

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 IPR2015-01612
Patent 7,397,363 B2

Before HOWARD B. BLANKENSHIP, STACEY G. WHITE, and
BETH Z. SHAW, *Administrative Patent Judges*.

SHAW, *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 21, 24, 27, 29, 30, 31, 33, 68, 69, 72, 74, 77, and 80 (“the challenged claims”) of U.S. Patent No. 7,397,363 B2 (“the ’363 patent”). Paper 1 (“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 68, 69, 72, 74, 77, and 80. *See* 35 U.S.C. § 314(a). Accordingly, we institute an *inter partes* review of claims 68, 69, 72, 74, 77, and 80.

Based on the record before us, and exercising our discretion under 35 U.S.C. § 325(d), we decline to institute review of independent claim 21, or of claims 24, 27, 29, 30, 31, and 33, which depend from claim 21. Petitioner’s challenge of claim 21 is based upon substantially the same prior art and arguments that were before the Office in the *ex parte* reexamination of the ’363 patent—Control No. 90/013,303—that resulted in a Notice of Intent to Issue Ex Parte Reexamination Certificate dated July 29, 2015 (Ex. 2001). Accordingly, we decline to institute review of claims 21, 24, 27, 29, 30, 31, and 33.

A. Related Matters

Petitioner and Patent Owner indicate that the ’363 patent or related patents have been asserted in a significant number of related cases. *See* Pet. 1–2; Paper 5, 2–7.

B. The Asserted Grounds of Unpatentability

Petitioner identifies the following as asserted grounds of unpatentability:

Reference(s)	Basis	Challenged Claim(s)
Kniffin (Ex. 1002) ¹ and Spaur (Ex. 1004) ²	§ 103(a)	21, 24, 27, 30, 31, and 33
Kniffin, Spaur, and Drori (Ex. 1005) ³	§ 103(a)	29
Spaur	§ 102(e)	68, 69, 74, 77, and 80
Spaur	§ 103(a)	72

C. The '363 Patent

The '363 patent is directed to controlling a vehicle or premises. Ex. 1001, Abs. The '363 patent describes a first control device which generates a first signal and is associated with a web site and located remote from a premises or vehicle. *Id.* The first control device generates the first signal in response to a second signal that is transmitted via the Internet from a second control device located remote from the first device and remote from the premises or vehicle. *Id.* The first device determines whether an action associated with the second signal is allowed, and if so, transmits the first signal to a third device located at the premises. *Id.* The third device

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

² U.S. Patent No. 5,732,074, filed Jan. 16, 1996.

³ U.S. Patent No. 5,081,667, filed Mar. 20, 1990.

generates a third signal for activating, de-activating, disabling, re-enabling, or controlling an operation of a system, device, or component of the premises or vehicle. *See id.*

D. The Challenged Claims

Petitioner challenges claims 21, 24, 27, 29, 30, 31, 33, 68, 69, 72, 74, 77, and 80, of which claims 21 and 68 are the only independent claims. Claims 21 and 68 are illustrative and are reproduced below:

21. An apparatus, comprising:

a first processing device, wherein the first processing device at least one of generates a first signal and transmits a first signal for at least one of activating, de-activating, disabling, re-enabling, and controlling an operation of, at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, of or located at a vehicle, wherein the first processing device is associated with a web site, and further wherein the first processing device is located at a location remote from the vehicle,

wherein the first processing device at least one of generates the first signal and transmits the first signal in response to a second signal, wherein the second signal is at least one of generated by a second processing device and transmitted from a second processing device, wherein the second processing device is located at a location which is remote from the first processing device and remote from the vehicle, wherein the first processing device determines whether an action or an operation associated with information contained in the second signal, to at least one of activate, de-activate, disable re-enable, and control an operation of, the at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, is an authorized or an allowed action or an authorized or an allowed operation, and further wherein the first processing device at least one of generates the first signal and

transmits the first signal to a third processing device if the action or the operation is determined to be an authorized or an allowed action or an authorized or an allowed operation, wherein the third processing device is located at the vehicle, wherein the second signal is transmitted to the first processing device via, on, or over, at least one of the Internet and the World Wide Web, and further wherein the second signal is automatically received by the first processing device, wherein the first signal is transmitted to and automatically received by the third processing device, wherein the third processing device at least one of generates a third signal and transmits a third signal for at least one of activating, deactivating, disabling, re-enabling, and controlling an operation of, the at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, in response to the first signal.

68. An apparatus, comprising:

a first processing device, wherein the first processing device at least one of monitors and detects an event regarding at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, of a vehicle, wherein the first processing device is located at the vehicle, and further wherein the event is a detection of a state of disrepair of the at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, wherein the first processing device at least one of generates a first signal and transmits a first signal to a second processing device, wherein the first signal contains information regarding the event, and further wherein the second processing device is located at a location which is remote from the vehicle, wherein the second processing device automatically receives the first signal, and further wherein the second processing device at least one of generates a second signal and transmits a second signal to a communication device, wherein the second signal is transmitted to the communication device via, on, or over, at

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