

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VOLKSWAGEN GROUP OF AMERICA, INC.

Petitioner

v.

JOAO CONTROL & MONITORING SYSTEMS, LLC

Patent Owner

Patent No. 5,917,405

Issue Date: June 29, 1999

Title: CONTROL APPARATUS AND METHODS FOR VEHICLES

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**PETITIONER'S REPLY**

Case No. IPR2015-01613

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## LISTING OF EXHIBITS

Exhibit 1001	U.S. Patent No. 5,917,405 to Joao
Exhibit 1002	U.S. Patent No. 6,072,402 to Kniffin
Exhibit 1003	U.S. Patent No. 5,113,427 to Ryoichi
Exhibit 1004	U.S. Patent No. 4,897,642 to DiLullo
Exhibit 1005	U.S. Patent No. 5,223,844 to Mansell
Exhibit 1006	Declaration of Scott Andrews
Exhibit 1007	August 18, 2015 Memorandum Opinion and Order Regarding Claim Construction in <i>Joao Control &amp; Monitoring Systems, LLC v. Protect America, Inc.</i> , Case No. 1:14-cv-134 (W.D. Tex.)
Exhibit 1008	March 23, 2016 Memorandum Opinion and Order in <i>Joao Control &amp; Monitoring Systems, LLC v. Telular Corp.</i> , Case No. 1:14-cv-09852 (N.D. Ill.)
Exhibit 1009	June 10, 2016 Opinion and Order (1) Granting In Part and Denying In Part Defendant FCA US LLC'S Motion for Summary Judgment on Invalidity and Noninfringement (Dkt. 59) and (2) Denying as Moot Plaintiff Joao Control & Monitoring Systems, LLC'S Motion for Summary Judgment of Infringement of U.S. Patent No. 7,397,363 by UConnect Access (Dkt. 57) in <i>Joao Control &amp; Monitoring Systems, LLC v. Chrysler Group LLC</i> , Case No. 4:13-cv-13957
Exhibit 1010	U.S. Patent No. 5,404,361 to Casorso
Exhibit 1011	U.S. Patent No. 5,875,486 to Toda

## I. INTRODUCTION

This Petitioner's Reply is responsive to the Patent Owner's Response to Petition for *Inter Partes* Review Under 37 C.F.R. § 42.107 (the "Response").

As set forth in the Petition, the challenged claims of U.S. Patent No. 5,917,405 (the "'405 patent") are invalid in view of the prior art cited therein, including U.S. Patent No. 6,072,402 (Exhibit 1002, "Kniffin"), U.S. Patent No. 5,113,427 (Exhibit 1003, "Ryoichi"), U.S. Patent No. 4,897,642 (Exhibit 1004, "DiLullo"), and U.S. Patent No. 5,223,844 (Exhibit 1005, "Mansell"). Despite the Patent Owner's ("Joao") assertions that the '405 patent describes a "novel and unconventional system," and claims a "specially assembled and programmed distributed control system for vehicles" (Response at 2), the '405 patent merely claims a conventional a chain of three control devices, passing along signals to allow for remote operation of vehicle systems. As set forth in the Petition, the claimed systems and methods are disclosed by the cited prior art and were well known before the earliest effective filing date of the '405 patent, such that the challenged claims are invalid and should be canceled.

In its Response, Joao argues that Kniffin fails to describe a signal for activating a vehicle component, even though Kniffin describes sending data to an in-vehicle memory to be stored. Joao argues that Kniffin fails to describe a chain of three control devices for controlling a vehicle component, even though Kniffin

describes communicating data from a communications link, to a clearinghouse, to an in-vehicle control device for storage in the in-vehicle memory. Finally, Joao argues that Ryoichi fails to describe a chain of three control devices for controlling a vehicle component, even though Ryoichi expressly describes signaling unlocking doors, turning on headlights, or starting an engine. For the reasons set forth below, and in the Petition, Joao's arguments do not address the express disclosure of the prior art, so that the challenged claims are unpatentable, and should be canceled.

## II. CLAIM CONSTRUCTION

### A. "First Signal," "Second Signal," and "Third Signal" Need Not Be Construed

The terms "first signal," "second signal," and "third signal" should be given their ordinary and customary meaning, as would be understood by a person of ordinary skill in the art, at the time of the alleged invention, considering the claim language, the specification, and the prosecution history. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312, 1327 (Fed. Cir. 2005). In this case, the specification and prosecution history do not provide any special definition of the terms "first signal," "second signal," and "third signal." Nor does Joao assert otherwise.

Instead, Joao asserts that the claim terms "first signal," "second signal," and "third signal" require construction, that "first signal" is "a signal sent by a first device," that "second signal" is "a signal sent by a second device," and that "third

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