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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

Philips North America LLC,

Plaintiff,

v.

Garmin International, Inc.
and Garmin Ltd.,

Defendants.

Case No. 2:19-cv-06301-AB-KS

**PHILIPS NORTH AMERICA, LLC'S
SUPPLEMENTED P.R. 3-1
DISCLOSURES**

1 **PLAINTIFF PHILIPS NORTH AMERICA LLC’S SUPPLEMENTED P.R. 3-1**
2 **DISCLOSURES**

3 Pursuant to Patent Local Rule 3-1 and in accordance with the deadlines agreed to
4 and adopted by the Court in this action and/or the agreement of the parties, Philips North
5 America LLC (“Philips,” “Plaintiff” or “Patentee”), by and through its counsel, makes
6 the below Preliminary Disclosure of Asserted Claims and Infringement Contentions.
7

8 Discovery in this action is only just beginning, and Defendant has not yet produced
9 any documents. Accordingly, these disclosures are based solely upon publicly available
10 information and Plaintiff’s present understanding of said publicly available information.
11 Plaintiff’s investigation of the matters disclosed in the Preliminary Disclosures is
12 ongoing. Accordingly, Plaintiff may seek to amend, modify, or supplement these
13 disclosures based upon further discovery and investigation.
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16 Throughout these disclosures the term “Accused Products” may, depending on
17 context and the specific patent at issue, mean any of the identified activity tracker
18 products offered by Garmin, as well as any software products related to, associated with,
19 or used in conjunction with said activity tracker products (regardless of whether such
20 software runs on the activity tracker itself, a mobile device, desktop/laptop computer,
21 server, or other computing device). For example, “Accused Product” may refer to an
22 activity tracker alone or to a system utilizing the activity tracker in combination with a
23 device running the Garmin Connect App. (or, in some situations, the Garmin Connect
24 App.). An Accused Product may also refer to a system that further includes server-based
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2 **A. Disclosure of Asserted Claims and Infringement Contentions**

3 Attached as Exhibits 1-44 are claim charts detailing Defendant’s infringement of
4 the following U.S. Patents: U.S. Patent Nos. 6,013,007; 7,088,233; 8,277,377;
5 9,314,192; 9,801,542. Plaintiff asserts that Garmin both directly and indirectly infringes
6 each asserted claim under 35 U.S.C. § 271(a), (b), (c) and (f) by making, using, offering
7 for sale, selling, importing, or exporting the Accused Products or components thereof;
8 directing or controlling the use of the Accused Products by others (whether in whole or in
9 part); actively and knowingly inducing others to use the Accused Products in an
10 infringing manner; and/or contributing to the infringement of others.
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13 As demonstrated in the accompanying charts, in some instances Garmin directly
14 infringes by directly providing the claimed system or performing the claimed method
15 while in other instances infringement is joint with its customers, who derive a benefit that
16 is conditioned on using the claimed systems or methods. The accompanying charts also
17 cite and refer to Garmin user manuals, promotional materials, and instructional videos—
18 all of which support Philips’s claim for induced infringement in instances where a
19 customer is directly infringing. Philips also alleges that Garmin has directly infringed by,
20 at least, testing and operating the Accused Products such that the claimed systems and
21 methods were put into use or performed by Garmin.
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26 Plaintiff asserts that each Asserted Claims is literally present in the Accused
27 Products. To the extent that any elements of the Asserted Claims are not literally present,
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1 Plaintiff asserts that each element of the Asserted Claims is present under the doctrine of
 2 equivalents because any differences between the features of the Accused Product and the
 3 corresponding claim elements are insubstantial and/or that these features perform
 4 substantially the same functions in substantially the same ways to achieve substantially
 5 the same result as the corresponding claim elements.
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 8 Philips's First Amended Complaint (Dkt. 45) also details Garmin's infringement
 9 and is incorporated herein by reference.

10 A summary of the asserted patents, infringing products, and asserted claims is
 11 provided below, with reference to the accompanying claim chart exhibit that further
 12 details Garmin's infringement. As explained in the accompanying charts, Philips has
 13 grouped certain products with similar functionality and features together, and has created
 14 a representative claim chart for these grouped products using an exemplary product.
 15 Philips nonetheless has cited source materials explaining the similarities across each of
 16 the Accused Products to demonstrate that the charts are, in fact, representative as detailed
 17 in the representative charts.
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U.S. Patent No. 6,013,007		
Ex.	Infringing Product	Asserted Claims
1.	Approach S20	21, 24, 26, 27
2.	Approach S60	7, 22, 24, 26, 27,
1.	Approach X40	21, 24, 26, 27

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3.	D2 Bravo	7, 21, 23, 24, 26, 27
3.	D2 Bravo Titanium	7, 21, 23, 24, 26, 27
4.	D2 Charlie	7, 21, 23, 24, 26, 27
4.	Descent MK1	7, 21, 23, 24, 26, 27
3.	Fenix 3	7, 21, 23, 24, 26, 27
3.	Fenix 3 HR	7, 21, 23, 24, 26, 27
3.	Fenix 3 Sapphire	7, 21, 23, 24, 26, 27
5.	Fenix 5	7, 21, 23, 24, 26, 27
5.	Fenix 5 Plus	7, 21, 23, 24, 26, 27
5.	Fenix 5S	7, 21, 23, 24, 26, 27
5.	Fenix 5S Plus	7, 21, 23, 24, 26, 27
5.	Fenix 5X	7, 21, 23, 24, 26, 27
5.	Fenix 5X Plus	7, 21, 23, 24, 26, 27
5.	Fenix Chronos	7, 21, 23, 24, 26, 27
2.	Forerunner 220	7, 21, 24, 6, 27
2.	Forerunner 225	7, 21, 24, 26, 27
3.	Forerunner 230	7, 21, 23, 24, 26, 27
3.	Forerunner 235	7, 21, 23, 24, 26, 27

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