UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
NISSAN NORTH AMERICA, INC.
Petitioner,
v.
JOAO CONTROL & MONITORING SYSTEMS, LLC
Patent Owner
Case IPR2015-01645
Patent 7,397,363

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



TABLE OF CONTENTS

	Page
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	3
C. Exemplary Claim	4
III. CLAIM CONSTRUCTION	6
A. Legal Standards	6
B. "interface device"	9
C. "processing device"	10
D. "first signal," "second signal," and "third signal"	11
E. "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"	12
IV. DAVID McNAMARA'S DECLARATION IS FUNDAMENTALLY FLAWED	14
A. Mr. McNamara Did Not Review the Materials Required to Properly Res His Conclusions and Opinions	
B. David McNamara has an Erroneous Understanding of the Standards to Union Construing Patent Claims	
C. David McNamara Testimony Should Be Given Little or No Weight	17
V. RESPONSE TO PROPOSED GROUNDS OF INVALIDITY	17
A. Ground 1 is Deficient	17
1. Frossard fails to teach the "first processing device" of claim 21	18
2. Frossard fails to disclose the "A to B to C" control system of claim 21	22
3. The combination of Frossard and Spaur fails to render obvious the subject matter of claims 21, 22, 24 and 25	25
B. Ground 2 is Deficient	27
C. Ground 3 is Deficient	30
D. Ground 4 is Deficient	30
1. Johnson fails to teach the "first processing device" and "second processing device" of claim 21	31



Patent Owner's Response to Petition	Case IPR2015-01645 Patent 7,397,363
2. Rossmann fails to remedy the deficiencies in Jo	hnson36
3. The combination of Johnson and Rossmann fail subject matter of claims 21, 22, 24, 25, 29 and 3	



LIST OF EXHIBITS

Exhibit	Description
	"Supplement to the Remarks for the Amendment filed on October 24,
EX2001	2007" filed on November 23, 2007 during prosecution of the patent
	application that issued as related U.S. Patent No. 7,397,363
EX2002	Notice of Intent to Issue <i>Ex Parte</i> Reexamination Certificate
EX2003	"Petition for <i>Inter Partes</i> Review Under 35 U.S.C. §§ 311-319 and 37
EA2003	C.F.R. § 42.100 Et Seq." filed by Nissan North America, Inc.
EX2004	Declaration of Steven W. Ritcheson
	August 26, 2015 Opinion and Order Construing Disputed Claim Terms
EX2005	in the matter of <i>JCMS v. Chrysler Group LLC</i> , Case No. 13-cv-13957
	(E.D. Mich.)
EX2006	Transcript of March 15, 2016 Deposition of David McNamara
EX2007	Transcript of March 16, 2016 Deposition of David McNamara
EX2008	"The Internet Report," Morgan Stanley Global Technology Group,
EA2008	February 1996.



DOCKET A L A R M

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

