

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CARDIOCOM, LLC,
Petitioner,

v.

ROBERT BOSCH HEALTHCARE SYSTEMS, INC.,
Patent Owner.

Case IPR2013-00449
Patent 7,840,420 B2

Before MIRIAM L. QUINN, STEPHEN C. SIU, and JUSTIN T. ARBES,
Administrative Patent Judges.

ARBES, *Administrative Patent Judge.*

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

I. BACKGROUND

Petitioner Cardiocom, LLC filed a Petition (Paper 1, “Pet.”) seeking *inter partes* review of claims 1–5 of U.S. Patent No. 7,840,420 B2 (Ex. 1001, “the ’420 patent”) pursuant to 35 U.S.C. §§ 311–19. On January 16, 2014, we instituted an *inter partes* review of claims 1–5 on two grounds of unpatentability (Paper 21, “Dec. on Inst.”). Patent Owner Robert Bosch Healthcare Systems, Inc. filed a Corrected Patent Owner Response (Paper 36, “PO Resp.”), and Petitioner filed a Reply (Paper 43, “Reply”).

Petitioner filed a Motion to Exclude (Paper 53, “Pet. Mot. to Exclude”) certain evidence submitted by Patent Owner. Patent Owner filed an Opposition (Paper 57) and Petitioner filed a Reply (Paper 61). Patent Owner filed a Motion to Exclude (Paper 55, “PO Mot. to Exclude”) certain evidence submitted by Petitioner. Petitioner filed an Opposition (Paper 58) and Patent Owner filed a Reply (Paper 60). Patent Owner also filed a Motion for Observation (Paper 54, “Obs.”) on certain cross-examination testimony of Petitioner’s declarant, and Petitioner filed a Response (Paper 59, “Obs. Resp.”).

An oral hearing was held on September 9, 2014, and a transcript of the hearing is included in the record (Paper 67, “Tr.”).

We have jurisdiction under 35 U.S.C. § 6(c). This final written decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1–5 are unpatentable.

A. The '420 Patent

The '420 patent¹ describes a system for “monitoring a group of patients having a chronic disease or ongoing health condition” by monitoring certain parameters of the condition, such as blood glucose level for diabetes and blood pressure for hypertension. Ex. 1001, Abstract; col. 1, ll. 30–37. According to the '420 patent, in prior art outpatient treatment programs, a clinician often learned about a patient’s status through “patient initiated events,” such as a visit to the emergency room. *Id.* at col. 1, ll. 48–67. As a result, medical needs of unmotivated patients could be overlooked. *Id.* In addition, prior art computer systems displayed medical data only on an “individual patient basis,” making it difficult to determine “which patients are having the greatest difficulty in controlling their health condition so that the clinician may focus attention on these patients.” *Id.* at col. 2, ll. 1–8. Consequently, according to the '420 patent, a need existed in the art to “view medical data for an entire group of patients simultaneously.” *Id.* at col. 2, ll. 6–8.

¹ The '420 patent issued based on U.S. Patent Application No. 12/767,093, filed on April 26, 2010, which is a continuation or continuation-in-part of a series of applications descending from U.S. Patent Application No. 08/732,158, filed on October 16, 1996.

Figure 1 of the '420 patent is reproduced below.

