

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NISSAN NORTH AMERICA, INC.,  
Petitioner

v.

JOAO CONTROL & MONITORING SYSTEMS, LLC  
Patent Owner

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Case IPR2015-01585  
Patent No. 5,917,405

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

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## LIST OF EXHIBITS

Exhibit 1021	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.
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## I. INTRODUCTION

Petitioner Nissan North America, Inc. (“Petitioner”) submits this Reply to Patent Owner’s Response (the “*Response*,” Paper 22) to the Corrected Petition (the “*Petition*,” Paper 6) for Inter Partes Review (“*IPR*”) of U.S. Patent No. 5,917,405 (the “405 Patent,” Exhibit 1001).

Patent Owner’s proposal to construe additional claim terms is not needed. Patent Owner’s arguments against the instituted invalidity counts are without merit and consist entirely of attorney argument with no expert testimony offered in support. All grounds presented in the *Petition* and instituted by the Board demonstrate the challenged claims are unpatentable and should be canceled.

## II. CLAIM CONSTRUCTION

For the purpose of this IPR proceeding, Petitioner does not contest the Board’s claim constructions.<sup>1</sup> (*Paper 11*, pp. 5-14). Contrary to Patent Owner’s assertion (*Paper 22*, pp. 10-12), the Board properly construed “positioning

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<sup>1</sup> Petitioner reserves all rights to propose different constructions as well as constructions for additional terms in litigation or other proceedings. Specifically, Petitioner may contest the applicability of 35 U.S.C. § 112(f) and the scope of disclosed structures in litigation or other proceedings.

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