

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TERREMARK NORTH AMERICA LLC, VERIZON BUSINESS
NETWORK SERVICES INC., and VERIZON SERVICES CORP.,
Petitioner,

v.

JOAO CONTROL & MONITORING SYSTEMS, LLC,
Patent Owner.

Case IPR2015-01466
Patent 6,542,077 B1

Before HOWARD B. BLANKENSHIP, STACEY G. WHITE, and
JASON J. CHUNG, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

Terremark North America LLC, Verizon Business Network Services, Inc., and Verizon Services Corp. (collectively “Petitioner”) filed a Petition requesting *inter partes* review of claims 22, 27, 29, 31, 32, 39, and 40 of U.S. Patent No. 6,542,077 B1 (Ex. 1001, “the ’077 patent”) pursuant to 35 U.S.C. §§ 311–319. Joao Control & Monitoring Systems, LLC, (“Patent Owner”) filed a Preliminary Response (Paper 9, “Prelim. Resp.”). Based on our review of these submissions, we instituted *inter partes* review of claims 22, 27, 29, 31, 32, 39, and 40 of the ’077 patent. Paper 10 (“Dec.”). Specifically, we authorized this *inter partes* review to proceed as to the following grounds: (1) claims 22, 29, 31, 32, 39, and 40 as anticipated by French¹ and (2) claim 27 as obvious over French and Caglayan.² *Id.* at 20.

Patent Owner filed a Patent Owner’s Response (Paper 16, “PO Resp.”), and Petitioner filed a Reply (Paper 18, “Reply”). An oral hearing was held on September 9, 2016. Paper 22 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed below, Petitioner has demonstrated by a preponderance of the evidence that claims 22, 27, 29, 31, 32, 39, and 40 of the ’077 patent are unpatentable.

A. Related Proceedings

The parties state that the ’077 patent and related patents are at issue in numerous lawsuits and PTAB proceedings. Pet. 3–4, Paper 12.

¹ U.S. Patent No. 5,061,916, issued Oct. 29, 1991 (“French”) (Ex. 1005).

² Alper Caglayan & Colin Harrison, *Agent Sourcebook: A Complete Guide to Desktop, Intranet, Agents*, John Wiley & Sons, Inc., (1997), (“Caglayan”) (Ex. 1006).

B. The '077 Patent (Ex. 1001)

The '077 patent describes a control, monitoring, and/or security apparatus and method for vehicles or premises. Ex. 1001, 1:20–28. This apparatus allows an owner, occupant, or other authorized individual to control or to perform various monitoring and security tasks at the vehicle or premises from a remote location and at any time. *Id.* at 3:2–8.

An embodiment of the apparatus of the '077 patent includes a transmitter system which is “a remote system, which may or may not be physically connected to the remainder of the apparatus. Further, the transmitter system is not located in the [vehicle or premises] . . . , but rather, is located external from and/or separate and apart from, the vehicle [or premises].” *Id.* at 3:46–52, 3:13–21. The apparatus also includes a CPU that may be electrically connected and/or linked to the premises equipment system, which is located externally from the apparatus. *Id.* at 94:16–19, Fig. 16. “[The] premises equipment system or systems receives signals from the CPU, which signals serve to activate or de-activate, or vice versa, whichever the case may be, the . . . premises equipment system(s) which are utilized in conjunction with the apparatus.” *Id.* at 15:9–14, 94:32–37. A user entering a code on the transceiver of the transmitter system may achieve this activation or control of the premises equipment system. *Id.* at 6:25–31, 15:15–22. The code is transmitted to the CPU, which then communicates with the appropriate premises equipment system. *Id.* at 7:12–17, 15:15–22.

