Privileged & Confidential / Attorney Work Product

UNITED ST	TATES PATENT AND TRADEMARK	OFFICE .
BEFORE T	THE PATENT TRIAL AND APPEAL I	BOARD
INC., VERIZON	RTH AMERICA LLC, VERIZON COM SERVICES CORP., TIME WARNER OL NETWORKS, INC. AND COXCON	CABLE INC.,

V.

Petitioners

JOAO CONTROL & MONITORING SYSTEMS, LLC, Patent Owner

CASE IPR: <u>Unassigned</u>

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,397,363 UNDER 35 U.S.C. §§311-319 AND 37 C.F.R. §§ 42.1-.80 & 42.100-.123

Mail Stop **Patent Board**Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450



TABLE OF CONTENTS

I.	INTRODUCTION		
II.	MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(1)		
	A.	Real party-in-interest under 37 C.F.R. § 42.8(b)(1)	1
	B.	Related matters under 37 C.F.R. § 42.8(b)(2)	2
	C.	Lead and back-up counsel under 37 C.F.R. § 42.8(b)(3)&(4)	4
III.	PAY	MENT OF FEES	5
IV.	REQUIREMENTS FOR INTER PARTES REVIEW		5
	A.	Grounds for standing under 37 C.F.R. § 42.104(a)	5
	B.	Identification of challenge and relief requested - 37 C.F.R. § 42.104(b)	5
V.		CKGROUND OF THE TECHNOLOGY AND PURPORTED ENTION OF THE '363 PATENT	6
	A.	Background of the technology	6
	B.	Summary of the prosecution history of the '363 Patent	6
	C.	Summary of the Challenged Claims	7
VI.	CLAIM CONSTRUCTION - 37 C.F.R. § 42.104(b)(3)		9
	A.	"First Signal," "Second Signal," and "Third Signal"	10
	B.	"Automatically Received"	11
	C.	"At least one of activate, de-activate, disable, re-enable, and control"	13
	D.	"Communication Device"	14
VII.	PER	SON HAVING ORDINARY SKILL IN THE ART (POSITA)	14
VIII.	THE CHALLENGED CLAIMS ARE NOT ENTITLED TO A PRIORITY DATE BEFORE JULY 18, 199614		
IX.		V THE CHALLENGED CLAIMS ARE UNPATENTABLE UNDE	
	A.	Ground 1 – Claims 42, 44, 46, 48, 53 – 54, 84, and 86 are obvious under 35 U.S.C. § 103(a) over French in view of Fuhr	16



3. Claim 46 - French in view of Fuhr discloses the elements of claim 46:			1.	Claim 42 - French in view of Fuhr discloses the elements of claim 42:	19
4. Claim 48 - French in view of Fuhr discloses the elements of claim 48:			2.		27
of claim 48:			3.		28
5. Claim 53 - French in view of Fuhr discloses the elements of claim 53:			4.		29
of claim 54:			5.		30
of claim 84:			6.		31
8. Claim 86 - French in view of Fuhr discloses the elements of claim 86:			7.		34
 Claim 43 - French in view of Fuhr discloses the elements of claim 43:			8.	Claim 86 - French in view of Fuhr discloses the elements	35
 Claim 43 - French in view of Fuhr discloses the elements of claim 43:		B.		, , , , , , , , , , , , , , , , , , ,	38
discloses the elements of claims 45 and 85:			1.		39
			2.	<u> </u>	42
	X.	CON	CLUS		



LIST OF EXHIBITS

The following is a list of exhibits in support of this petition:

EX-1001	U.S. Patent No. 7,397,363 ("the '363 Patent")
EX-1002	Declaration of Richard Bennett for the '363 Patent
EX-1003	Curriculum Vitae of Richard Bennett
EX-1004	U.S. Patent Application No. 08/622,749 filed on
	March 27, 1996 ("Mar 1996 application")
EX-1005	Excerpts from the Prosecution History of the '363
	Patent
EX-1006	Excerpts from the Prosecution History of the '130
	Patent
EX-1007	Excerpt from Merriam-Webster Dictionary (10th ed.
	1995)
EX-1008	Goldberg, K., et. al., "Beyond the Web: manipulating
	the real world," published by NH Elsevier in
	Computer Networks and ISDN Systems, 28 (1995) at
	209-219 ("Goldberg")



EX-1009	U.S. Patent No. 5,061,916 to French et al., ("French"),
	issued on October 29, 1991
EX-1010	U.S. Patent No. 5,461,372 to Busak et al., ("Busak"),
	issued on October 24, 1995
Ex-1011	Peter Fuhr et. al., "Remote Monitoring of
	Instrumented Structures Using the INTERNET
	Information Superhighway" published in Second
	European Conference on Smart Structures and
	Materials, (1994) at 148-151 ("Fuhr")
EX-1012	Sheng, Samuel, et al., "A Portable Multimedia
	Terminal: Successful personal communications
	terminals will depend upon the smooth integration of
	computation and communications facilities in a
	lightweight unit," published in IEEE Communications
	Magazine (December 1992) at 64-75 ("Sheng")
EX-1013	Zuech, Nello, "The EDC-1000 Electric Imaging
	System," published in I.A.P.P.P. Communications No.
	39 (March 1990) at 1-2.



DOCKET

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.

