–28*n*. *Id.* Client 23's processor 30, similarly, executes one or more decompression algorithms 31 using state machines 32–32*n* comprising decompression tables 33–33*n*. *Id.* at 9:31–41.

Figure 3 of the '204 patent, which illustrates a method for generating the compression/decompression state machines shown in Figure 2, is reproduced below. *Id.* at 10:33–35.
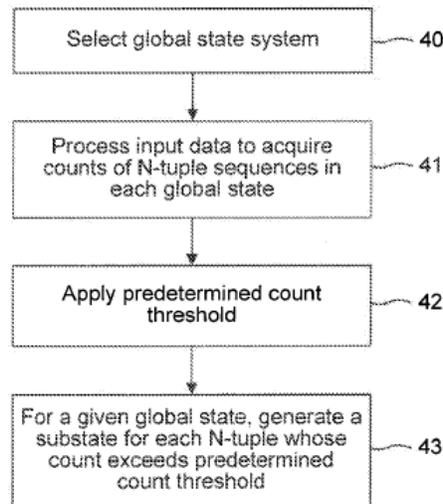
According to Figure 3's flow diagram, to generate state machines, step 40 first selects a global state system. *Id.* at 10:33–42. The global state represents "packet type and large-scale structure and the previous few characters" processed from a given broadcast data stream. *Id.* Once a global state system is selected, in step 41, "training samples from an associated data stream are passed through the global model to acquire counts of frequencies of the occurrence of n-tuple character sequences ending in each of the model states." *Id.* at 10:54–58. In step 43, only those sequences that occur more often than a predetermined threshold (applied in step 42) are added as local states. *Id.* at 10:58–67.

B. Illustrative Claim

Of the claims remaining in the '204 patent, only claim 12 is independent. Claims 13, 14, and 18–21 depend directly from claim 12. Claim 12 is illustrative of the claims at issue and 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 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.

C. *Grounds Asserted*

Petitioner challenges the patentability of the '204 patent claims on the
following grounds (Pet. 5–6):

Reference(s)	Basis	Claim(s)
CPS[2] and Zusman[3]	35 U.S.C. § 103(a)	1–11 and 22–30
CPS and Gormish[4]	35 U.S.C. § 103(a)	12, 13, 18, and 20
CPS, Zusman, and Gormish	35 U.S.C. § 103(a)	14–17, 19, and 21
Appelman[5] and Zusman	35 U.S.C. § 103(a)	1–11 and 22–30
Appelman and Gormish	35 U.S.C. § 103(a)	12, 13, 18, and 20
Appelman, Zusman, and Gormish	35 U.S.C. § 103(a)	14–17, 19, and 21

As discussed above, after the filing of the Petition in this case Patent
Owner filed a statutory disclaimer, leaving only claims 12–14 and 18–21 in
the '204 patent. Ex. 2002. In our analysis, we discuss challenges only to

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[2] Chi-Hung Chi, et al., *Compression Proxy Server: Design and
Implementation*, Proceedings of USITS' 99: The 2nd USENIX Symposium
on Internet Technologies & Systems (Oct. 1999). Ex. 1004 ("CPS").
[3] US Patent No. 5,987,432, issued Nov. 16, 1999. Ex. 1005 ("Zusman").
[4] US Patent No. 5,912,636, issued Jun. 15, 1999. Ex. 1006 ("Gormish").
[5] US Patent No. 6,385,656 B1, issued May 7, 2002. Ex. 1007
("Appelman").

these remaining claims. Moreover, because the grounds based on (1) CPS and Zusman, and (2) Appelman and Zusman (Petitioner's Grounds 1 and 4) challenge only disclaimed claims, we do not address these grounds in our analysis below.

II. ANALYSIS

A. Level of Ordinary Skill in the Art

Petitioner asserts that "a person of ordinary skill in the art of the '204 Patent would have a degree in Management Information Systems, Computer Science, or Electrical Engineering, or equivalent professional system development experience, plus one year of work experience with compression in a network computing environment. A higher level of education may make up for less experience and vice versa." Pet. 10 (citing Ex. 1003 ¶ 33). Patent Owner does not address the level of the relevant person of ordinary skill. For purposes of this Decision, we adopt Petitioner's proposal and note further that the prior art in this proceeding reflects the level of ordinary skill in the art at the time of the invention. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1354−55 (Fed. Cir. 2001).

B. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are construed according to their broadest reasonable interpretation in light of the specification of the patent in which they appear. *See* 37 C.F.R. § 42.100(b). We presume a claim term carries its plain meaning, which is the meaning customarily used by those of skill in the relevant art at the time of the invention. *Trivascular, Inc. v. Samuels,* 812 F.3d 1056, 1062 (Fed. Cir. 2016).

Petitioner proposes that we adopt the construction of the term "data packet" that was adopted in the '710 proceeding as well as in the reexamination of a related patent. Pet. 11–12 (citing Ex 1010, 94). Patent Owner contends that the Board need not construe any terms at this stage of the proceedings. Prelim. Resp. 34–35. We adopt Petitioner's proposed construction for this term. In other words, we construe "data packet" to "include a segregation of data that does not require a specific internal structure."

Petitioner also addresses the claim term "descriptor," recited by claim 21. Pet. 12. As mentioned above, Patent Owner contends that the Board need not construe any terms at this stage of the proceedings. Prelim. Resp. 34–35. We agree with Patent Owner that this term does not need express construction. We, therefore, apply the plain and ordinary meaning of this term without further elaboration.

Finally, Petitioner addresses the claim terms "recognizing" and "analyzing" as recited by claims 12 and 21. Pet. 13. Petitioner contends that the terms "should be given their broadest reasonable constructions and should not be construed to require an 'active step' of 'directly analyzing' data within data blocks." *Id.* Petitioner, however, explains that construction of the terms was at issue in the reexamination of a related patent in which Patent Owner proposed a construction limiting the two terms to "directly analyzing" or an "active step." *Id.* (citing Ex. 1010, 46, 79). As mentioned above, Patent Owner does not argue in its Preliminary Response that the terms "recognizing" or "analyzing" require direct action. Prelim. Resp. 34–35. Further, the plain and ordinary meaning of the terms does not require such direct action. *See e.g.*, Ex. 3001

(merriam-webster.com definitions of "recognize" and "analyze").

Therefore, we adopt, as the broadest reasonable interpretation of

"recognizing" and "analyzing," the plain and ordinary meaning of the terms,

which are not limited to "direct actions" or "active steps."

No other terms require explicit construction.

C. Obviousness Grounds Based on CPS

Petitioner contends that (1) claims 12, 13, 18, and 20 would have been

obvious over the combination of CPS and Gormish (Pet. 40–45), and

(2) claims 14, 19, and 21 would have been obvious over the combination of

CPS, Zusman, and Gormish (*id.* at 45–47). We are not persuaded that

Petitioner has demonstrated a reasonable likelihood of prevailing on these

challenges.

1.   Overview of CPS

CPS is an article titled "Compression Proxy Server: Design and

Implementation." Ex. 1004. Petitioner provides testimony of Scott Bennett,

Ph.D., a retired academic librarian, stating that CPS would have been

accessible to the relevant public prior to March 2000. Ex. 1014 ¶¶ 2, 41–47.

In its Preliminary Response, Patent Owner does not dispute CPS's status as

prior art to the '204 patent.

CPS discusses "the system architecture design and support for

automatic web data compression in the HTTP proxy server." Ex. 1004, 2.

Specifically, CPS proposes the use of "hybrid compressors, each of which is

optimized for one predefined type of data object." *Id.* at 4.

2.   Overview of Gormish

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. 1006, Abstract.

3. Overview of Zusman

Zusman describes processing and formatting global financial market data and distributing that data to regional customers. Ex. 1005, Abstract.

4. Obviousness over CPS and Gormish

Petitioner contends that claims 12, 13, 18, and 20 would have been obvious over the combination of CPS and Gormish. Pet. 40–45. Petitioner, as supported by the Wegener Declaration (Ex. 1003), contends that CPS teaches or suggests all the limitations of claim 12 except "utilizing at least one state machine to provide compressed data," for which Petitioner points to Gormish. Specifically, Petitioner contends that CPS's system "recogniz[es] any characteristic, attribute, or parameter of the data" by checking the reply header field "Content-Type" to determine if it matches the proxy's supported compression data type. Pet. 21 (citing Ex. 1004, 4–5, 7). The Petition also points to the CPS system's recognition of file sizes within incoming data as teaching this limitation. *Id.* (citing Ex. 1004, 3–5).