C. Illustrative Claim

As noted above, Petitioner challenges claims 22, 27, 29, 31, 32, 39, and 40 of the '077 patent, of which claim 22 is the only independent claim. Claim 22³ is illustrative of the challenged claims and is reproduced below:

22. A monitoring 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 and 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 the 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 from the first processing device, and further wherein the second processing device at least one of generates a second signal and transmits a second signal to a communication device associated with an individual,

wherein the communication device is located remote from the second processing device, and further wherein the communication device automatically receives the second signal from the second processing device, and further

³ Claim 22 was modified by a Certificate of Correction issued July 1, 2003. Ex. 1001, 85.

wherein the communication device generates a third signal,
wherein the third signal provides information regarding the
event.

II. ANALYSIS

A. *Qualifications of Mr. Richard Bennett*

Patent Owner objects to the testimony of Mr. Richard Bennett, arguing that he does not qualify as a person of ordinary skill in the art and that there is at least one inconsistency in his testimony. PO Resp. 16–23. We note that Patent Owner did not move to exclude this testimony and thus, its arguments are limited to the weight that should be given to the testimony. *See id.* at 23.

First, Patent Owner argues that Mr. Bennett is not a person of ordinary skill in the art. *Id.* at 16. Mr. Bennett testified that a person of ordinary skill would have “a bachelor’s degree in engineering or equivalent coursework **and** at least two years of experience in networked systems.” *Id.* (quoting Ex. 1002 ¶ 18). Mr. Bennett, however, does not have a degree in engineering and he has limited coursework in the field. *Id.* at 16–21. Thus, according to Patent Owner his testimony should be accorded little to no weight because he does not meet his own definition of a person of ordinary skill in the art. *Id.* This argument is not persuasive. Our reviewing court has noted that “[t]he ‘person of ordinary skill in the art’ is a theoretical construct used in determining obviousness under § 103, and is not descriptive of some particular individual.” *Endress + Hauser, Inc. v. Hawk Measurement Sys. Pty. Ltd.*, 122 F.3d 1040, 1042 (Fed. Cir. 1997) (citing *Custom Accessories, Inc. v. Jeffrey–Allan Indus., Inc.*, 807 F.2d 955, 963 (Fed. Cir. 1986)). The Federal Circuit has instead examined whether the purported expert has

substantial credentials that would allow the judge to permit testimony from the purported expert. *Id.* Under the Federal Rules of Evidence, the question is whether Mr. Bennett has “scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue.” Fed. R. Evid. 702; *see also Sundance, Inc. v. DeMonte Fabricating Ltd.*, 550 F.3d 1356, 1363–64 (Fed. Cir. 2008) (noting that under Rule 702, a person need not be a person of ordinary skill in the art, but rather may be “qualified in the pertinent art”). We are persuaded that Mr. Bennett has such credentials. Mr. Bennett has nearly 40 years of experience in networked systems (Reply. 14 (citing Ex. 1019, 210:2–9)) and is a named inventor in four issued patents dealing with networked systems (*id.* (citing Ex. 1003, 4–5; Ex. 1019, 49:15–50:10)). Patent Owner did not raise any substantive issues with Mr. Bennett’s experience or knowledge; instead, it only argued that Mr. Bennett did not have sufficient classroom education. We find that Mr. Bennett’s work experience, research, and industry participation are sufficient to provide the expertise necessary to assist us in this matter.

Second, Patent Owner argues that Mr. Bennett’s testimony should be accorded little weight because his testimony contains at least one inconsistency. PO Resp. 21–23. Mr. Bennett testified that “local control module 38a communicates with a global control module 30a, which then generates a graphical report that is transmitted to a user via facsimile.” *Id.* (quoting Ex. 1002 ¶ 26). Later in the declaration, Mr. Bennett also testified that “central control system 20 processes the alarm signals sent from the control modules and creates a graphical report.” *Id.* (quoting Ex. 1002 ¶ 29). Patent Owner asserts that this testimony is inconsistent and confusing. *Id.* at

23. We disagree. As will be described in more detail later in this Opinion, French's Global Control Module serves as an intermediary between the Local Control Module and the Central Control Module. His first statement may be incomplete because it did not include the Central Control Module as the device that communicates with French's fax machines, but we do not find this omission requires regarding Mr. Bennett's testimony with little or no weight.

