

1 JEAN-PAUL CIARDULLO, CA Bar No. 284170  
jciardullo@foley.com  
2 FOLEY & LARDNER LLP  
555 South Flower Street, Suite 3300  
3 Los Angeles, CA 90071  
Telephone: 213-972-4500  
4 Facsimile: 213-486-0065

5 ELEY O. THOMPSON (*pro hac vice*)  
ethompson@foley.com  
6 FOLEY & LARDNER LLP  
321 N. Clark Street, Suite 2800  
7 Chicago, IL 60654-5313  
Telephone: 312-832-4359  
8 Facsimile: 312-83204700

9 RUBEN J. RODRIGUES (*pro hac vice*)  
rrodrigues@foley.com  
10 LUCAS I. SILVA (*pro hac vice*)  
lsilva@foley.com  
11 JOHN W. CUSTER (*pro hac vice*)  
jcuster@foley.com  
12 FOLEY & LARDNER LLP  
111 Huntington Avenue, Suite 2500  
13 Boston, MA 02199-7610  
Telephone: (617) 342-4000  
14 Facsimile: (617) 342-4001

15 *Attorneys for Plaintiff*  
16 *Philips North America LLC*

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

21 PHILIPS NORTH AMERICA LLC,  
22 *Plaintiffs,*

23 v.

24 GARMIN INTERNATIONAL, INC.  
25 and GARMIN LTD.,

26  
27 *Defendants.*  
28

Case No. 2:19-cv-6301-AB-KS

**SECOND AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT**

***JURY TRIAL DEMANDED***

**SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

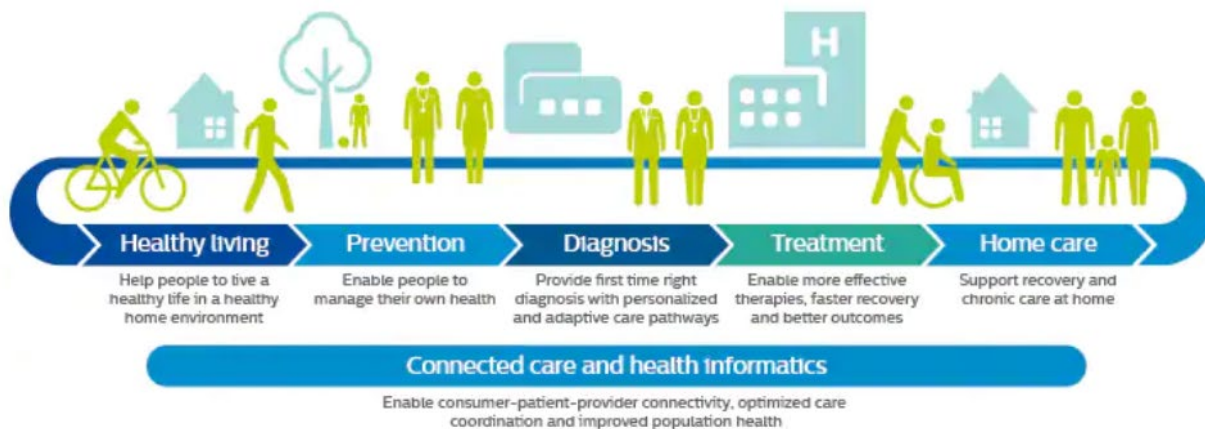
Philips North America LLC (“Philips North America” or “Plaintiff”), by its undersigned counsel, hereby alleges, with knowledge with respect to its own acts and on information and belief as to other matters, the following in support of its Complaint against Garmin International, Inc., and Garmin Ltd. (collectively “Defendants” or “Garmin”).

**NATURE OF THE ACTION**

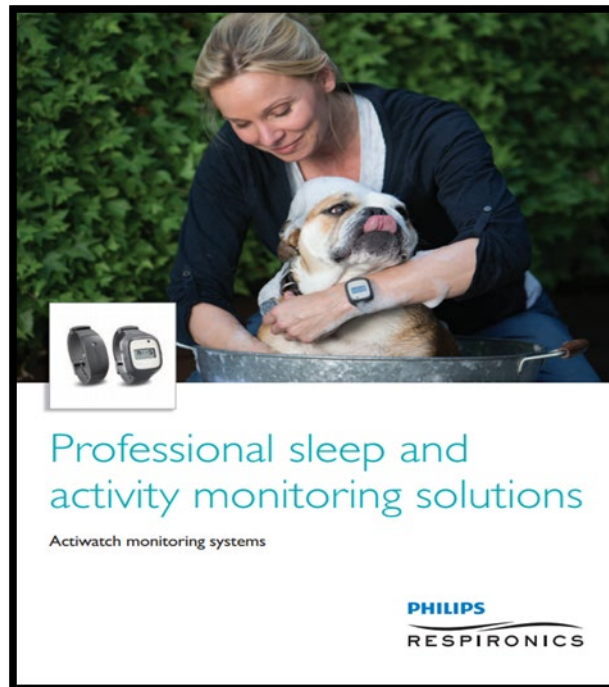
1. Philips North America brings this action to compel Garmin to stop infringing Philips North America’s patents, and to compensate Philips North America for Garmin’s past infringement.

2. Philips North America is a subsidiary of Koninklijke Philips N.V., originally founded in 1891, and a world leader in technology and innovation across many technological fields (generally referred to as “Philips”). For more than 100 years, Philips has dedicated significant resources to research and development for the advancement of technology used around the world.

