

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TERADATA OPERATIONS, INC.,
Petitioner,

v.

REALTIME DATA LLC,
Patent Owner.

Case IPR2017-00557
Patent 7,358,867 B2

Before GREGG I. ANDERSON, CHARLES J. BOUDREAU,
and JASON J. CHUNG *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

The Board authorizes Teradata Operations, Inc. (“Petitioner”) and Realtime Data LLC (“Patent Owner”) to submit additional briefing pertaining to whether *Ex Parte Schulhauser*, 2016 WL 6277792, No. 2013-007847 (PTAB 2016) (precedential) (hereinafter, “*Schulhauser*”) applies to conditional limitations recited in independent method claim 16 of U.S. Patent No. 7,358,867 (“the ’867 patent”). The authorized briefing should include, *inter alia*, discussion of any cases the parties allege

contradict or support application of *Schulhauser* in this case, as well as discussion of whether Petitioner's arguments and supporting evidence, if any, pertaining to conditional limitations recited in claim 16 exceeds the proper scope of Petitioner's Reply (Paper 21, "Reply"). For example, Petitioner's Reply states:

the broadest reasonable interpretation of the claim language is still met . . . [e]ven assuming arguendo that the use of Hsu's redundancy metrics to determine not to compress a data block "does not consider the particular encoders available in Hsu's system," Hsu would still meet limitation 16[B]. . . . All that is required by the element is either a determination to compress or a determination not to compress.

Reply 16–17 (Section I.B.2).

ORDER

It is, therefore,

ORDERED that the parties may submit additional briefing of 5 pages on or before 5:00 PM EST March 5, 2018, addressing only the specific issues raised in this Order.

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