B. Claim Interpretation

In the Decision to Institute, we noted that the '077 patent was due to expire March 27, 2016. Dec. 9. The parties have not disputed the calculation of the '077 patent's expiration date. Based on our review of the record, we discern no reason to modify that calculation and thus, we find the '077 patent to be expired. For claims of an expired patent, the Board's claim interpretation is similar to that of a district court. *See In re Rambus, Inc.*, 694 F.3d 42, 46 (Fed. Cir. 2012). "In determining the meaning of the disputed claim limitation, we look principally to the intrinsic evidence of record, examining the claim language itself, the written description, and the prosecution history, if in evidence." *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 469 F.3d 1005, 1014 (Fed. Cir. 2006) (citing *Phillips v. AWH Corp.*, 415 F. 3d 1303, 1312–17 (Fed. Cir. 2005)).

1. Terms Preliminarily Construed in the Decision to Institute

For purposes of the Decision to Institute, we construed the terms "automatically receives," "remote," "premises," and "located at." Dec. 10–11. Neither party raised any concerns regarding these constructions during trial. *See* PO Resp. 13–14. Based on our review of the full record, we discern no reason to modify or further discuss in this Final Written Decision

our constructions for these claim terms. For convenience, those claim constructions are reproduced in the table below.

Term	Construction
“automatically receives”	“to receive without human intervention.” See Pet. 14 (citing Ex. 1001, 52:25–28, 56:49–51; Ex. 1009, 26; Ex. 1010, 45; Ex. 1011, 53), PO Resp. 13.
“remote”	“separate and apart from, or external from, or at a distance from or distant from, or not located in.” See Ex. 2010, 3; 2011, 10.
“premises”	“a building or a structure and the grounds or parcel of land associated with the building or the structure, or a building or structure or a portion, room, or office, of or in the building or structure, or a home, mobile home, mobile building, mobile structure, residence, residential building, office, commercial building, commercial office, structure, equipment, facility, machine, rig, assembly line, or edifice.” See Ex. 2010, 4; Ex. 2011, 8
“located at”	“situated at, or situated in, or situated on.” See Ex. 2010, 5; Ex. 2011, 8.

2. First, Second, and Third Signal Terms

Patent Owner provides proposed constructions for the first, second, and third signal terms. PO Resp. 12–13. Specifically, Patent Owner asserts that the “first signal” is “a signal sent by a first device;” the “second signal” is “a signal sent by a second device;” and the “third signal” is “a signal generated by a third (communications) device.” *Id.* at 13.

We agree, for example, that a first signal is sent by a first device. The parties' dispute, however, is directed to whether there may be an intermediate device between the transmitting device (e.g., first device) and the signal's destination (e.g., second device). Claim 22 recites, in relevant part, that the "first signal" must be transmitted to and "automatically received" by the "second processing device." In Patent Owner's view, there may not be an intermediate device, between the first and second devices, that modifies or changes the signal. See PO Resp. 25–26; Tr. 24:21–25:21.

As part of our analysis, we note that the Applicant provided an express definition of the term "signal" in the First Remarks filed on November 23, 2007, during prosecution of the patent application that issued as the U.S. Patent No. 7,397,363 ("the '363 patent") (Ex. 2011). The '077 patent and '363 patents all descend from U.S. Patent Application Nos. 09/551,365, 08/622,749, 09/277,935, and 08/683,828. See Ex. 1001, at [63]. Patent Owner relied upon this same filing in support of its arguments regarding the construction of "remote," "premises," and "located at." See Dec. 10–11. The Applicant provided this definition several years after the issuance of the '077 patent. See Ex. 1001, at [45] (April 1, 2003 issuance date). As the Federal Circuit has noted, however, "[a] statement made during prosecution of related patents may be properly considered in construing a term common to those patents, regardless of whether the statement pre- or post-dates the issuance of the particular patent at issue." *Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 789 F.3d 1335, 1343 (Fed. Cir. 2015) (citing *Microsoft Corp. v. Multi-Tech Sys., Inc.*, 357 F.3d 1340, 1350 (Fed. Cir. 2004)).

