

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TERREMARK NORTH AMERICA LLC, VERIZON BUSINESS NETWORK
SERVICES INC., VERIZON SERVICES CORP., TIME WARNER CABLE
INC., ICONTROL NETWORKS, INC. and COXCOM, LLC

Petitioners,

v.

JOAO CONTROL & MONITORING SYSTEMS, LLC

Patent Owner

Case IPR2015-01482

Patent 7,397,363

PRELIMINARY RESPONSE OF PATENT OWNER

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LIST OF EXHIBITS

Exhibit	Description
EX2001	Declaration of René A. Vazquez
EX2002	Proof of Service indicating that Verizon Communications, Inc. was served with a Complaint alleging infringement of the '363 Patent on June 23, 2104 in the matter of <i>JCMS v. Terremark North America LLC</i> , C.A. No. 14-525-GMS (D. Del.)
EX2003	Terremark's Rule 7.1 Disclosure Statement in the matter of <i>JCMS v. Terremark North America LLC</i> , C.A. No. 14-525-GMS (D. Del.)
EX2004	Substitution of Terremark North America LLC in place of Verizon Communications Inc. in the matter of <i>JCMS v. Terremark North America LLC</i> , C.A. No. 14-525-GMS (D. Del.)
EX2005	Proof of Service indicating that Time Warner Inc. was served with a Complaint alleging infringement of the '363 Patent on June 23, 2104 in the matter of <i>JCMS v. Time Warner Cable, Inc.</i> , C.A. No. 14-524-GMS (D. Del.)
EX2006	USPS Tracking data for package containing service copies of IPR2015-01482, -01485 and -01486, indicating shipment on June 24, 2105
EX2007	FedEx Tracking data for package containing service copies of IPR2015-01466, -01477, -01478 and -01484, indicating shipment on June 24, 2105
EX2008	Email dated July 17, 2015 from Patent Owner's counsel R. Vazquez to Petitioners' counsel C. Holloway
EX2009	Email dated July 29, 2015 from Petitioners' counsel C. Holloway to Patent Owner's counsel R. Vazquez
EX2010	Email dated July 31, 2015 from Petitioners' counsel C. Holloway to Patent Owner's counsel R. Vazquez
EX2011	U.S. Patent No. 6,204,760 to Brunius
EX2012	"Supplement to the Remarks for the Amendment filed on October 24, 2007" filed on November 23, 2007 during prosecution of the patent application that issued as related U.S. Patent No. 7,397,363

I. INTRODUCTION

Patent Owner Joao Control & Monitoring Systems, LLC (“JCMS”) respectfully submits this Preliminary Response of Patent Owner (“Preliminary Response”) in accordance with 35 U.S.C. § 313 and 37 C.F.R. § 42.107. This Preliminary Response responds to the Petition for *Inter Partes* Review (“Petition”) filed by Petitioners regarding claims 42-46, 48, 53, 54 and 84-86 (“Challenged Claims”) of U.S. Patent No. 7,397,363 (“the ‘363 patent”).

This Preliminary Response is timely filed under 35 U.S.C. § 313 and 37 C.F.R. § 42.107, as it is filed within three months of the July 7, 2015 date of the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 3).

JCMS requests that the Board not institute an *inter partes* review (“IPR”) because Petitioners have failed to demonstrate a reasonable likelihood of prevailing with respect to any of the Challenged Claims, thereby failing to meet the threshold for institution under 35 U.S.C. § 314(a).

The two proposed grounds of rejection are substantively and procedurally flawed, as will be explained below. Further, none of the cited references teach important properly construed claim limitations.

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