UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

CARDIOCOM, LLC
Petitioner

v.

ROBERT BOSCH HEALTHCARE SYSTEMS, INC.
Patent Owner

_____

Case IPR2013-00451
Patent 7,587,469 B2

Before STEPHEN C. SIU, JUSTIN T. ARBES, and MIRIAM L. QUINN,
Administrative Patent Judges.

QUINN, *Administrative Patent Judge.*

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

Cardiocom, LLC ("Petitioner") filed a Petition to institute an *inter partes* review of claims 1-22 of Patent 7,587,469 B2 ("the '469 patent") pursuant to 35 U.S.C. §§ 311-319. Paper 1. Robert Bosch Healthcare Systems, Inc. ("Patent Owner") filed a Preliminary Response. Paper 10. We have jurisdiction under 35 U.S.C. § 314.

I.   BACKGROUND

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides as follows:

> THRESHOLD – The Director may not authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Petitioner asserts that claims 1-22 ("the challenged claims") are unpatentable under 35 U.S.C. § 103 over (1) the combination of Cohen[1] and Wahlquist,[2] and (2) the combination of Cohen, Wahlquist, Neumann,[3] and Jacobs.[4]

We determine that, based on the record before us, there is a reasonable likelihood that Petitioner will prevail in establishing the unpatentability of claims 1, 2, and 5-10. Accordingly, we grant the Petition for *inter partes*

---

[1] U.S. Patent No. 6,014,626 (Ex. 1002) ("Cohen").
[2] U.S. Patent No. 5,367,667 (Ex. 1003) ("Wahlquist").
[3] European Patent Application Publication No. EP 0505627A2 (Ex. 1004) ("Neumann").
[4] U.S. Patent No. 5,956,683 (Ex. 1005) ("Jacobs").

review of the '469 patent as to claims 1, 2, and 5-10 on the authorized grounds discussed hereunder.

A. RELATED MATTERS

Petitioner asserts that the '469 patent is the subject of co-pending district court litigation, *Robert Bosch Healthcare Systems v. Cardiocom, LLC*, Case No. 2:13-cv-349 (E.D. Tex.). Pet. 1. Furthermore, at the time the Petition was filed, patents related to the '469 patent were subject to other district court litigation, *ex parte* reexamination, and *inter partes* review. Pet. 1-2.

B. THE '469 PATENT (EX. 1001)

The '469 patent, titled "Audio Instructions for Appliances," issued on September 8, 2009. The '469 patent relates to a networked system for remotely monitoring individuals and for communicating information to the individuals through the use of script programs. Ex. 1001, col. 1, ll. 39-41.

The patent describes the need for remote monitoring of patients in out-patient or home healthcare programs. *Id.* at col. 1, ll. 45-50; col. 2, ll. 33-37. According to the patent, the use of personal computers, medical monitoring devices, and interactive telephone or video response systems for remote monitoring have proved inadequate because of their expense, limited multimedia capability, and the complexity of managing non-compliant patients. *Id.* at col. 1, l. 65 – col. 2, l. 32.

One embodiment of the '469 patent, shown in Figure 1, reproduced below, is networked system 16 with server 18 connected to the Internet (communication network 24), where server 18 sends script programs to each remotely programmable apparatus 26. *Id.* at col. 4, ll. 18-35.
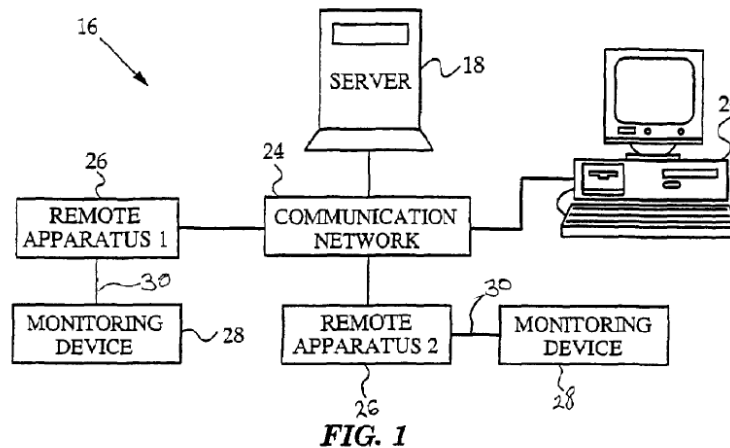
FIG. 1

Figure 1 illustrates that system 16 may include any number of remotely programmable apparatuses 26 (two are shown, above) for monitoring any number of patients. *Id.* at col. 4, ll. 42-44. In one preferred embodiment, each patient is provided with monitoring device 28 (such as a blood glucose meter). *Id.* at col. 4, ll. 45-61. That device produces measurements of a physiological condition of the patient (such as blood glucose concentrations in the blood of the patient) and transmits those measurements to the patient's remote apparatus 26 via standard cable 30. *Id.* at col. 4, ll. 45-61. Remotely programmable apparatus 26 executes a script program received from server 18. *Id.* at col. 5, ll. 7-9. That script program includes "queries, reminder messages, information statements, useful quotations, or other information of benefit to the patient." *Id.* at col. 5, ll. 9-11.

The '469 patent further describes an embodiment where remotely programmable apparatus 26 includes speech recognition and speech synthesis functionality. *Id.* at col. 11, ll. 50-54. Audible queries, prompts, and response choices are communicated to the user through a speaker in

4

apparatus 26, and a microphone receives the responses from the user. *Id.* at col. 12, ll. 40-48.

In further embodiments, remotely programmable apparatus 26 is an interactive television system. *Id.* at col. 16, ll. 19-26. Furthermore, the '469 patent describes collecting data from smart appliances, such as a "refrigerator, telephone, stove, clock radio, VCR, or any other electrical or non-electrical device including the monitoring device 28." *Id.* at col. 20, ll. 32-40.

C.   EXEMPLARY CLAIMS

Challenged claims 1, 11, and 17 are independent. Claim 1 is exemplary of the claims at issue and is reproduced below:

> 1. A communications network comprising:
> a communications channel;
> a server;
> a primary device in communication with said server through said communications channel, wherein (A) said primary device comprises a component adapted to (i) receive one or more computer programs including one or more queries, instructions or messages as a first digital file from said server, (ii) convert the first digital file into synthesized audio transmissions, (iii) present said synthesized audio transmissions to an individual through a speaker and (iv) receive audible responses from said individual and (B) said primary device comprises a processor adapted to collect data relating to said primary device, and execute said computer programs to provide a diagnosis of a performance of said primary device; and
> a secondary device operatively connected to said primary device, wherein said secondary device (i) is adapted to be operated by said individual in response to said synthesized audio transmissions and (ii) comprises a user interface adapted to receive input responses from

5

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.