

CoxCom LLC (Petitioner)

v.

Joao Control & Monitoring Systems, LLC (Patent Owner)

Case IPR2015-01760 / U.S. Patent No. 6,549,130

Case IPR2015-01762 / U.S. Patent No. 7,397,363

Petitioner's Demonstratives

Thursday, November 17, 2016

1:00 PM, Courtroom A

Instituted Grounds of Unpatentability

Claims – ‘130 Patent	Prior Art
1, 8, 12, 17, 98 , 145 and 149	Koether (§ 103)
10, 119 and 124	Koether + Crater

Claims – ‘363 Patent	Prior Art
1, 3, 4, 5, 8, 13, 14, 15, 16, 17, 20, *44, 84 , 85, and 86	Koether + Crater

* Depends from independent claim 42 which will be addressed

IPR2015-01760, Institution Decision, Paper 8, at 17.

IPR2015-01762, Institution Decision, Paper 8, at 15.

Koether and Crater Quali as Prior Art to the '130 and '363 Patents

Only Disputed Issue:

Are the Challenged Claims of the '130 and '3 Patents entitled to a filing date prior to July 18, 1996?

Petitioner: July 18, 1996 priority date
Patent Owner: March 27, 1996 priority date

IPR2015-01760, Petitioner's Reply, Paper 16, at 7.
Patent Owner's Response, Paper 14, at 13.
IPR2015-01762, Petitioner's Reply, Paper 15, at 8.
Patent Owner's Response, Paper 14, at 13.

Patent Owner's Burden – No Presump

There is no presumption that the Challenged Claims of the '130 and '363 Patents are entitled to a filing date prior to July 18, 1996.

“When neither the PTO nor the Board has previously considered priority, there is simply no reason to presume that claims in a CIP application are entitled to the effective filing date of an earlier filed application.”

PowerOasis, Inc. v. T-Mobile USA, Inc., 522 F.3d 1299, 1305 (Fed. Cir. 2008)

IPR2015-01760, Petitioner's Reply, Paper 16, at 8.

IPR2015-01762, Petitioner's Reply, Paper 15, at 8.

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