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

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 '363 Patent	2
B. Prosecution History of the '363 Patent	6
1. Original prosecution	6
2. Reexamination of the '363 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. "processing device"	12
IV. THE KOETHER AND CRATER REFERENCES ARE NOT PRIOR ART THE '363 PATENT	



A. The Relevant Legal Principals	14
B. The '363 Patent is Entitled to a Priority Date of March 27, 1996	15
1. Claim construction	16
2. The March 1996 Application discloses premises processing devices	16
3. Admissions made by Petitioner's expert confirm a sufficient disclosure was made in the March 1996 Application	
V. MR. RICHARD BENNETT'S DECLARATION IS FUNDAMENTALLY FLAWED	25
A. Mr. Bennett is not a POSITA	25
B. Mr. Bennett's Testimony Should Be Given Little or No Weight	33
VI. THE PETITION SHOULD BE DISMISSED FOR FAILING TO NAME AI REAL PARTIES-IN-INTEREST	
A. Background	33
B. The Relevant Legal Principals	35
C. Terremark and Time Warner Cooperated with CoxCom and Engaged in the Strategic Planning, Preparation and Review of the present Petition	
1. The present Petition is Terremark's and Time Warner's second "bite at 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	37
D. The Petition Should Be Dismissed for Failing to Name All Real Parties-In	,



Patent Owner's Response to Petition	Case IPR2015-01762 Patent 7,397,363
Interest and for Being Time Barred	43
VII. RESPONSE TO INSTITUTED GROUND OF INV	ALIDITY44
A. The X.25 Protocol Used by Koether Teaches Awa Koether and Crater and the Use of the Internet	2
B. Koether and Crater Fail to Disclose, Teach or Sug Whether an Action or Operation is an Authorized Operation.	or Allowed Action or
C. The Combination of Koether and Crater Fails to F Subject Matter of Claims 1, 3-5, 8, 13-17, 20, 44,	
VIII. CONCLUSION	53



LIST OF EXHIBITS

Exhibit	Description
EX2001	U.S. Patent No. 6,204,760 to Brunius
EX2002	"Supplement to the Remarks for the Amendment filed on October 24, 2007" filed on November 23, 2007 during prosecution of the patent application that issued as related U.S. Patent No. 7,397,363
EX2003	Declaration of Steven W. Ritcheson
EX2004	Notice of Intent to Issue <i>Ex Parte</i> Reexamination Certificate
EX2005	Transcript of April 28, 2016 Deposition of Richard Bennett in the Present IPR
EX2006	Transcript of March 3, 2016 Deposition of Richard Bennett in related IPR No. IPR2015-01477
EX2007	Patent Owner's Joint Opposition to Motions to Recognize June 23 Filing Date of Petitions filed in related IPR No. IPR2015-01485
EX2008	"The Internet Report," Morgan Stanley Global Technology Group, February 1996.
EX2009	Transcript of April 29, 2016 Deposition of Richard Bennett in the Present IPR



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.