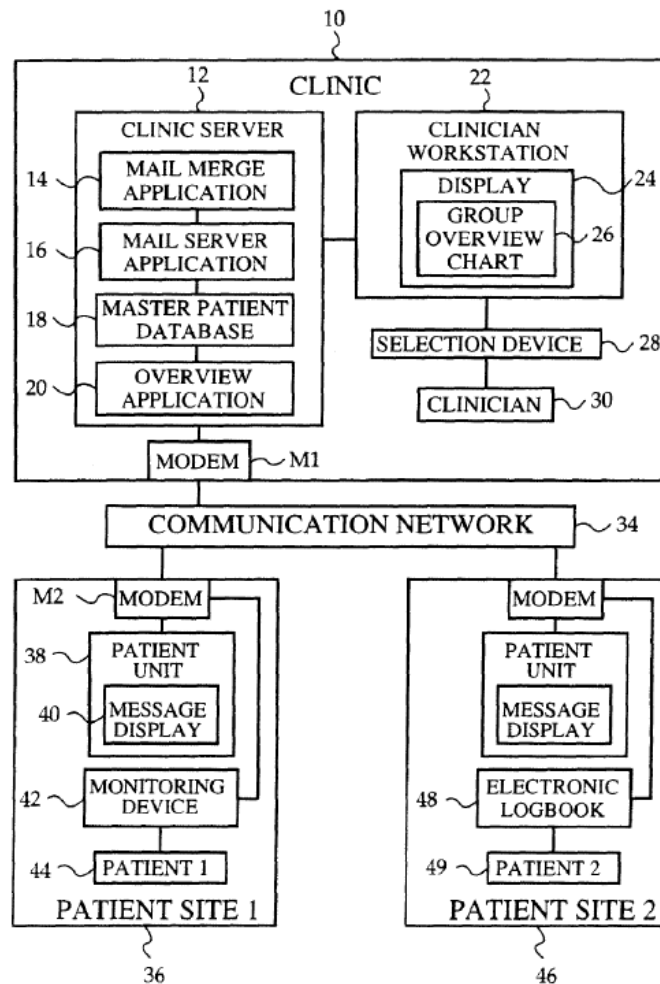


FIG. 1

Figure 1 above depicts healthcare clinic 10 in communication with patient sites 36 and 46 via communication network 34. *Id.* at col. 4, ll. 34–60. Patient site 36 includes monitoring device 42 for measuring periodically a particular health parameter of the patient, such as the patient's blood glucose level, and transmitting the measurements to healthcare clinic 10. *Id.* at col. 5, ll. 6–18. Patient site 36 also includes patient unit 38 (e.g., a personal computer) with message display 40 for displaying messages received from the clinic (e.g., emails). *Id.* at col. 4, l. 61–col. 5, l. 5.

Healthcare clinic 10 comprises clinic server 12 and clinician workstation 22. *Id.* at col. 4, ll. 34–60. Clinic server 12 includes master patient database 18 for storing patient data and overview application 20 for “performing various calculations using the patient data” and “generating a group overview chart with the patient data.” *Id.* at col. 4, ll. 44–49. Overview application 20 calculates a “control value” for a patient indicating the patient’s “control over the health condition” (e.g., the mean value of a parameter over a given period of time). *Id.* at col. 6, ll. 10–22. The control values for a group of patients then are displayed in group overview chart 26 on clinician workstation 22. *Id.* at col. 4, ll. 53–56.

Figure 3 of the ’420 patent depicts an exemplary group overview chart for a group of ten diabetic patients, and is reproduced below.

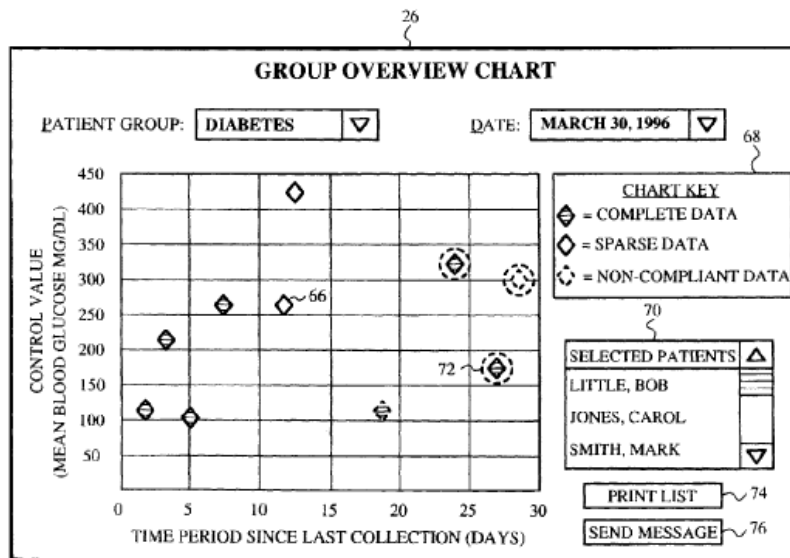


FIG. 3

As shown in Figure 3 above, group overview chart 26 has “ten data points, each data point representing one corresponding patient and indicating the control value calculated for the patient and the time period elapsed since the patient’s most recent collection date,” with each data point “represented on chart 26 by a corresponding icon 66.” *Id.* at col. 7, ll. 14–19; col. 8,

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