Petitioner contends that CPS's compression algorithms teach "encoders," and the system suggests "selecting an encoder associated with the recognized characteristic, attribute, or parameter of the data," for example by checking the reply header field and then selecting a compression algorithm based on the data/object type. Pet. 21–22 (citing Ex. 1004, 4–5, 7). According to Petitioner, CPS achieves "a compression ratio of over 4:1" as shown in Table 2 (*id.* at 22–24)[6] and "the compressing and the

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[6] This section of the Petition, discussing claim 1, actually refers to a compression ratio of over 10:1. Pet. 22–24. Petitioner refers to this section

transmitting occur over a period of time which is less than a time to transmit the data in an uncompressed form" as shown in Figure 5 (*id.* at 25–26). As noted above, Petitioner points to Gormish as teaching that the encoder uses at least one state machine to provide the compressed data based on Gormish's description of "[a]n m-ary finite state machine coder," which uses an encoding table to "encode[] n-bits of input data at a time in response to the state information from the channel state storage device[, where n≥2]." Pet. 42–43 (quoting Ex. 1006, 2:35–42).

Patent Owner argues that "Petitioner does not attempt to explain how a system that uses 'a finite state machine, such as the one disclosed in Gormish, to perform the coding (compressing and decompressing) in the CPS system' would actually meet the limitations" of the challenged claims. Prelim. Resp. 26–27. According to Patent Owner, the Petition "merely attempts to show that CPS alone meets some limitations, and that Gormish alone teaches a state machine, but . . . *never* even attempts to show that CPS and Gormish could be combined such that the ensuing system would in fact achieve compression rations above 4:1 using a state machine." *Id.* Patent Owner adds that "[t]he Office previously found the claims to be patentable precisely because it did not find such teachings in the prior art." *Id.* at 27 (citing Ex. 1002, 142 (Reasons for Allowance)).

We agree with Patent Owner. Petitioner asserts that using Gormish's state machine "would provide the predictable benefit of 'increased speed for . . . coding'" and that "Gormish discloses [f]inite state machine (FSM) coders have been used in the prior art to provide efficient entropy coding."

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as also showing a compression ratio of more than 4:1, as required by claim 12. Pet. 42.

Pet. 40–41 (citing Ex. 1003 ¶ 117; Ex. 1004, 1; Ex. 1006, 1:55–57, 2:11–32). Although this reasoning may be relevant to showing *why* a person of ordinary skill may have looked to Gormish's disclosed finite state machine, Petitioner does not explain *how* a person of ordinary skill would have made the combination. Moreover, Petitioner does not point to evidence of, or even describe, what the combined system's performance—the claimed compression ratio—would be. Instead, when discussing the limitation "compressing the data with the selected encoder utilizing at least one state machine to provide compressed data having a compression ratio over 4:1," Petitioner points solely to the performance results of CPS alone. Pet. 22–24, 42–43.

Similarly, Dr. Wegener states that "CPS discloses a compression algorithm for gif objects (i.e., gif data) that achieves a compression ratio of 18.605 (i.e., the compressed file is one eighteenth the size of the uncompressed file) for larger gif objects." Ex. 1003 ¶ 59. Dr. Wegener further explains that Gormish discloses using finite state machines for encoders (*id.* ¶¶ 95–96) and details several reasons it would have been obvious for a person of ordinary skill in the art to combine Gormish's teachings with CPS (*id.* ¶ 117). Petitioner, however, has not directed our attention to any discussion by Dr. Wegener of how a person of ordinary skill in the art would have actually made the combination or what the person of ordinary skill in the art would have reasonably expected the performance results of such combination to be.

Based on these deficiencies, we are not persuaded that Petitioner has shown a reasonable likelihood of prevailing on the assertion that claims 12,

13, 18, and 20 would have been obvious over the combination of CPS and Gormish.

     5.   Obviousness over CPS, Zusman, and Gormish

Petitioner contends that claims 14, 19, and 21 would have been obvious over the combination of CPS, Zusman, and Gormish. Pet. 45–47. Petitioner relies on the same analysis as for claim 12 discussed above. *Id.* at 45–46. For the additional limitations added by these dependent claims, Petitioner relies on Zusman (*id.* at 45–47 (citing Pet. 28, 31–34)): (1) claim 14 adds the limitation "wherein a data packet that includes the data fields also includes multiple messages"; (2) claim 19 adds the limitation "wherein the transmitting comprises: transmitting the data utilizing a User Diagram Protocol (UDP)"; and (3) claim 21 adds the limitation "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." Ex. 1001, 24:6–7, 24:18–21, 24:25–29.

Petitioner's addition of Zusman to the analysis does not cure the deficiencies discussed above with respect to claim 12. In addition, we agree with Patent Owner that the Petition does not sufficiently explain *why* a person of ordinary skill in the art would have combined the teachings of Zusman with the combined system of CPS and Gormish. Prelim. Resp. 21–23.

