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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Philips North America, LLC,)	Case No. 2:19-cv-06301-AB (KSx)
)	
Plaintiff,)	LAMKIN DECL ISO
)	
v.)	
)	
Garmin International, Inc., Garmin LTD)	
)	
Defendants.)	
)	
)	

DECLARATION OF RACHAEL D. LAMKIN

I, Rachael D. Lamkin, declare as follows:

1. I am lead counsel of record for Defendants Garmin International, Inc. and Garmin Ltd. (“Garmin”).
2. I am an attorney licensed to practice law in all state and federal courts

1 in California, the Eastern District of Texas, Colorado District Court, the Court of
2 International Trade, the International Trade Commission, the Federal Circuit Court
3 of Appeals, and this Honorable Court.
4

5 3. I have personal knowledge of all facts attested to herein.

6 4. Attached as Exhibit AA is a true and correct copy of the relevant pages
7 from Dr. Martin's declaration submitted with Philips' Response in the '233 IPR.
8

9 5. Attached as Exhibit BB is a true and correct copy of some of the relevant
10 pages from Dr. Martin's expert report in this matter.

11 6. Attached as Exhibit CC is a true and correct copy of some of the relevant
12 pages of Garmin's rebuttal expert report (Dr. Kiaei) explaining the different between
13 medical devices and fitness devices in the context of the '233 and '542 Patents.
14

15 7. Attached as Exhibit DD is a true and correct copy of the relevant pages
16 of Garmin's rebuttal expert report (Dr. Bellasario) explaining that Garmin watches
17 are not medical devices as that term is used in the relevant industries.
18

19
20
21 Signed under penalty of perjury on this date, February 8, 2021, in Sausalito,
22 California.

23
24 Rachael D. Lamkin
25 Rachael D. Lamkin
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Exhibit AA

types of content information such as entirely new content titles, additional sections or content elements for existing titles such as scripts and voice files, general information such as weather information and advertisements, and educational material.” *Id.*, 11:13–16.

IX. DETAILED RESPONSE TO GROUNDS OF REJECTION

A. Ground 1: Jacobsen Fails to Disclose all Features of Claims 1, 7–10, and 14

1. Claim 1

70. Jacobsen does not disclose “a security mechanism governing information transmitted between the first personal device and the second device.” Ex. 1001, 15:10–12. Security is a key aspect of the invention of the ’233 patent, particularly in view of the fact that the patent contemplates that the system of claim 1 would be used in medical settings. To that end, the ’233 patent explains how it provides a system with “**multiple levels** of prioritization, **authentication of a person (task, step, process or order)**, and **confirmation** via interrogation of person, device, or related monitor.” *Id.*, Abstract (emphasis added).

71. Of particular note is the embodiment of Figure 5 of the ’233 patent, which describes a personal device associated with a victim V. *Id.*, 11:49–53. In the situation described in Figure 5, the personal device of victim V may be in short-range wireless communication with a second device of a bystander B, via, for example BLUETOOTH. *Id.*, 11:54–66. The personal device of victim V can then

communicate with other aspects of the network (e.g. a dispatcher or responding personnel) via the second device of bystander B in order to facilitate medical assistance in some form to victim V. *Id.*, Fig. 5; 12:1–37. Important in this embodiment is the idea that “the ability of various entities spread around a network to receive and/or transmit to and control the personal device 100 requires some measure of security.” *Id.*, 13:27–30. To that end, the ’233 patent goes on to describe how

“Only **authorized agents should be allowed access to device 100**. For example, in the example shown in FIG. 5, only responding personnel RP (such as trained paramedics) who are on the scene of the event may be allowed to send a command to the personal device 100 causing the personal device 100 to dispense medication to the victim. Certainly, the bystander B should not be allowed this level of access, even though the bystander B’s personal wireless device 600 may be acting as an intermediary in communication from the personal device 100 to the dispatcher D.”

Id., 13:30–41 (emphasis added).

72. This disclosure demonstrates that, beyond the communications protocols (such as BLUETOOTH) that might be utilized to implement a short-range wireless communication scheme between the first personal device of victim V and a second device of bystander B (or a second device of responding personnel RP once on site), a layer of security is required for **authorizing a person’s access to device 100 over the network**—not simply authentication of **devices** across a

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