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17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
19 **WESTERN DIVISION**

21 Philips North America LLC,

22 *Plaintiff,*

23 vs.

24 Garmin International, Inc.
25 Garmin USA, Inc. and Garmin Ltd.,

26 *Defendants.*

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

**PHILIPS NORTH AMERICA LLC's
REPLY IN SUPPORT OF ITS
MOTION UNDER RULE 54(b) TO
ENTER FINAL JUDGMENT AS TO
COUNT I FOR INFRINGEMENT OF
U.S. PATENT NO. 6,013,007**

Date: December 18, 2020

Time: 10:00AM

Crtrm: 7B (350 West First Street)

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1 Plaintiff Philips North America LLC (“Philips”) hereby replies to Garmin International,
2 Inc. and Garmin Ltd.’s (collectively “Garmin”) Opposition (Dkt. 113) to Philips’s Motion under
3 Fed. R. Civ. P. 54(b) (Dkt. 110, “Motion”) for the Court to enter final judgment on Count I of
4 Philips’s Amended Complaint concerning U.S. Patent No. 6,013,007 (“’007 Patent”).

5 **I. GARMIN INTERJECTS IRRELEVANT NEW ARGUMENTS**

6 **A. The ’233 Patent IPR**

7 The institution of the IPR on the ’233 Patent plays a prominent role in Garmin’s
8 Opposition, though notably was not discussed by the parties with respect to the Rule 54(b)
9 Motion for the simple reason that the IPR was not instituted until two weeks after the parties
10 had met and conferred on the present Motion. Nevertheless, Philips has no procedural objection
11 to Garmin’s arguments concerning the ’233 Patent IPR presented in the Opposition. Philips
12 does believe, however, that it bears clarification that Garmin never sought an IPR on any of the
13 other patents still in dispute, *i.e.*, the ’007, ’377, and ’542 Patents. (See attached Ciardullo
14 Declaration, ¶ 2.) Garmin joined with Fitbit on the IPR petition for the ’233 Patent, but tellingly
15 declined to join when Fitbit also pursued an IPR on the ’377 Patent, which the Patent Office
16 subsequently declined to institute. (*Id.*) If Garmin believed it had some other compelling basis
17 to invalidate the ’377 Patent beyond what Fitbit argued, Garmin could have pursued its own
18 IPR, but chose not to. The validity of the patent now having been confirmed by the Patent
19 Office, there is no basis to delay trial.

20 In any event, as discussed *infra*, Garmin has not demonstrated that the ’233 Patent IPR
21 has any bearing on how the Motion should be decided, nor has Garmin shown that it warrants a
22 stay of any proceedings.

23 **B. The European Proceedings**

24 Garmin argues that “Garmin has invalidated the claims of the European counterpart of
25 the ’007 in the United Kingdom and the claims of the German ’007 Patent in Germany.” (Opp.,
26 p. 13.) As an initial matter, this is not entirely accurate: the claims of the European counterparts
27 were in fact upheld as valid in amended form, and the UK and German courts disagreed in their
28 reasoning. But more importantly, happenings in Europe should not be of any import to the

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