For example, Petitioner asserts that "it would have been obvious to a POSITA to modify the CPS system, at least because it would be much more efficient to compress data once and broadcast it to multiple clients rather than to repeatedly compress and transmit data for each client" and "Zusman

explicitly discloses a similar transmission/compression system that, as claimed 'receives [financial] data . . . and then distributes or *broadcasts* the data to regional *customers [i.e., clients].*" Pet. 19–20 (citing Ex. 1003 ¶ 116; Ex. 1005 Abstract). Petitioner, however, does not explain how these alleged reasons for making the combination are related to the limitations for which Petitioner is relying on Zusman. As summarized above, Petitioner is relying on Zusman for disclosing the limitations related to data fields including multiple messages, transmitting data utilizing UDP, and excluding analysis of certain descriptors, which do not on their face have any relation to efficiencies gained from using broadcasting or financial data.

Based on these deficiencies, we are not persuaded that Petitioner has shown a reasonable likelihood of prevailing on the assertion that claims 14, 19, and 21 would have been obvious over the combination of CPS, Zusman, and Gormish.

D. Obviousness Grounds Based on Appelman

Petitioner contends that (1) claims 12, 13, 18, and 20 would have been obvious over the combination of Appelman and Gormish (Pet. 67–73), and (2) claims 14, 19, and 21 would have been obvious over the combination of Appelman, Zusman, and Gormish (*id.* at 73–75). We are not persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing on these challenges.

1. Overview of Appelman

Appelman discloses "[a] recompression server that automatically decompresses selected pre-compressed data streams and recompresses the decompressed data to a greater degree than the original pre-compressed data." Ex. 1007, Abstract. Specifically, the recompressor of Appelman "re-

compresses the decompressed data using any algorithm [or more than one algorithm] that provides a better compression ratio than the original compression." *Id.* at 2:66–3:3. According to Appelman, after being recompressed, the data is passed back to a web proxy server for transmission to the original requestor. *Id.* at 3:16–18.

2. *Obviousness over Appelman and Gormish*

Petitioner contends that claims 12, 13, 18, and 20 would have been obvious over the combination of Appelman and Gormish. Pet. 67–73. Petitioner, as supported by the Wegener Declaration, contends that Appelman teaches or suggests all the limitations of claim 12 except "utilizing at least one state machine to provide compressed data," for which Petitioner points to Gormish. Specifically, Petitioner contends that Appelman "discloses recognizing characteristics, attributes, or parameters of the data in two separate ways": (1) by "determin[ing] from a retrieved requested file's name or attributes whether the file is pre-compressed" (*id.* at 51–52 (citing Ex. 1007, 1:55–65, 4:3–6, Fig. 5)); and (2) by testing to determine "whether the inventive process . . . provides a time savings in transmission over simply retransmitting a requested file" (*id.* at 53 (citing Ex. 1007, 4:18–23)).

Petitioner contends that Appelman's recompression algorithms teach "encoders" and suggest "selecting an encoder associated with the recognized characteristic, attribute, or parameter of the data," for example by recognizing specific data types and choosing an algorithm based on that type. Pet. 53–54 (citing Ex. 1007, 2:66–3:3, 3:3–10; Ex. 1003 ¶ 103). According to Petitioner, Appelman discloses "a compression ratio of over 4:1" because "it discloses compressing data using several known

compression algorithms (or combinations of algorithms), 'such as Huffman
Coding [. . .] and Lempel-Ziv-Welch algorithms for lossless compression
and MPEG, JPEG, [etc.] for lossy compression,' that achieve a compression
ratio of over 10:1." Pet. 54–55 (quoting Ex. 1007, 3:10–15), 69. As noted
above, Petitioner points to Gormish as teaching that the encoder uses at least
one state machine to provide the compressed data. Pet. 69.

Patent Owner argues that Petitioner "simply swap[s] Appelman for
CPS, but again [does] not show how the combination of Appelman and
Gormish *together* would result in 'compressing the data . . . having a
compression ratio of over 4:1" and "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." Prelim. Resp. 28.

For the same reasons discussed with respect to the CPS and Gormish
combination, we agree with Patent Owner. Petitioner asserts that using
Gormish's state machine "would provide the predictable benefit of
'increased speed for . . . coding'" and that "Gormish discloses, '[f]inite state
machine (FSM) coders have been used in the prior art to provide efficient
entropy coding.'" Pet. 67–68 (citing Ex. 1003 ¶ 119; Ex. 1006, 1:55–56,
2:11–32). Petitioner, however, does not explain how a person of ordinary
skill would have made the combination. Moreover, Petitioner does not point
to evidence of, or even describe, what the combined system's
performance—the claimed compression ratio—would be. Instead, when
discussing the limitation "compressing the data with the selected encoder
utilizing at least one state machine to provide compressed data having a
compression ratio over 4:1," Petitioner points solely to the alleged
performance results of Appelman alone. Pet. 54–56, 69.