In that 2007 filing, the term “signal” was defined as “an indication, or an indication having or conveying data, information, or a message, or a conveyor of data, information, or a message, or an indication representing data or information.” Ex. 2011, 11. We are persuaded that this definition is instructive to understanding the proper scope of these claim terms. Thus, a first signal, for example, is an “an indication, or an indication having or conveying data, information, or a message, or a conveyor of data, information, or a message, or an indication representing data or information that is sent by a first device.”

Petitioner argues that the term “signal” as used in the ’077 patent merely describes information being transmitted between devices and not the details of a signal such as frequency, message format, or encoding algorithms. Reply 3–4; *see also* Tr. 28:20–29:5 (Counsel for Patent Owner was unable to recall any discussion in the specification as to the physical requirements of a signal). As described by Petitioner, the ’077 patent’s signals are just a mechanism for exchanging information between the devices and therefore, the important element is the information to be exchanged and not the path by which that information travels. Reply 4–5.

We find Petitioner’s argument to be persuasive. We have not been directed to evidence in the specification sufficient to show that the Applicant desired to narrow this very broad definition of signal in a manner that would exclude signals that pass through intermediaries. As defined by the Applicant, a signal may be an indication, information, or a message and we are not persuaded that it is impermissible for an intermediary to pass this information on and to add further data to the information that it received.

For the foregoing reasons, we construe the term “first signal” to be “a signal sent by a first device;” “second signal” to be “a signal sent by a second device;” and “third signal” to be “a signal sent by a third (communications) device.” The recited signals all are construed to be “an indication, or an indication having or conveying data, information, or a message, or a conveyor of data, information, or a message, or an indication representing data or information.” Finally, we are not persuaded that these terms exclude signals that may pass through an intermediary. Further, we are persuaded that the claims are broad enough to encompass situations in which an intermediary may append additional information to the received signals.

3. *Systematic Check*

Patent Owner proposes that we construe the term “systematic check” to mean “to inspect or test in a methodical manner.” PO Resp. 14–16. Petitioner responds by arguing that the term needs no construction, but if we must construe the term then it should be construed to mean “[the] act of testing or verifying a system.” Reply 6. The parties’ dispute focuses on whether the claim language requires “the apparatus to *actively* ‘perform’ an inspection or test.” PO Resp. 33 (emphasis added). According to Patent Owner, it is not sufficient for a system to gather previously collected information; instead, the system must interrogate the sensors to obtain data and not rely on the passive collection of data. Tr. 32:12–33:17. We do not find this argument to be persuasive in light of the specification. As described in the specification,

[t]he apparatus and method of the present invention may be equipped with software and hardware for providing a *systematic check* of any and all of the apparatus and vehicle systems,

including *the status or state of the vehicle equipment systems*, equipment, devices and/or appliances and provide data relating thereto to the user or operator and/or to the authorized individual(s) at the above-described central security office.

Ex. 1001, 58:47–54 (emphases added). We are not persuaded that a systematic check of the “status or state” of the vehicle’s systems would exclude collecting information previously obtained about the system from a passive sensor. Thus, we decline to limit this term to the active collection of data. No further construction is necessary for the purposes of this Decision.

