

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 IPR2013-00468  
Patent 7,516,192 B2

---

Before JUSTIN T. ARBES, BRYAN F. MOORE, and  
TRENTON A. WARD, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

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

I. INTRODUCTION

*A. Background*

Cardiocom, LLC (Petitioner) filed a Petition to institute an *inter partes* review of claims 1-19 of U.S. Patent No. 7,516,192 B2 (“the ’192 patent”).

Paper 1. Robert Bosch Healthcare Systems, Inc. (Patent Owner) filed a Preliminary Response. Paper 11. We have jurisdiction under 35 U.S.C. § 314.

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 contends that the challenged claims are unpatentable under 35 U.S.C. § 103 on the following specific grounds:

Reference(s)	Basis	Claims challenged
Wright Jr., U.S. Patent No. 5,704,029 (Ex. 1002)	§ 103	1-3, 6, 7, 11, 12, and 17-19
Wright Jr. and Goodman, U.S. Patent No. 5,827,180 (Ex. 1003)	§ 103	1-19
Goodman and Wahlquist, U.S. Patent No. 5,367,667 (Ex. 1004)	§ 103	1-19

For the reasons given below, we grant the Petition and institute an *inter partes* review of all claims challenged.

*B. Additional Proceedings*

The '192 patent is the subject of co-pending district court litigation: *Robert Bosch Healthcare Systems v. Cardiocom, LLC*, Civil Action No. 2:13-cv-349 (E.D. Tex.). Pet. 1. Furthermore, at the time the Petition was filed, patents related to the '192 patent were the subject of other district court litigation, *ex parte* reexamination, and *inter partes* review. Pet. 1-2.

*C. The '192 Patent (Ex. 1001)*

The '192 patent, titled “Networked System for Interactive Communication and Remote Monitoring of Individuals,” issued on April 7, 2009. The '192 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. 39-43.

The '192 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 in the prior art had proved inadequate because of their expense, limited multimedia capability, or the complexity of managing non-compliant patients. *Id.* at col. 1, l. 65 – col. 2, l. 32.

One embodiment of the '192 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.

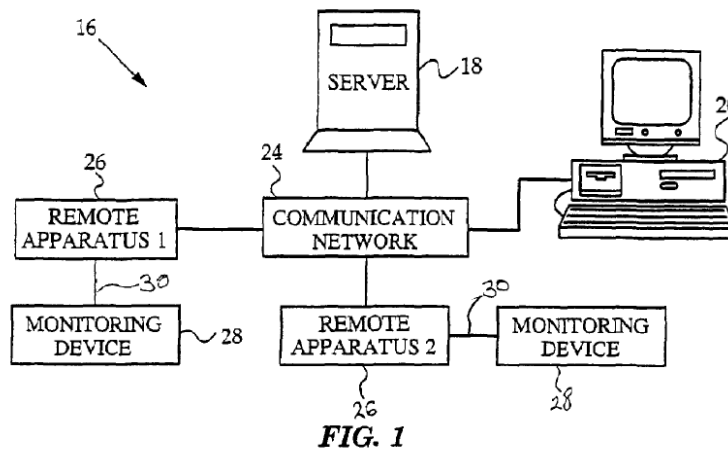


Figure 1 depicts a block diagram of networked system of the invention.

According to Figure 1, system 16 may include any number of remotely programmable apparatuses 26 (in Figure 1, two are shown) 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), which produces measurements of a physiological condition of the patient (such as blood glucose concentrations in the patient) and transmits those measurements to the patient's remote apparatus 26 via standard cable 30. *Id.* at col. 4, ll. 45-61. In operation, 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.

Claim 1, the sole independent claim challenged, illustrates the claimed subject matter and is reproduced below:

1. A monitoring system for communicating with at least one individual, the monitoring system comprising:

a computer configured to communicate with at least one remotely situated apparatus;

a user interface in communication with the computer for entering, authoring, selecting, or any combination thereof, at least one of (i) one or more messages to be presented to the individual, (ii) one or more queries to be answered by the individual, (iii) one or more response choices corresponding to the one or more queries or (iv) any combination thereof;

a data merge program configured to generate a customized script program by customizing a generic script program, wherein the customized script program is to be executed by the remotely situated apparatus and includes (i) a display command to present to the individual at least one of the one or more messages, the one or more queries, the one or more response choices corresponding to the one or more queries or any combination thereof and (ii) an input command to receive responses when the script program includes one or more queries to be presented; and

one or more databases accessible by the data merge program for storing the generic script program and any responses received from the remotely situated apparatus.

#### *D. Claim Construction*

Consistent with the statute and the legislative history of the Leahy-Smith America Invents Act, Public Law No. 112-29, 125 Stat. 284 (September 16, 2011), the Board will interpret claims of an unexpired patent using the broadest reasonable construction in light of the specification of the patent. *See* Office

# 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.