Trials@uspto.gov
571-272-7822

Paper 22
Filed: January 27, 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 IPR2013-00468[1]
Patent 7,516,192 B2

Before JUSTIN T. ARBES, BRYAN F. MOORE, and TRENTON A. WARD, *Administrative Patent Judges.*

MOORE, *Administrative Patent Judge*.

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

[1] Case IPR2013-00469 has been joined with this proceeding.

I. INTRODUCTION

A. Background

Cardiocom, LLC ("Petitioner")[2] filed a Petition ("Pet.") to institute an *inter partes* review of claims 1–19 of U.S. Patent No. 7,516,192 B2 ("the '192 patent"). Paper 1. On January 16, 2014, the Board instituted an *inter partes* review of claims 1–19 (Paper 22) ("'468 Dec. on Inst."). On the same day, the Board instituted an *inter partes* review of claims 20–37 based on a Petition (IPR2013-00469, Paper 1) ("'469 Pet.") filed in IPR2013-00469. Paper 21, IPR2013-00469 ("'469 Dec. on Inst."). IPR2013-00469 was joined with IPR2013-00468. '469 Dec. on Inst. 15. All references in this decision are to IPR2013-00468 unless otherwise indicated.

Subsequent to institution, Robert Bosch Healthcare Systems, Inc. ("Patent Owner") filed a Patent Owner Response (Paper 39) ("PO Resp."),[3] and Petitioner filed a Reply (Paper 52) ("Pet. Reply").[4] Petitioner filed a Motion to Exclude Evidence (Paper 57), Patent Owner filed an Opposition to Petitioner's Motion to Exclude (Paper 61), and Petitioner filed a Reply (Paper 65). Patent Owner filed a Motion to Exclude Evidence (Paper 59), Petitioner filed an Opposition to Patent Owner's Motion to Exclude (Paper 62), and Patent Owner filed a Reply (Paper 64). Patent Owner also filed a Motion for Observation (Paper 58) ("Obs.") on certain cross-examination testimony of Petitioner's declarant, Dr. Robert Stone, and

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[2] Petitioner indicates that Medtronic, Inc. also is a real party-in-interest in this proceeding. Paper 21; Paper 20 (IPR2013-00469).

[3] We cite to the Corrected Patent Owner's Response, filed April 25, 2014, Paper 39.

[4] We cite to the Corrected Petitioner's Reply, filed July 15, 2014, Paper 52.

Petitioner filed a Response (Paper 63) ("Obs. Resp."). As scheduled, an oral hearing was held on September 9, 2014, and a transcript of that hearing is part of the record. Paper 71 ("Tr.").

B. The '192 Patent (Ex. 1001)

The '192 patent, titled "Networked System for Interactive Communication and Remote Monitoring of Individuals," issued on April 7, 2009. The '192 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, 1:39–43.

The '192 patent describes the need for remote monitoring of patients in out-patient or home healthcare programs. *Id.* at 1:45–51, 2:35–40. According to the patent, the use of personal computers, medical monitoring devices, and interactive telephone or video response systems for remote monitoring in the prior art had proved inadequate because of their expense, limited multimedia capability, or the complexity of managing non-compliant patients. *Id.* at 1:65–2:32.

One embodiment of the '192 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.

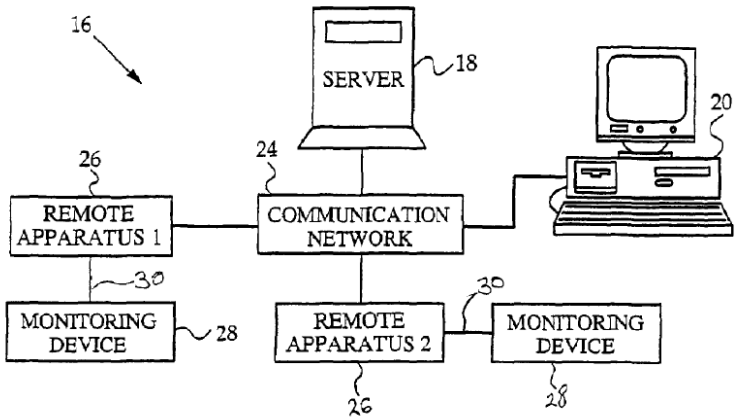

FIG. 1

Figure 1 depicts a block diagram of the networked system of the invention.

According to Figure 1, system 16 may include any number of remotely programmable apparatuses 26 (in Figure 1, two are shown) 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), which produces measurements of a physiological condition of the patient (such as blood glucose concentrations in the patient) and transmits those measurements to the patient's remote apparatus 26 via standard cable 30. *Id.* at 4:45–61. In operation, 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.

C. Illustrative Claim

Claims 1, 20, and 37 are independent claims. Claim 1 illustrates the claimed subject matter and is reproduced below:

> 1. A monitoring system for communicating with at least one individual, the monitoring system comprising:

a computer configured to communicate with at least one remotely situated apparatus;

a user interface in communication with the computer for entering, authoring, selecting, or any combination thereof, at least one of (i) one or more messages to be presented to the individual, (ii) one or more queries to be answered by the individual, (iii) one or more response choices corresponding to the one or more queries or (iv) any combination thereof;

a data merge program configured to generate a customized script program by customizing a generic script program, wherein the customized script program is to be executed by the remotely situated apparatus and includes (i) a display command to present to the individual at least one of the one or more messages, the one or more queries, the one or more response choices corresponding to the one or more queries or any combination thereof and (ii) an input command to receive responses when the script program includes one or more queries to be presented; and

one or more databases accessible by the data merge program for storing the generic script program and any responses received from the remotely situated apparatus.

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