C. Asserted Anticipation over French (Ex. 1005)

Petitioner alleges that claims 22, 29, 31, 32, 39, and 40 of the ’077 patent are unpatentable under 35 U.S.C. § 102 over French. Pet. 19–33. Petitioner relies on claim charts showing how this reference allegedly discloses the claimed subject matter. *Id.* Petitioner further relies on a declaration from Mr. Richard Bennett. Ex. 1002. With support of the declaration of Dr. Val DiEuliis, (Ex. 2012), Patent Owner challenges Petitioner’s contentions, arguing that Petitioner failed to demonstrate the anticipation of the claims. PO Resp. 24–33. In reply, Petitioner maintains its position. Reply 8–16. For the reasons discussed below, we conclude that Petitioner has established by a preponderance of the evidence that claims 22, 29, 31, 32, 39, and 40 of the ’077 patent are anticipated by French.

4. Overview of French (Ex. 1005)

French is a United States Patent titled “Event Driven Remote Graphical Reporting of Building Automation System Parameters” that issued October 29, 1991. Ex. 1005, at [45], [54]. French describes a “system and method for reporting of alarms (or other conditions) to a remote

location, in a building automation system.” *Id.* at Abstract. An embodiment of French’s system is depicted in Figure 1, reproduced below.

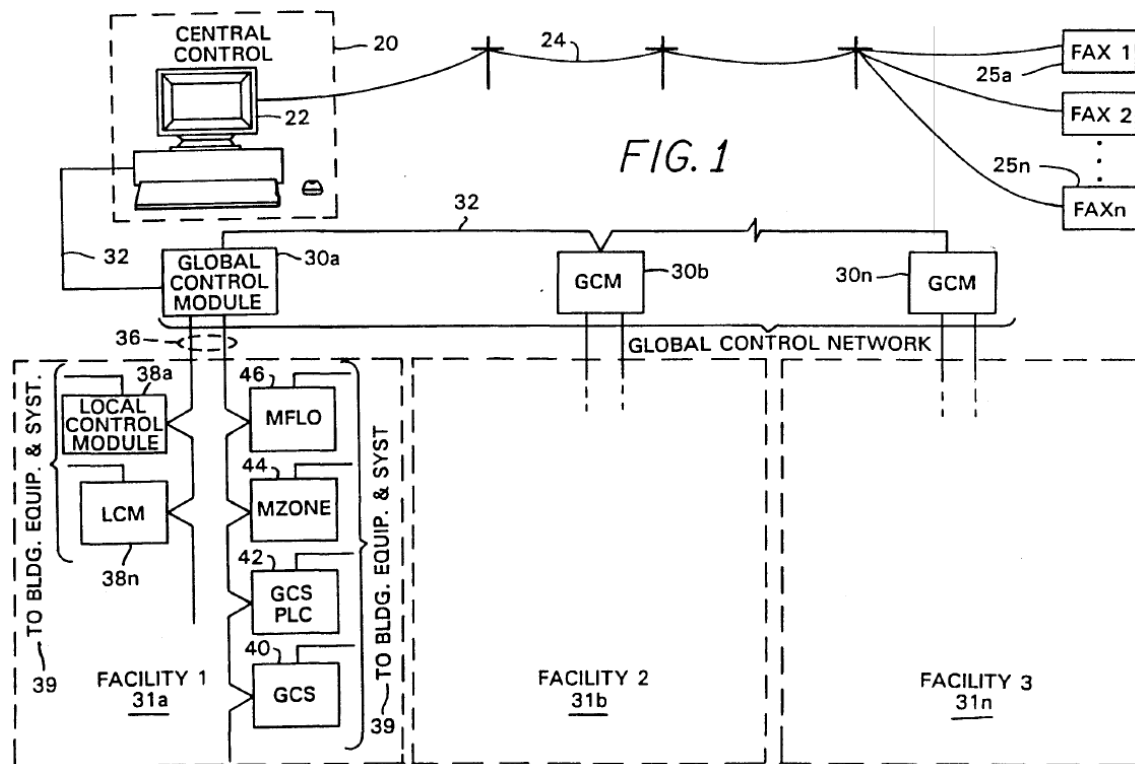


