UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
COXCOM, LLC
Petitioner,
v.
JOAO CONTROL & MONITORING SYSTEMS, LLC
Patent Owner
Case IPR2015-01760
Patent 6,549,130

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



TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. BACKGROUND	2
A. Overview of the '130 Patent	2
B. Prosecution History of the '130 Patent	6
C. Exemplary Claims	7
III. CLAIM CONSTRUCTION	10
A. Legal Standards	10
B. "premises"	11
C. "remote"	11
D. "located at"	12
E. "control device"	12
IV. THE KOETHER AND CRATER REFERENCES ARE NOT PRIOR A THE '130 PATENT	_
A. The Relevant Legal Principals	14
B. The '130 Patent is Entitled to a Priority Date of March 27, 1996	15



1. Claim construction	16
2. The March 1996 Application discloses premises control devices	16
3. Admissions made by Petitioner's expert confirm a sufficient disclosur was made in the March 1996 Application	
V. MR. RICHARD BENNETT'S DECLARATION IS FUNDAMENTALLY FLAWED	
A. Mr. Bennett is not a POSITA	25
B. Mr. Bennett's Testimony Should Be Given Little or No Weight	34
VI. THE PETITION SHOULD BE DISMISSED FOR FAILING TO NAME A REAL PARTIES-IN-INTEREST	
A. Background	34
B. The Relevant Legal Principals	36
C. Terremark and Time Warner Cooperated with CoxCom and Engaged in Strategic Planning, Preparation and Review of the present Petition	
The present Petition is Terremark's and Time Warner's second "bite a apple" after being time-barred	
2. Terremark, Time Warner and CoxCom had necessarily cooperated in the strategic planning, preparation and review of the present Petition	
D. The Petition Should Be Dismissed for Failing to Name All Real Parties- Interest and for Being Time Barred	
VII RESPONSE TO INSTITUTED GROUNDS OF INVALIDITY	44



Patent Owner's Response to Petition

Case IPR2015-01760 Patent 6,549,130

	, ,	
	A. Ground 1 is Deficient	44
	1. Koether fails to teach a "second control device" which is "located location remote from the premises" as recited in Claims 1, 98 and 145	
	2. Koether fails to render obvious the subject matter of claims 8, 12 a	
	3. Koether fails to disclose, teach or suggest transmitting a "first sign from a "first control device" to the premises system/device via a "wireless device"	
	B. Ground 2 is Deficient	54
VIII.	CONCLUSION	54



LIST OF EXHIBITS

Exhibit	Description
EX2001	U.S. Patent No. 6,204,760 to Brunius
	"Preliminary Remarks" filed by Applicant on November 26, 2006
EX2002	during prosecution of the patent application that issued as related U.S.
	Patent No. 7,277,010
	"Supplement to the Remarks for the Amendment filed on October 24,
EX2003	2007" filed on November 23, 2007 during prosecution of the patent
	application that issued as related U.S. Patent No. 7,397,363
EX2004	Declaration of Steven W. Ritcheson
EX2005	Transcript of April 28, 2016 Deposition of Richard Bennett in the
EA2003	Present IPR
EX2006	Transcript of March 3, 2016 Deposition of Richard Bennett in related
EA2006	IPR No. IPR2015-01477
EX2007	Patent Owner's Joint Opposition to Motions to Recognize June 23
EA2007	Filing Date of Petitions filed in related IPR No. IPR2015-01486



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.