Similarly, Dr. Wegener states that "Appelman discloses '*using any algorithm* that provides a better compression ratio than the original compression" and "specifically discloses using MPEG compression . . . which was well-known at the time to be capable of achieving compression ratios over 25:1." Ex. 1003 ¶¶ 104–105 (quoting Ex. 1007, 2:66–31, citing Ex. 1011, 1)[7]. Dr. Wegener further explains that Gormish discloses using finite state machines for encoders (*id.* ¶¶ 95–96) and details several reasons it would have been obvious for a person of ordinary skill in the art to combine Gormish's teachings with Appelman (*id.* ¶ 119). Petitioner, however, has not directed our attention to any discussion by Dr. Wegener, of how a person of ordinary skill in the art would have actually made the combination or what the person of ordinary skill in the art would have reasonably expected the performance results of such a combination to be.

Based on these deficiencies, we are not persuaded that Petitioner has shown a reasonable likelihood of prevailing on the assertion that claims 12, 13, 18, and 20 would have been obvious over the combination of Appelman and Gormish.

3.   *Obviousness over Appelman, Zusman, and Gormish*

Petitioner contends that claims 14, 19, and 21 would have been obvious over the combination of Appelman, Zusman, and Gormish. Pet. 73–75. Petitioner relies on the same analysis as for claim 12 discussed above. *Id.* Petitioner relies on Zusman for the additional limitations added by these dependent claims: (1) claim 14 adds the limitation "wherein a data packet that includes the data fields also includes multiple messages"; (2) claim 19

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[7] The citation in Ex. 1003, ¶ 104, is to Ex. 1007, 2:66–31. We assume that citation should read 2:66–3:1.

adds the limitation "wherein the transmitting comprises: transmitting the data utilizing a User Diagram Protocol (UDP)"; and (3) claim 21 adds the limitation "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." *Id.*; Ex. 1001, 24:6–7, 24:18–21, 24:25–29.

Petitioner's addition of Zusman to the analysis does not cure the deficiencies discussed above with respect to claim 12. In addition, we agree with Patent Owner that the Petition does not sufficiently explain why a person of ordinary skill in the art would have combined the teachings of Zusman with the combined system of Appelman and Gormish. Prelim. Resp. 25–26.

For example, Petitioner asserts that

[i]t would have been obvious to a POSITA to combine the Appelman and Zusman systems to broadcast the compressed data of the Appelman system to multiple clients (as is performed in Zusman), to allow the system to serve multiple clients, to improve efficiency, and to increase the speed of the system

and "it would be much more efficient to compress financial data once and broadcast it to multiple clients rather than to repeatedly compress and transmit the same data for each client." Pet. 49–50 (citing Ex. 1003 ¶ 118). Petitioner, however, does not explain how these alleged reasons for making the combination are related to the limitations for which Petitioner is relying on Zusman. As summarized above, Petitioner is relying on Zusman for disclosing the limitations related to data fields, including multiple messages, transmitting data utilizing UDP, and excluding analysis of certain

descriptors, which do not on their face have any relation to efficiencies gained from using broadcasting or financial data.

Based on these deficiencies, we are not persuaded that Petitioner has shown a reasonable likelihood of prevailing on the assertion that claims 12, 13, 18, and 20 would have been obvious over the combination of Appelman, Zusman, and Gormish.

III. ADDITIONAL PATENT OWNER ARGUMENTS

Patent Owner has advanced a variety of additional arguments concerning 35 U.S.C. § 325(d) (Prelim. Resp. 4–11) and 35 U.S.C. § 314 (*id.* at 11–16). We have considered those arguments, but in view of our determination not to institute trial based on the merits of Petitioner's substantive grounds, we do not address those arguments further.

IV.   CONCLUSION

For the foregoing reasons, based on the information presented in the Petition, we are not persuaded that there is a reasonable likelihood that Petitioner would prevail in showing unpatentability of at least one of the remaining claims 12–14 and 18–21 of the '204 patent. We, therefore, decline to institute *inter partes* review as to any of the challenged claims. 37 C.F.R. § 42.108.

IV. ORDER

It is ordered that the Petition is *denied* as to all challenged claims, and no trial is instituted.

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