

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

PRELIMINARY RESPONSE OF PATENT OWNER

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 2. Koether fails to teach that the “second processing device . . . transmits a second signal . . . to the communication device via, on, or over, at least one of the Internet and the World Wide Web,” as required by claim 42 31

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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

I. INTRODUCTION

Patent Owner Joao Control & Monitoring Systems, LLC (“JCMS”) respectfully submits this Preliminary Response of Patent Owner (“Preliminary Response”) in accordance with 35 U.S.C. § 313 and 37 C.F.R. § 42.107. This Preliminary Response responds to the Petition for *Inter Partes* Review (“Petition”) filed by Petitioners regarding claims 1, 3-5, 8, 13-17, 20, 42, 43-46, 48, 49, 53, 54, and 84-86 (“Challenged Claims”) of U.S. Patent No. 7,397,363 (“the ‘363 Patent”).

This Preliminary Response is timely filed under 35 U.S.C. § 313 and 37 C.F.R. § 42.107, as it is filed within three months of the August 26, 2015 date of the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 3).

JCMS requests that the Board not institute an *inter partes* review (“IPR”) because Petitioner has failed to demonstrate a reasonable likelihood of prevailing with respect to any of the Challenged Claims, thereby failing to meet the threshold for institution under 35 U.S.C. § 314(a).

The two proposed grounds of rejection are substantively and procedurally flawed, as will be explained below. Further, none of the cited references disclose, teach, or suggest important properly construed claim limitations.

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