Figure 1 depicts a building automation system with remote graphical reporting capabilities. *Id.* at 3:64–66. French’s building automation system monitors mechanical and electrical equipment in a building or collection of buildings and reports status and alarms regarding the monitored equipment to a central location. *Id.* at 3:41–45. Alarms may be reported to a central location (central control 20) from one or more report facilities. *Id.* at 3:45–47. Central control 20 is connected to a plurality of global control modules 30a–30n via network 32. *Id.* at 5:13–14, 18–25. The global control modules may be located at different sites in a building, or in different buildings and are customized to the requirements of the particular facility or site 31a–31n in which they are located. *Id.* at 5:25–27; 5:33–35. The global control

modules are connected by network 36 to a plurality of local control modules 38a–38n, which are connected to the building equipment. *Id.* at 5:45–48.

Local control modules 38 are located in the building (or buildings) to be automated and may be included under a single roof or at widely distributed geographic points. *Id.* at 6:17–20. Graphical reports are sent via communication lines 24 to one or more facsimile receivers 25a–25n. *Id.* at 4:22–26.

An exemplary graphical report is depicted in Figure 4, which is reproduced below.

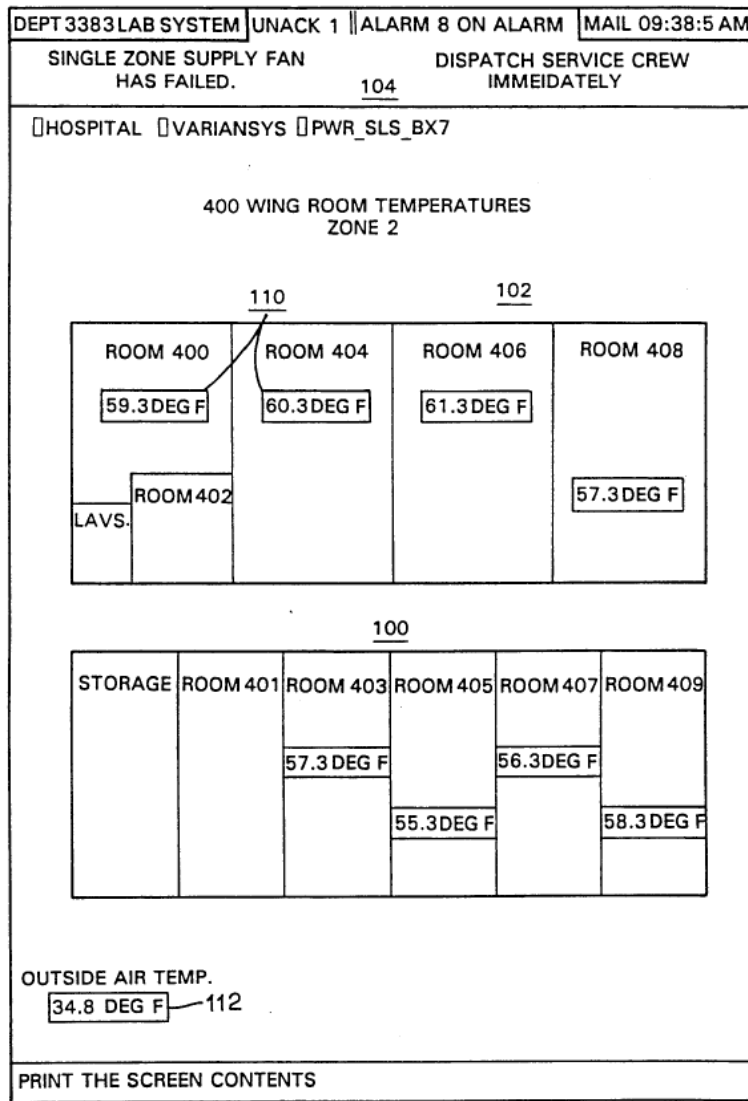


FIG. 4

Figure 4 depicts a typical graphical report that is transmitted from central station 20 to a facsimile device. *Id.* at 11:67–12:2. In this Figure, central portion 100 illustrates a floor plan and blocks 100 illustrate readings from specific rooms on that floor plan. *Id.* at 12:15–17.

