

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 No. 7,587,469

CORRECTED PATENT OWNER'S RESPONSE UNDER 37 C.F.R. § 42.120

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. CLAIM CONSTRUCTION	2
III. OVERVIEW OF THE '469 PATENT	3
IV. OVERVIEW OF THE ASSERTED REFERENCES	6
A. Cohen Is Directed to Simplified Telephone- or Computer-Based Monitoring Systems.	7
B. Wahlquist Is Directed to a System for Performing Computer Diagnostic Tests, Not Remote Monitoring of Individuals.....	8
C. Neumann Discloses a Patient Monitoring Subsystem Without Scripted Interaction or Voice Recognition.....	11
D. Jacobs Pertains to Speech Signal Processing and Teaches Away From Localizing Speech Recognition Functionality Within a User Device.	13
V. CARDIOCOM'S BURDEN.....	15
VI. DR. STONE APPLIED AN IMPROPER METHODOLOGY IN HIS OBVIOUSNESS ANALYSIS.....	17
VII. CLAIMS 1, 2 AND 5-10 ARE NOT OBVIOUS OVER EITHER OF THE GROUNDS THAT CARDIOCOM ALLEGES.....	20
VIII. WAHLQUIST IS NOT "ANALOGOUS ART" TO THE '469 PATENT AND SHOULD NOT BE CONSIDERED.....	21
A. Wahlquist Is Not from the Same Field of Endeavor As the '469 Patent.	21
B. Wahlquist Is Not Reasonably Pertinent to the Problems That the '469 Patent Addresses.	25
IX. CARDIOCOM HAS NOT MET ITS BURDEN OF PROVING A PERSON OF ORDINARY SKILL IN THE ART WOULD HAVE COMBINED COHEN AND WAHLQUIST IN THE MANNER ASSERTED.....	29

TABLE OF CONTENTS
(continued)

	Page
X. CARDIOCOM HAS NOT MET ITS BURDEN OF PROVING A PERSON OF ORDINARY SKILL IN THE ART WOULD HAVE COMBINED COHEN, WAHLQUIST, NEUMANN, AND JACOBS IN THE MANNER ASSERTED.....	39
A. A Person of Ordinary Skill In The Art Would Not Have Combined Cohen and Jacobs.	39
B. A Person of Ordinary Skill In The Art Would Not Have Combined Jacobs and Neumann.	41
XI. CARDIOCOM FAILS TO PROVE THAT COHEN AND WAHLQUIST TEACH ALL ELEMENTS OF CLAIMS 1, 2, AND 5-10.	44
A. Cardiacom Fails To Show That The Combination Of Cohen And Wahlquist Teaches “a primary device in communication with said server . . . 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 first digital file from said server.”	44
B. Cardiacom Fails to Show That The Combination Of Cohen And Wahlquist Teaches “a secondary device” That Is “adapted to receive input responses from [an] individual and convert said input responses to a . . . digital file through speech recognition.”	49
XII. CARDIOCOM FURTHER FAILS TO SHOW THAT COHEN, WAHLQUIST, NEUMANN, AND JACOBS DISCLOSE ALL ELEMENTS OF CLAIMS 1, 2, AND 5-10.	51
A. Cardiacom Fails to Show That The Combination Of Cohen, Wahlquist, Neumann, And Jacobs Teaches “a primary device in communication with said server . . . 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.”.....	52

TABLE OF CONTENTS
(continued)

	Page
B. Cardiocom Fails to Show That The Combination Of Cohen, Wahlquist, Neumann, And Jacobs Teaches “a secondary device” That “comprises a user interface adapted to receive input responses from [an] individual and convert said input responses to a . . . digital file through speech recognition.”	52
XIII. CONCLUSION.....	55

...

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Interconnect Planning Corp. v. Feil</i> , 774 F.2d 1132 (Fed. Cir. 1985)	17, 18
<i>In re Bigio</i> , 381 F.3d 1320 (Fed. Cir. 2004)	21, 22
<i>In re Klein</i> , 647 F.3d 1343 (Fed. Cir. 2011)	21
<i>In re Ratti</i> , 270 F.2d 810, 813 (CCPA 1959)	50
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007)	32
<i>Liberty Mutual Ins. Co. v. Progressive Casual Ins. Co.</i> , CBM2012-00003, Paper 8, pp. 14-15 (PTAB 2012)	17
<i>MicroStrategy, Inc. v. Business Objects, S.A.</i> , 429 F.3d 1344 (Fed. Cir. 2005)	19
<i>Ortho-McNeil Pharm., Inc. v. Mylan Labs., Inc.</i> , 520 F.3d 1358 (Fed. Cir. 2008)	17
<i>Unigene Labs., Inc. v. Apotex, Inc.</i> , 655 F.3d 1352 (Fed. Cir. 2011)	29
Statutes	
35 U.S.C. § 103	20, 21, 29
35 U.S.C. § 103(a)	1, 6, 20
35 U.S.C. § 316(e)	1, 15
Other Authorities	
37 C.F.R. § 42.1(d)	15

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.