UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TELIT WIRELESS SOLUTIONS INC. and TELIT COMMUNICATIONS PLC, Petitioners,

V.

M2M SOLUTIONS LLC
Patent Owner

Case IPR2016-00054 Patent 8,648,717

PATENT OWNER'S PRELIMINARY RESPONSE PURSUANT TO 35 U.S.C. § 313 AND 37 C.F.R. § 42.107

Mail Stop "PATENT BOARD" Patent Trial and Appeal Board U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-14



TABLE OF CONTENTS

		I	Page				
I.	INTRODUCTION1						
II.	BACKGROUND1						
III.	CLAIM CONSTRUCTION						
	A.	"numbers to which the programmable communicator device is					
		configured to and permitted to send outgoing wireless transmissions"	2				
		transmissions	2				
IV.	STANDARD FOR INSTITUTING INTER PARTES REVIEW5						
V.	GRO	UNDS 4, 5, 9 and 10 SHOULD BE DENIED BECAUSE					
	THEY PRESENT THE SAME ART AND ARGUMENT						
	PREV	/IOUSLY CONSIDERED BY THE OFFICE	6				
	A.	McGarry Was Considered During Prosecution	7				
	B. Whitley Was Considered During Prosecution						
	C.	The Petitioners Make No Attempt to Overcome the					
		Presumption of Administrative Correctness	7				
	D.	Petitioners Add Nothing More than What Is Already in the					
		Record with Respect to McGarry and Whitley	10				
VI.	THE	PETITION SHOULD BE DENIED BECAUSE IT FAILS TO					
	DEM	ONSTRATE A REASONABLE LIKELIHOOD OF SUCCESS	11				
	A.	Petitioners' Apply an Incorrect Claim Construction for Grounds					
		1-5	11				
	B.	Petitioners' Obviousness Analysis Is Inadequate					
		1. The Petitioners failed to articulate the differences					
		between the claimed invention and the prior art	12				
		2. The Petitioners have not provided an adequate rationale					
		to combine the references	14				
	C.	Wandel in View of Boden Fail Either to Disclose All Elements					
		in the Claims 1-3, 5-15, 18, and 23-28 or to Render Those					
		Claims Obvious as Alleged in Ground 6	14				
		1. "a programmable interface for establishing a					
		communication link with at least one monitored					
		technical device," (element (a))	16				
		2. "the one or more stored telephone numbers or IP					
		addresses being numbers to which the programmable					



Patent Owner's Preliminary Response *Inter Partes* Review of U.S. Patent No. 8,648,717

		communicator device is configured to and permitted to
		send outgoing wireless transmissions;" (element (e))21
	3.	"wherein the programmable communicator device is
		configured to process data received through the
		programmable interface from the at least one monitored
		technical device in response to programming instructions
		received in an incoming wireless packet switched data
		message."(element (h))26
	4.	Wandel and/or Boden do not disclose all of the elements
		of claim 2430
D.	Wan	idel Fails to Disclose Material Elements Present in
	Dep	endent Claims 5, 10, 11, and 1231
	1.	"A programmable communicator device according to
		claim 1 further configured to request that an at least one
		monitored technical device send data through the
		programmable interface for processing by the
		programmable communicator device in response to
		programming instructions received in an incoming
		wireless packet switched data message." (Claim 5)31
		"A programmable communicator device according to
		claim 1 further configured to request that an at least one
		monitored technical device send data through the
		programmable interface for receipt by the programmable
		communicator device in response to programming
		instructions received in an incoming wireless packet
		switched data message." (Claim 12)31
	2.	"A programmable communicator device according to
		claim 1 further configured to determine whether the
		processed received data indicates a change in status of
		the at least one monitored technical device that crosses a
		threshold parameter, or that otherwise indicates an alarm
		condition in response to programming instructions
		received in an incoming wireless packet switched data
		message." (Claim 10)33
	3.	"A programmable communicator device according to
		claim 10 further configured to send an at least one
		transmission for alerting an at least one monitoring
		device of said change in status or other alarm condition
		in response to programming instructions received in an



Patent Owner's Preliminary Response *Inter Partes* Review of U.S. Patent No. 8,648,717

	incoming wireless packet switched data message."
	(Claim 11)35
E.	Wandel and Boden in View of Sonera Fail Either to Disclose
	All Elements in Claim 4 or Render That Claim Obvious as
	Alleged in Ground 730
F.	Wandel and Boden in View of Fernandez Fail Either to
	Disclose All Elements in Claims 16-17, 19-20, 22 or Render
	Those Claims Obvious as Alleged in Ground 838
	1. "A programmable communicator device according to
	claim 1 further comprising a location processing module
	configured to determine an at least one location of the
	programmable communicator device, and wherein the
	programmable communicator device is configured to
	respond to an at least one transmission initiated by an at
	least one monitoring device requesting that said location
	data be sent to the monitoring device in response to
	programming instructions received in an incoming
	wireless packet switched data message." (Claim 16)38
	"A programmable communicator device according to
	claim 16 wherein the location processing module
	comprises a Global Positioning System (GPS) module."
	(Claim 17)38
	2. "A programmable communicator device according to
	claim 1 wherein the monitored technical device is a
	health monitoring system." (Claim 19)40
	3. "A programmable communicator device according to
	claim 19 wherein the programmable communicator
	device is configured to receive data from the health
	monitoring system through the programmable interface
	representing at least one of body temperature, blood
	pressure, periodic or continuous electrocardiogram health
	rhythm, blood glucose concentration, blood electrolyte
	concentration, kidney function, liver function, and labor
	contractions in response to programming instructions
	received in an incoming wireless packet switched data
	message." (Claim 20)
	4. "A programmable communicator device according to
	claim 1 wherein the monitored technical device is a home
	or domestic appliance."(Claim 22)



Patent Owner's Preliminary Response *Inter Partes* Review of U.S. Patent No. 8,648,717

	G.	Wand	el and Boden in View of McGarry Fail Either to Disclose	
		All Ele	ements in Claim 21 or Render That Claim Obvious as	
		Allege	ed in Ground 9.	43
	H.	Wande	el and Boden in View of Whitley Fail Either to Disclose	
		All Ele	ements in Claims 29 and 30 or Render Those Claims	
		Obvio	us as Alleged in Ground 10	44
			"a programmable interface for establishing a	
			communication link with at least one monitored technical	
			device," (element 29(a))	44
			"the one or more stored telephone numbers or IP	
			addresses being numbers to which the programmable	
			communicator device is configured to and permitted to	
			send outgoing wireless transmissions;" (element 29(e))	44
			wherein the one or more wireless transmissions from the	•
			programming transmitter containing instructions to	
			program the stored number comprise one or more short	
			message service (SMS) data messages; and" (element	
			29(g))	45
			"wherein the programmable communicator device is	10
			configured to process data received through the	
			programmable interface from the at least one monitored	
			technical device in response to programming instructions	
			received in at least one incoming short message service	
			(SMS) data message or packet switched data message."	
			(element 29(h))	16
			"A programmable communicator device according to	+0
			claim 29 wherein the processing module processes	
			received data to determine whether it indicates a change	
			in status of the at least one monitored technical device	
			that crosses a threshold parameter, or that otherwise	1 (
			indicates an alarm condition." (Claim 30)	+0
VII.	CON	CLUSI	ON	46
	~ ~ 1	~ .		



DOCKET

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.