5. Analysis

a. Independent Claim 22

Petitioner's arguments as to independent claim 22 may be summarized as follows: Petitioner asserts that French's local control

module, central control module, and facsimile receiver respectively disclose the claimed first processing device, second processing device, and communications device. Pet. 23. French's local control modules 38 are described as "connected to building equipment" and "monitoring . . . building equipment for reporting measured real time values." *Id.* (citing Ex. 1005, 5:45–47, 5:53–56); *Id.* at 24 (citing Ex. 1005, 6:17–19). These passages are asserted to disclose the first processing device, which is located on the premises, detecting events regarding a premises system. *Id.* French's local control modules can send alarms regarding events such as a failed supply fan to central control system 20. *Id.* at 24 (citing Ex. 1005, 5:1–2; 8:27–9:9; 12:11–15, 5:13–22; 5:45–48, Fig. 1). Central control system 20 is argued to disclose the second processing device located remote from the premises because it is located centrally and connected to global control modules 30 via various transmission media. *Id.* at 25 (citing Ex. 5:12–25); Ex. 1002 ¶ 30. The various facsimile receivers 25 receive graphical messages from central control system 20 and each facsimile may be associated with a different receiving station, such as a service organization or security station. *Id.* at 26 (citing Ex. 1005, 4:18–32, 9:3–9).

Patent Owner argues that French fails to disclose a second processing device. PO Resp. 24–30. Claim 22 recites, in relevant part, "wherein the second processing device automatically receives the first signal from the first processing device, and further wherein the second processing device at least one of generates a second signal and transmits a second signal to a communication device." Ex. 1001, 111:66–112:4.

Petitioner relies upon French's central control module to disclose the second processing device. Pet. 9, 23. According to Petitioner, "[a] local

control module 38a reports alarm events, such as data related to a failure, of the monitored equipment (a first signal) to a central control 22 (a second processing device) via global control module.” *Id.* at 9 (citing Ex. 1005, 4:41–45, 8:31–32, Fig. 1). Petitioner further contends that French’s “central control 22 (second processing device) uses communication lines to send graphical reports (a second signal) associated with an event to facsimile receiver(s) 25a-n (a communication device remote from the second processing device).” *Id.* (citing Ex. 1005, 4:24–26).

Patent Owner asserts that the central control module cannot be the second processing device because “there is an intermediate device between the local control module 38a and the central control system 20 that receives the ‘first signal’ from the local control module 38a and then subsequently generates and sends a ‘second signal’ to control system 20.” PO Resp. 25–26 (citing Ex. 2012 ¶ 18); *see also id.* at. 30–31. Dr. DiEuliis testified that “Global Control Module 30a assembles the data from the Local Control Module 38a and other modules, it generates a signal that contains all of this information and transmits it on network 32, where it is received by the Central Control System 20.” Ex. 2012 ¶ 22 (citing Ex. 1005, 6:43–53). As discussed above, we are not persuaded that the claims exclude systems with intermediate devices such as French’s global control module. *See* § II.B.2. As noted by Dr. DiEuliis, French’s global control module transmits a signal to the central control module that “contains all of [the information received from the local control module].” Ex. 2012 ¶ 22. Pursuant to our construction, the signal received by the central control module (second control device) is the first signal because it contains all of the information sent by the local control module (first device). Thus, we do not find Patent

Owner's argument to be persuasive and we are persuaded by Petitioner's arguments regarding the disclosures of French.

