

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

PRELIMINARY RESPONSE OF PATENT OWNER

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION.....	1
II. BACKGROUND	2
A. Overview of the ‘363 Patent	2
B. Prosecution History of the ‘363 Patent	3
1. Original prosecution	3
2. Reexamination of the ‘363 Patent.....	4
C. Petition Overview	5
III. CLAIM CONSTRUCTION.....	9
A. Legal Standards.....	9
B. Petitioner has Failed to Submit Claim Constructions for Key Terms Supporting its Invalidity Arguments	12
C. “processing device”.....	14
1. Each “processing device” is separate and distinct from the claimed vehicle systems being controlled.....	15
2. Each “processing device” is separate and distinct from the communication system or the communication network, or any component of same, on, over, via, or in conjunction with, which they operate	17

D. “remote” 20

E. “located at” 21

IV. THE PROPOSED GROUNDS FAIL TO MEET THE BURDEN OF
SHOWING A REASONABLE LIKELIHOOD OF PREVAILING..... 22

A. Ground 1 22

 1. Kniffen fails to teach the “third processing device” of claim 21 22

 2. Kniffen fails to teach the “first processing device” and “second
 processing device” of claim 21 29

 3. Spaur fails to teach the “first processing device” and “second
 processing device” of claim 21 30

 4. The USPTO has already determined that claim 21 is patentable over the
 combination of Kniffen and Spaur 34

 5. The combination of Kniffen and Spaur fails to render obvious the subject
 matter of claims 21, 24, 27, 30, 31 and 33..... 35

B. Ground 2 36

C. Ground 3 36

 1. Spaur fails to teach the “second processing device” of claim 68 36

D. Ground 4 37

VII. CONCLUSION 37

LIST OF EXHIBITS

Exhibit	Description
EX2001	Notice of Intent to Issue <i>Ex Parte</i> Reexamination Certificate

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 Petition for *Inter Partes* Review (“Petition”) filed by Petitioner regarding claims 21, 24, 27, 29-31, 33, 68, 69, 72, 74, 77 and 80 (“Challenged Claims”) of U.S. Patent No. 7,397,363 (“the ‘363 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 4, 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 four proposed grounds of rejection are substantively flawed, in that none of the cited references teach important properly construed claim limitations.

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