

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

In re U.S. Patent No. 7,516,192

Trial Number: IPR2013-00469

Filed: July 14, 2006

Issued: April 7, 2009

Inventors: Stephen J. Brown

Assignee: Robert Bosch Healthcare Systems,
Inc.

Title: NETWORKED SYSTEM FOR INTERACTIVE
COMMUNICATION AND REMOTE MONITORING OF
INDIVIDUALS

Mail Stop PATENT BOARD,
Patent Trial and Appeal Board
United States Patent and Trademark Office
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**PATENT OWNER'S PRELIMINARY RESPONSE
UNDER 35 U.S.C. § 313 and 37 C.F.R. § 42.107**

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TABLE OF AUTHORITIES

Page(s)

Cases

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In re Clay,
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Heart Failure Techs., LLC v. Cardiokinetix, Inc.,
IPR2013-00183, 2013 Pat. App. LEXIS 5602 (PTAB July 31, 2013).....37

In re Klein,
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Liberty Mutual Ins. Co. v. Progressive Casualty Ins. Co.,
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In re Robertson,
169 F.3d 743 (Fed. Cir. 1999)39, 42, 52

Statutes

35 U.S.C. § 10224, 25

35 U.S.C. § 103(a)*passim*

35 U.S.C. § 3141

Other Authorities

37 C.F.R. § 42.100(b)9

...

37 C.F.R. § 42.104	25, 34
M.P.E.P. § 2141.01(a).....	28, 48
M.P.E.P. § 2112	39, 52
Microsoft Press Computer Dictionary, pp. 422-423 (Ex. 1009)	12

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