Based on our review of the full record, we find persuasive Petitioner's arguments and evidence and we adopt them as the basis for our determination that French discloses the limitations of claim 22. *See* Pet. 19–28. Accordingly, we determine that Petitioner has demonstrated by a preponderance of the evidence the unpatentability of independent claim 22 over the disclosures of French.

b. Dependent Claims

Claims 29, 31, 32, 39, and 40 depend from claim 22. We have reviewed Petitioner's arguments and supporting evidence with respect to these claims (Pet. 28–33), and we determine that Petitioner has demonstrated by a preponderance of the evidence that French anticipates these claims, as set forth in the Petition. As to these dependent claims, Patent Owner stands by its arguments directed to claim 22. PO Resp. 31. We disagree with those arguments for the reasons described above. Patent Owner puts forth an additional argument directed to claim 32. PO Resp. 31–33.

As to claim 32, Petitioner argues that “French discloses that periodic status reports of conditions of the premises equipment may be ‘generated at predetermined intervals.’” Pet. 31 (citing Ex. 1005 at 8:5–26). Patent Owner contends that French does not disclose the performance of a “systematic check” and this argument is based on Patent Owner's proposed construction of this term. PO Resp. 31–33. Patent Owner asserts that French does not disclose an apparatus that actively performs an inspection or test in a methodical manner. PO Resp. 33. This argument, however, is based on Patent Owner's proposed construction of “systematic check,”

which we rejected. See § II.B.3. In light of our construction, we determine that Petitioner's contentions regarding claim 32 are persuasive.

Based on our review of the full record, we find persuasive Petitioner's arguments and evidence and we adopt them as the basis for our determination that French discloses the limitations of claims 29, 31, 32, 39, and 40. See Pet. 28–33. Accordingly, we determine that Petitioner has demonstrated by a preponderance of the evidence the unpatentability of claims 29, 31, 32, 39, and 40 over the disclosures of French.

D. Asserted Obviousness of Claim 27 over French and Caglayan

Petitioner asserts that claim 27 would have been obvious over French and Caglayan. Pet. 33–36. Claim 27 depends from claim 22. Patent Owner stands on its arguments regarding independent claim 22, which we did not find persuasive for reasons described above. See PO Resp. 33.

Claim 27 further recites “[t]he apparatus of claim 22 . . . utilizes at least one of an intelligent agent, a software agent, and a mobile agent.” Petitioner asserts that French taken in combination with Caglayan would have rendered obvious the use of an intelligent agent, software agent, or mobile agent. Pet. 33 (citing Ex. 1005, Abstract, 1:25–62, 8:40–54; 11:11–13; Ex. 1006, 4–5, 13, 66–74).

Caglayan is a book titled *Agent Sourcebook, A Complete Guide to Desktop, Internet, and Intranet Agents*. Ex. 1006, 1. Caglayan describes how intelligent agents manage tasks such as notifying users of events of significance. *Id.* at 66. Petitioner argues that it would have been obvious to use Caglayan's intelligent agents in French's automation system to further automate the remote monitoring system and more efficiently monitor the data received from the building equipment and systems remotely. Pet. 35–

36 (citing Ex. 1002 ¶¶ 41–44). We find this rationale to be reasonable. See *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Based on our review of the full record, we find persuasive Petitioner’s arguments and evidence and we adopt them as the basis for our determination that French and Caglayan teach the limitations of claim 27. See Pet. 33–36. Accordingly, we determine that Petitioner has demonstrated by a preponderance of the evidence the unpatentability of claim 27 over the combined teachings of French and Caglayan.

III. CONCLUSION

Based on the arguments in the Petition, as well as the evidence of record, we determine that Petitioner has demonstrated by a preponderance of the evidence that claims 22, 29, 31, 32, 39, and 40 of the ’077 patent are anticipated by French. We further determine that claim 27 would have been obvious under 35 U.S.C. § 103(a) over the combined teachings of French and Caglayan.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that claims 22, 27, 29, 31, 32, 39, and 40 of the ’077 patent are held unpatentable;

FURTHER ORDERED that, because this is a final written decision, parties to the proceeding seeking judicial review of the decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

IPR2015-01466
Patent 6,542,077

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