

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NISSAN NORTH AMERICA, INC.,
Petitioner

v.

JOAO CONTROL & MONITORING SYSTEMS, LLC
Patent Owner

Case IPR2015-01509
Patent No. 6,549,130

**PETITIONER NISSAN NORTH AMERICA, INC.'S
REPLY TO PATENT OWNER'S RESPONSE TO PETITION**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	CLAIM CONSTRUCTION	1
III.	RESPONSE TO PATENT OWNER’S ARGUMENTS	2
A.	Full weight should be given to the declaration of Petitioner’s Expert.....	2
B.	Ground 1- Petition properly applies Frossard as a base reference.....	7
C.	Ground 2- Frossard in view of Pagliaroli discloses claim 30.....	14
D.	Ground 3- Frossard in view of Simms discloses claim 60.....	15
E.	Ground 4- Petition properly applies Pagliaroli as a base reference.....	16
F.	Ground 5- Pagliaroli in view of Frossard discloses claims 33 and 68.....	24
G.	Ground 6- Pagliaroli in view of Simms discloses claim 60.....	24
IV.	CONCLUSION.....	24

TABLE OF AUTHORITIES

Cases

<i>Ball Aerosol v. Ltd. Brands</i> , 555 F.3d 984, 89 USPQ2d 1870 (Fed. Cir. 2009).	15
Google Inc. and Twitter, Inc. v. EveryMD.com LLC, IPR2014-00347 (May 22, 2014)	10
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398, 415-421, 82 USPQ2d 1385, 1395-97 (2007).	15

LIST OF EXHIBITS

Exhibit 1019	Opinion and Order of Mark A. Goldsmith, No. 13-cv-13957, (E.D. Mich. 2016) (1) Granting in Part and Denying in Part Defendant FCA US LLC'S Motion for Summary Judgment on Invalidity and Noninfringement (Dkt. 59) and (2) Denying as Moot Plaintiff JOAO Control & Monitoring Systems, LLC'S Motion for Summary Judgment of Infringement of U.S. Patent No. 7,397,363 by Uconnect Access (Dkt. 57), signed on June 10, 2016.
Exhibit 1020	October 26, 2001 Preliminary Amendment for Patent Application No. 09/277,935

I. INTRODUCTION

Petitioner Nissan North America, Inc. (“Petitioner”) submits this Reply to Patent Owner’s Response (the “*Response*,” Paper 20) to the Petition (the “*Petition*,” Paper 1) for Inter Partes Review (“*IPR*”) of U.S. Patent No. 6,549,130 (the “130 Patent,” Exhibit 1001).

Patent Owner’s proposed claim construction of additional claim terms is not needed. Patent Owner’s arguments are also without merit. All grounds presented in the *Petition* and instituted by the Board properly demonstrate that the challenged claims are not novel and/or are obvious.

II. CLAIM CONSTRUCTION

For the purpose of this IPR proceeding, Petitioner does not contest the Board’s construction of “control device,” and its application of the plain and ordinary meaning to the remaining terms.¹ (*See Paper 10*, pp. 8-10).

Patent Owner requests to adopt the claim construction of the U.S. District Court for the Eastern District of Michigan for additional claim terms. (*See Paper 20*, p. 15). Petitioner recognizes that the District Court invalidated all of the asserted claims of the ’130 Patent and found that Frossard discloses the three control device system recited in independent claim 48. (*See Exhibit 1019*, pp. 14-16, 19-23, and 35).

¹ Petitioner reserves all rights to propose constructions for additional terms in litigation or other proceedings.

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