

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 IPR2015-01762
Patent 7,397,363 C1

Before HOWARD B. BLANKENSHIP, STACEY G. WHITE, and
BETH Z. SHAW, *Administrative Patent Judges*.

SHAW, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, CoxCom, LLC, filed a Petition requesting an *inter partes* review of claims 1, 3–5, 8, 13–17, 20, 42–46, 48, 49, 53, 54, and 84–86 (“the challenged claims”) of U.S. Patent No. 7,397,363 C1 (“the ’363 patent”). Paper 1 (“Pet.”). Patent Owner, Joao Control & Monitoring Systems, LLC,

filed a Preliminary Response pursuant to 35 U.S.C. § 313. Paper 7 (“Prelim. Resp.”).

We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314; 37 C.F.R. § 42.4(a). Upon consideration of the record, and for the reasons explained below, we determine that the information presented shows a reasonable likelihood that Petitioner would prevail with respect to claims 1, 3–5, 8, 13–17, 20, 44, and 84–86. *See* 35 U.S.C. § 314(a). Accordingly, we institute an *inter partes* review of claims 1, 3–5, 8, 13–17, 20, 44, and 84–86.

We determine that Petitioner has not established a reasonable likelihood of prevailing on claims 42, 43, 45, 46, 48, 49, 53, and 54 in the Petition. Accordingly, we do not institute an *inter partes* review of claims 42, 43, 45, 46, 48, 49, 53, and 54.

A. *Related Matters*

Petitioner indicates that there are a significant number of related cases. *See* Pet. 1–2. At the time the Petition was filed, U.S. Patent No. 7,397,363 B2 was subject to *ex parte* reexamination and a Notice of Intent to Issue Ex Parte Reexamination Certificate was mailed July 29, 2015. Ex. 2002. A reexamination certificate issued September 2, 2015 for U.S. Patent No. 7,397,363 C1.

B. The Asserted Grounds

Petitioner identifies the following as asserted grounds of unpatentability:

Reference(s)	Basis	Challenged Claim(s)
Koether (Ex. 1008) ¹	§ 103(a)	42, 43, 45, 46, 48, 49, 53, and 54
Koether and Crater (Ex. 1009) ²	§ 103(a)	1, 3–5, 8, 13–17, 20, 44, and 84–86

C. The '363 Patent

The '363 patent is directed to controlling a vehicle or premises. Ex. 1001, Abst. The '363 patent describes a first control device which generates a first signal and is associated with a web site and located remote from a premises or vehicle. *Id.* The first control device generates the first signal in response to a second signal that is transmitted via the Internet from a second control device located remote from the first device and remote from the premises or vehicle. *Id.* The first device determines whether an action associated with the second signal is allowed, and if so, transmits the first signal to a third device located at the premises. *Id.* The third device generates a third signal for activating, de-activating, disabling, re-enabling, or controlling an operation of a system, device, or component of the premises or vehicle. *See id.*

¹ U.S. Patent No. 5,875,430, filed May 2, 1996.

² U.S. Patent No. 5,805,442, filed May 30, 1996.

D. The Challenged Claims

Petitioner challenges claims 1, 3–5, 8, 13–17, 20, 42, 43, 45, 46, 48, 49, 53, 54, and 84–86, of which claims 1, 42, and 84 are the only independent claims. Claims 1 and 42 are illustrative and are reproduced below:

1. An apparatus, comprising:

a first processing device, wherein the first processing device at least one of generates a first signal and transmits a first signal for at least one of activating, de-activating, disabling, re-enabling, and controlling an operation of, at least one of a premises system, a premises device, a premises equipment, a premises equipment system, a premises component, and a premises appliance, of or located at a premises, wherein the first processing device is associated with a web site, and further wherein the first processing device is located at a location remote from the premises,

wherein the first processing device at least one of generates the first signal and transmits the first signal in response to a second signal, wherein the second signal is at least one of generated by a second processing device and transmitted from a second processing device, wherein the second processing device is located at a location which is remote from the first processing device and remote from the premises, wherein 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 premises system, a premises device, a premises equipment, a premises equipment system, a premises component, and a premises appliance, is an authorized or an allowed action or an authorized or an allowed operation, and further wherein the first processing device at least one of generates the first signal and transmits the first signal to a third processing device if the action or the operation is determined to be an authorized or an allowed action or an authorized or an allowed operation, wherein the third processing device is located at the premises,

wherein the second signal is transmitted to the first processing device via, on, or over, at least one of the Internet and the World Wide Web, and further wherein the second signal is automatically received by the first processing device, wherein the first signal is transmitted to and automatically received by the third processing device, wherein the third processing device at least one of generates a third signal and transmits a third signal for at least one of activating, de-activating, disabling, re-enabling, and controlling an operation of, the at least one of a premises system, a premises device, a premises equipment, a premises equipment system, a premises component, and a premises appliance, in response to the first signal.

42. An apparatus, comprising:

a first processing device, wherein the first processing device at least one of monitors and detects an event regarding at least one of a premises system, a premises equipment system, a premises component, a premises device, a premises equipment, and a premises appliance, of a premises, wherein the first processing device is located at the premises, and further wherein the event is a detection of a state of disrepair of the at least one of a premises system, a premises equipment system, a premises component, a premises device, a premises equipment, and a premises appliance, wherein the first processing device at least one of generates a first signal and transmits a first signal to a second processing device, wherein the first signal contains information regarding the event, and further wherein the second processing device is located at a location which is remote from the premises, wherein the second processing device automatically receives the first signal, and further wherein the second processing device at least one of generates a second signal and transmits a second signal to a communication device, wherein the second signal is transmitted to the communication device via, on, or over, at least one of the Internet and the World Wide Web, wherein the communication device is located remote from the second processing device, and wherein the communication device automatically receives the second signal,

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