

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

JOAO CONTROL & MONITORING SYSTEMS, LLC,
Patent Owner.

Case IPR2015-01611
Patent 6,549,130 B1

Before HOWARD B. BLANKENSHIP, STACEY G. WHITE, and
JASON J. CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, Volkswagen Group of America, Inc., filed a Petition to institute an *inter partes* review of claims 26, 31, 38, 42, 43, 48, 60, 63, 64, 73, 74, 85, 91, 92, 138, 139, and 143 (“the challenged claims”) of U.S.

IPR2015-01611
Patent 6,549,130 B1

Patent No. 6,549,130 B1 (“the ’130 patent”). Paper 2 (“Pet.”). Patent Owner, Joao Control & Monitoring Systems, LLC, filed a Preliminary Response pursuant to 35 U.S.C. § 313. Paper 6 (“Prelim. Resp.”).

We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314; 37 C.F.R. § 42.4(a). Upon consideration of the Petition and the Preliminary Response, and for the reasons explained below, we determine that the information presented shows a reasonable likelihood that Petitioner would prevail with respect to claims 26, 31, 38, 42, 43, 48, 60, 63, 64, 73, 74, 85, 91, 92, 138, 139, and 143. *See* 35 U.S.C. § 314(a). Accordingly, we institute an *inter partes* review of these claims.

A. Related Matters

Petitioner and Patent Owner indicate that the ’130 patent or related patents may be implicated in approximately seventy lawsuits pending in courts around the country. Pet. 1–2; Paper 5, 2–7.

B. The Asserted Grounds

Petitioner identifies the following as asserted grounds of unpatentability:

Reference(s)	Basis	Challenged Claim(s)
Kniffin (Ex. 1006) ¹	§ 102(e) ²	26, 38, 42, 43, 48, 63, 73, 74, 91, and 138
Kniffin	§ 103(a)	64, 85, and 92
Kniffin and Ryoichi (Ex. 1007) ³	§ 103(a)	31
Kniffin and Drori (Ex. 1008) ⁴	§ 102(e)	60 and 139
Kniffin and Neely (Ex. 1015) ⁵	§ 103(a)	143

C. The '130 Patent

The '130 patent is directed to controlling a vehicle or premises. Ex. 1001, Abs. The '130 patent describes three control devices; a first control device is located at a vehicle or premises, a second control device is located remote from the vehicle or premises, and a third control device is located remote from the vehicle or premises and remote from the second control device. *Id.* The first control device generates a first signal in response to a second signal from the second control device. *Id.* The first control device can activate, de-activate, disable or re-enable, one or more of “a respective

¹ U.S. Patent No. 6,072,402, filed Jan. 9, 1992.

² The relevant sections of the Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, took effect on March 16, 2013. Because the application from which the '130 patent issued was filed before that date, our citations to Title 35 are to its pre-AIA version.

³ U.S. Patent No. 5,113,427, issued May 12, 1992.

⁴ U.S. Patent No. 5,081,667, issued Jan. 14, 1992.

⁵ U.S. Patent No. 4,602,127, issued July 22, 1986.

system, component, device, equipment, equipment system, and/or appliance, of a respective vehicle or premises with the first signal.” *Id.* The second control device generates the second signal in response to a third signal from the third control device. *Id.* The “second control device is at least one of a server computer, a computer, and a network computer.” *Id.* at 81:19–21. In addition,

the third control device is at least one of a stationary device, a portable device, a hand-held device, a mobile device, a telephone, a cordless telephone, a cellular telephone, a home computer, a personal computer, a personal digital assistant, a television, an interactive television, a digital television, a personal communications device, a personal communications services device, a display telephone, a video telephone, a watch, and a two-way pager.

Id. at 81:21–29.

D. The Challenged Claims

Petitioner challenges claims 26, 31, 38, 42, 43, 48, 60, 63, 64, 73, 74, 85, 91, 92, 138, 139, and 143. Pet. 3. Claims 26, 42, 48, 91, and 138 are independent. Claim 26 is illustrative and reproduced below:

26. A control apparatus, comprising:

a first control device, wherein the first control device at least one of generates and transmits a first signal for at least one of activating, de-activating, disabling, and re-enabling, at least one of a vehicle system, a vehicle component, a vehicle device, a vehicle equipment, a vehicle equipment system, and a vehicle appliance, of a vehicle, wherein the first control device is located at the vehicle, wherein the first control device is responsive to a second signal, wherein the second signal is at least one of generated by and transmitted from a second control device, wherein the second control device is located at a

location which is remote from the vehicle, wherein the second signal is transmitted from the second control device to the first control device, and further wherein the second signal is automatically received by the first control device,

wherein the second control device is responsive to a third signal, wherein the third signal is at least one of generated by and transmitted from a third control device, wherein the third control device is located at a location which is remote from the vehicle and remote from the second control device, wherein the third signal is transmitted from the third control device to the second control device, and further wherein the third signal is automatically received by the second control device,

wherein the at least one of a vehicle system, a vehicle component, a vehicle device, a vehicle equipment, a vehicle equipment system, and a vehicle appliance, is at least one of a vehicle ignition system, a vehicle fuel pump system, a vehicle alarm system, a vehicle door locking device, a vehicle hood locking device, a vehicle trunk locking device, a wheel locking device, a brake locking device, a horn, a vehicle light, a vehicle lighting system, a refrigerator, an air conditioner, an oven, a vehicle window locking device, a video recording device, an audio recording device, a camera, an intercom device, a microphone, a locking device, a monitoring device for monitoring at least one of fuel supply, water or coolant supply, generator operation, alternator operation, battery charge level, and engine temperature, fire extinguishing equipment, radar equipment, hydraulic equipment, pneumatic equipment, a winch, a self-defense system, a weapon system, a gun, an electronic warfare system, a pumping device, sonar equipment, a locking device for preventing unauthorized access to a vehicle compartment, and landing gear.

II. ANALYSIS

A. *Claim Construction*

As acknowledged by the parties, the '130 patent has expired. *See* Pet. 12; Prelim. Resp. 13. We construe expired patent claims according to the

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