

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

PATENT OWNER'S RESPONSE TO PETITION
FOR *INTER PARTES* REVIEW UNDER 37 C.F.R. § 42.107

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LIST OF EXHIBITS

Exhibit	Description
EX2001	Notice of Intent to Issue <i>Ex Parte</i> Reexamination Certificate
EX2002	Declaration of Steven W. Ritcheson
EX2003	August 26, 2015 Opinion and Order Construing Disputed Claim Terms in the matter of <i>JCMS v. Chrysler Group LLC</i> , Case No. 13-cv-13957 (E.D. Mich.)
EX2004	Transcript of April 20, 2016 Deposition of Scott Andrews
EX2005	"AT&T Plans to Offer Internet Over a \$500 Wireless Phone," NYTimes.com, July 12, 1996.

I. INTRODUCTION

In response to the Petition for *Inter Partes* Review (“Petition”) filed by Petitioner, the Board declined to institute *inter partes* review (Paper 7, the “Decision”) of claims 21, 24, 27, 29-31 and 33. However, the Board has instituted *inter partes* review of claims 68, 69, 72, 74, 77 and 80 (“Challenged Claims”) of U.S. Patent No. 7,397,363 (“the ‘363 Patent”) based on the following grounds:

Ground	Claims	Proposed Rejections
3	68, 69, 74, 77 and 80	anticipated by Spaur
4	72	obvious in view of Spaur

The two instituted grounds of rejection are substantively flawed, in that Spaur teach important properly construed claim limitations. For example, none of the cited references teach an “A to B to C” monitoring system/method, as required by the challenged claims and as will be explained in more detail below.

Accordingly, Joao Control & Monitoring Systems, LLC (“JCMS” or “Patent Owner”) submits this Response to Petitioner’s Petition and the Board’s Decision.

II. BACKGROUND

A. Overview of the '363 Patent

The '363 Patent is directed to a novel and unconventional system for, *inter alia*, remotely-controlling and/or monitoring systems located at vehicles and premises. EX1001 at 26. The Challenged Claims are directed to a specially assembled and programmed distributed control and monitoring system for vehicles, wherein control and/or monitoring functions for a vehicle or for a vehicle system, vehicle equipment system, vehicle component, vehicle device, vehicle equipment, or vehicle appliance, of a vehicle, can be distributed among three separate and distinct processing devices, each of which can generate or transmit a separate and distinct signal in order to control and/or detect a state of disrepair of a separate fourth device of or at the vehicle, which is the respective vehicle system, vehicle equipment system, vehicle component, vehicle device, vehicle equipment, or vehicle appliance.

B. Prosecution History of the '363 Patent

The patent application that issued as the '363 patent was filed on September 16, 2002. EX1001. The '363 patent issued on July 8, 2008. *Id.*

During prosecution, the Applicant chose to be his own lexicographer and provided explicit definitions for various terms, including "processing device," in

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