

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 5,917,405

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**PRELIMINARY RESPONSE OF PATENT OWNER**

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**LIST OF EXHIBITS**

Exhibit	Description
EX2001	“Preliminary Remarks” filed by Applicant on November 26, 2006 during prosecution of the patent application that issued as related U.S. Patent No. 7,277,010
EX2002	“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
EX2003	Excerpt from U.S. Patent No. 6,549,130

## 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 Corrected Petition for *Inter Partes* Review (“Petition”) filed by Petitioner regarding claims 1, 2, 3, 11, 16 and 17 (“Challenged Claims”) of U.S. Patent No. 5,917,405 (“the ‘405 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 August 5, 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 Petitioner has 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 seven proposed grounds of rejection are substantively flawed, in that none of the cited references teach important properly construed claim limitations.

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