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Paper 65
Entered: January 15, 2015

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 IPR2013-00451
Patent 7,587,469 B2

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

QUINN, *Administrative Patent Judge.*

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

I. BACKGROUND

Cardiocom, LLC ("Petitioner") filed a Petition to institute an *inter partes* review of claims 1–22 of U.S. Patent No. 7,587,469 B2 ("the '469 patent") pursuant to 35 U.S.C. §§ 311–319. Paper 1 ("Pet"). We instituted trial (Paper 23, "Dec. on Inst.") as to claims 1, 2, and 5–10 as follows:

a) Obviousness of claims 1, 2, and 5–10 over Cohen[1] and Wahlquist;[2] and

b) Obviousness of claims 1, 2, and 5-10 over Cohen, Wahlquist, Neumann,[3] and Jacobs.[4]

Robert Bosch Healthcare Systems, Inc. ("Patent Owner") filed a Patent Owner Response (Paper 40 ("PO Resp.")) addressing the above-referenced obviousness grounds. Patent Owner relies on a Declaration of Dr. Yadin David to support the rebuttal to Petitioner's challenges of unpatentability. *See* Ex. 2009. Petitioner filed a Reply to Patent Owner's Response. Paper 43 ("Pet. Reply"). As scheduled, an oral hearing was held on September 9, 2014, and a transcript of that hearing is part of the record. Paper 64 ("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.

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[1] U.S. Patent No. 6,014,626 (Ex. 1002) ("Cohen").
[2] U.S. Patent No. 5,367,667 (Ex. 1003) ("Wahlquist").
[3] European Patent Application Publication No. EP 0505627A2 (Ex. 1004) ("Neumann").
[4] U.S. Patent No. 5,956,683 (Ex. 1005) ("Jacobs").

For the reasons that follow, we determine that Petitioner has demonstrated by a preponderance of the evidence that claims 1, 2, and 5–10 of the '469 patent are unpatentable.

A. THE '469 PATENT (EX. 1001)

The '469 patent, titled "Audio Instructions for Appliances," issued on September 8, 2009. The '469 patent relates to a networked system for remotely monitoring individuals and for communicating information to the individuals through the use of script programs. Ex. 1001, 1:39–41.

The patent describes the need for remote monitoring of patients in out-patient or home healthcare programs. *Id.* at 1:45–50, 2:33–37. According to the patent, the use of personal computers, medical monitoring devices, and interactive telephone or video response systems for remote monitoring have proved inadequate because of their expense, limited multimedia capability, and the complexity of managing non-compliant patients. *Id.* at 1:65–2:32.

One embodiment of the '469 patent, shown in Figure 1, reproduced below, is networked system 16 with server 18 connected to the Internet (communication network 24), where server 18 sends script programs to each remotely programmable apparatus 26. *Id.* at 4:18–35.

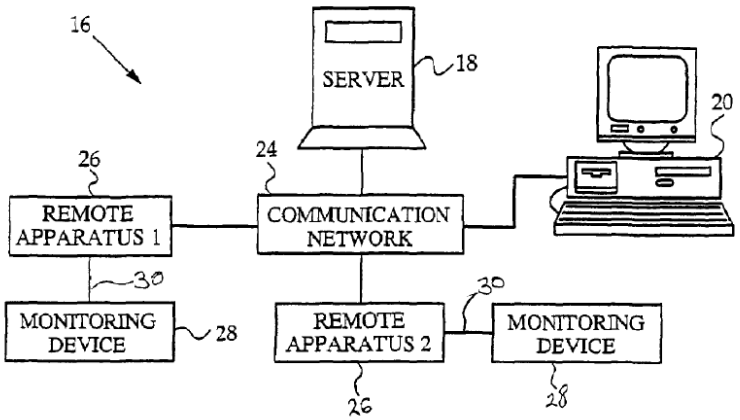

FIG. 1

Figure 1 illustrates that system 16 may include any number of remotely programmable apparatuses 26 (two are shown, above) for monitoring any number of patients. *Id.* at 4:42–44. In one preferred embodiment, each patient is provided with monitoring device 28 (such as a blood glucose meter). *Id.* at 4:45–61. That device produces measurements of a physiological condition of the patient (such as blood glucose concentrations in the blood of the patient) and transmits those measurements to the patient's remote apparatus 26 via standard cable 30. *Id.* at 4:45–61. Remotely programmable apparatus 26 executes a script program received from server 18. *Id.* at 5:7–9. That script program includes "queries, reminder messages, information statements, useful quotations, or other information of benefit to the patient." *Id.* at 5: 9–11.

The '469 patent further describes an embodiment where remotely programmable apparatus 26 includes speech recognition and speech synthesis functionality. *Id.* at 11:50–54. Audible queries, prompts, and response choices are communicated to the user through a speaker in apparatus 26, and a microphone receives the responses from the user. *Id.* at 12:40–48.

In further embodiments, remotely programmable apparatus 26 is an interactive television system. *Id.* at 16:19–26. Furthermore, the '469 patent describes collecting data from smart appliances, such as a "refrigerator, telephone, stove, clock radio, VCR, or any other electrical or non-electrical device including the monitoring device 28." *Id.* at 20:36–38.

B. ILLUSTRATIVE CLAIM

Of the claims-at-issue in trial, claim 1 is independent and is reproduced below:

> 1. A communications network comprising:
> a communications channel;
> a server;
> a primary device in communication with said server through said communications channel, wherein (A) said primary device comprises a component adapted to (i) receive one or more computer programs including one or more queries, instructions or messages as a first digital file from said server, (ii) convert the first digital file into synthesized audio transmissions, (iii) present said synthesized audio transmissions to an individual through a speaker and (iv) receive audible responses from said individual and (B) said primary device comprises a processor adapted to collect data relating to said primary device, and execute said computer programs to provide a diagnosis of a performance of said primary device; and
> a secondary device operatively connected to said primary device, wherein said secondary device (i) is adapted to be operated by said individual in response to said synthesized audio transmissions and (ii) comprises a user interface adapted to receive input responses from said individual and convert said input responses to a second digital file through speech recognition.

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