3. Philips strives to make the world healthier and more sustainable through innovation with the goal of improving lives of billions of people. Philips approaches healthcare as a continuum where its technologies can be applied across activities of healthy living, prevention, diagnosis, treatment and home care as depicted below:



1           4.     Connected health technologies developed by Philips are employed across the  
2 health continuum. Both inside and outside hospitals, Philips has developed technologies  
3 that empower consumers to better manage their health by improving access to and  
4 analysis of personal health and fitness information obtained in various manners. Philips  
5 provides the Actiwatch family of devices, which are designed to help better understand  
6 the daily activity and sleep and wake patterns of individuals. Examples of Philips  
7 Actiwatch devices are shown here:



20           5.     In another example, MIO Global incorporated Philips' heart rate monitor  
21 technology into its MIO Alpha fitness tracker watch, making it among the first and most  
22 accurate integrated wrist-worn heartrate monitors available. Philips continues to lead the  
23 development of technologies that underpin connected health products including trackers.  
24 Others have recognized the value of Philips' investment in innovation in this area and  
25 have sought and taken technology licenses from Philips, including licenses to the patents  
26 asserted in this case.

27           6.     Philips also invests in technologies developed by other companies and has  
28 acquired companies and their patented innovative technologies as part of its emphasis on

1 supporting and advancing innovation. Philips has made numerous direct investments in  
2 connected health technologies in recent years, including its acquisition of Lifeline  
3 Systems, Inc. in 2006, its acquisition of Wellcentive in 2016, its acquisitions of Health  
4 and Parenting LTD and VitalHealth in 2017, and its acquisition of Blue Willow Systems  
5 in 2018. Each of these acquisitions expanded Philips' capabilities in personal health  
6 management and supported Philips' longstanding commitment to deliver integrated  
7 solutions across the health continuum.

8 7. Philips shares its innovation with others through, for example, its pioneering  
9 role in open innovation as well as in offering access to its technology through licensing.  
10 In this way, Philips has been able to share its innovations with many other companies.  
11 Licensing revenues fund further research at Philips. Philips' patent portfolio currently  
12 includes more than 60,000 patents, and in 2017 Philips filed more patent applications in  
13 the field of medical technology at the European Patent Office than any other company in  
14 the world.

15 8. While some of Philips' patents are asserted in this action, Philips has many  
16 others covering connected health. The patented technologies asserted in this action  
17 enable and enhance customer demand for products such as, for example: GPS/audio  
18 athletic training, security mechanisms for transmission of personal data, connected  
19 wearable/online products, and handling of interrupted connections.

20 9. Founded in 1989 as "ProNav," Garmin was originally a company that  
21 offered devices for navigation. Garmin did not offer a wearable tracker for athletic  
22 activity until 2014, after the smartphone eliminated demand for handheld GPS devices  
23 and Garmin's sales plummeted. *See*  
24 [https://www.forbes.com/sites/alexknapp/2016/09/14/how-garmin-mapped-out-a-new-](https://www.forbes.com/sites/alexknapp/2016/09/14/how-garmin-mapped-out-a-new-direction-with-fitness-wearables/#5f382ea727b9)  
25 [direction-with-fitness-wearables/#5f382ea727b9](https://www.forbes.com/sites/alexknapp/2016/09/14/how-garmin-mapped-out-a-new-direction-with-fitness-wearables/#5f382ea727b9). In entering the wearable tracker market,  
26 Garmin leveraged the patented technology of Philips from the beginning. Garmin  
27 experienced significant growth and revenues as a result. *See*  
28 <https://www.cnet.com/news/garmins-doing-well-in-wearables/>.

1 10. For years, Philips has repeatedly offered to license rights in the Patents-in-  
 2 Suit<sup>1</sup> to Garmin, but Garmin has repeatedly refused to accept Philips' offers to license.  
 3 Garmin's past and continuing sales of its devices i) willfully infringes Philips' Patents-in-  
 4 Suit and ii) impermissibly takes the significant benefits of Philips' patented technologies  
 5 without compensation to Philips. Garmin's refusal to take a royalty bearing license under  
 6 the Patents-in-Suit has forced Philips to seek remediation to stop Garmin's continuing  
 7 willful infringement of the Patents-in-Suit and to be compensated for Garmin's past  
 8 willful infringement of the Patents-in-Suit.

9 **PARTIES**

10 11. Plaintiff Philips North America LLC (formerly known as Philips Electronics  
 11 North America Corporation) is a limited liability company duly organized and existing  
 12 under the laws of Delaware. There are facilities for Philips Sonicare in Ontario, CA  
 13 within this Judicial District in addition to Philips Respironics in Carlsbad, CA. Philips  
 14 has been a technology leader for over a century including in the field of connected health  
 15 products and across the healthcare continuum. Philips patented innovations in this action  
 16 pertain to GPS/audio athletic training, security mechanisms for transmission of personal  
 17 data, connected wearable/online products, and handling of interrupted connections.

18 12. Defendant Garmin International, Inc. is a corporation organized under the  
 19 laws of Kansas having a regular and established place of business located at 120  
 20 Cremona Drive, Goleta, CA, within this Judicial District.

21 13. Defendant Garmin International, Inc. also has a regular and established place  
 22 of business at 21680 Gateway Center Drive, Diamond Bar, CA, within this Judicial  
 23 District.

24 14. Defendant Garmin Ltd. is a foreign company organized and existing under  
 25 the laws of Switzerland with its principal place of business at Muhlenstalstrasse 2, 8200  
 26

27 

---

 28 <sup>1</sup> The "Patents-in-Suit" refer to the patents identified below in Counts I-IV.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.