

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: CV 19-06301-AB (KS)

Date: June 8, 2022

Title: *Philips North America LLC v. Garmin Int'l, Inc. et al*

Present: The Honorable **ANDRÉ BIROTTE JR., United States District Judge**

Carla Badirian
Deputy Clerk

N/A
Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

Jean-Paul Ciardullo
Eley O. Thompson
Ruben J Rodrigues
Lucas I. Silva
John W. Custer

Rachael D. Lamkin
Michelle L. Marriott

**Proceedings: [IN CHAMBERS] ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT AND GRANTING-IN-
PART AND DENYING-IN-PART DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

Defendants Garmin International, Inc. and Garmin Ltd. (collectively, "Defendants") move for summary judgment that the accused Garmin watches do not infringe U.S. Patent No. 8,277,377 ("the '377 Patent") and U.S. Patent No. 9,801,542 ("the '542 Patent") (collectively, "the Asserted Patents"), and that the Asserted Patents are invalid. ("D-MSJ," Dkt. No. 145.) Plaintiff Philips North America LLC ("Plaintiff") opposed ("P-Opp.," Dkt. No. 154), and Defendants replied ("D-Reply," Dkt. No. 153).

Plaintiff also moves for summary judgment that Defendants' Forerunner 301 system does not render the claims of the '377 Patent invalid or to preclude Defendants from relying on the Forerunner 301 system as prior art to the '377 Patent for failing to timely disclose the reference. ("P-MSJ," Dkt. No. 136.) Defendants opposed ("D-Opp.," Dkt. No. 150), and Plaintiff replied ("P-Reply," Dkt. No. 158).

The Court deems the matters appropriate for decision without oral argument. (*See* Fed. R. Civ. P. 78; C.D. Cal. L.R. 7-15.) For the reasons explained below, the Court **GRANTS** Plaintiff's motion and **GRANTS-IN-PART** and **DENIES-IN-PART** Defendants' motion.

I. TECHNOLOGICAL BACKGROUND

A. The '542 Patent

The '542 Patent is titled "Health Monitoring Appliance." The earliest patent application it claims priority to is U.S. Patent Application No. 11/433,900, filed on May 12, 2006. The '542 Patent lists Bao Tran and Ha Tran as the named inventors. The '542 Patent issued on October 31, 2017.

The '542 Patent generally relates to monitoring various physiological parameters of a patient without using invasive wiring. *See* '542 Patent at 1:23–44. According to the '542 Patent, the invention—due to its wireless nature—enables monitoring patient physiology without severely complicating sensitive medical procedures. *See id.* Figure 15A, reproduced below, "shows a system block diagram of the network-based patient monitoring system in a hospital or nursing home setting":

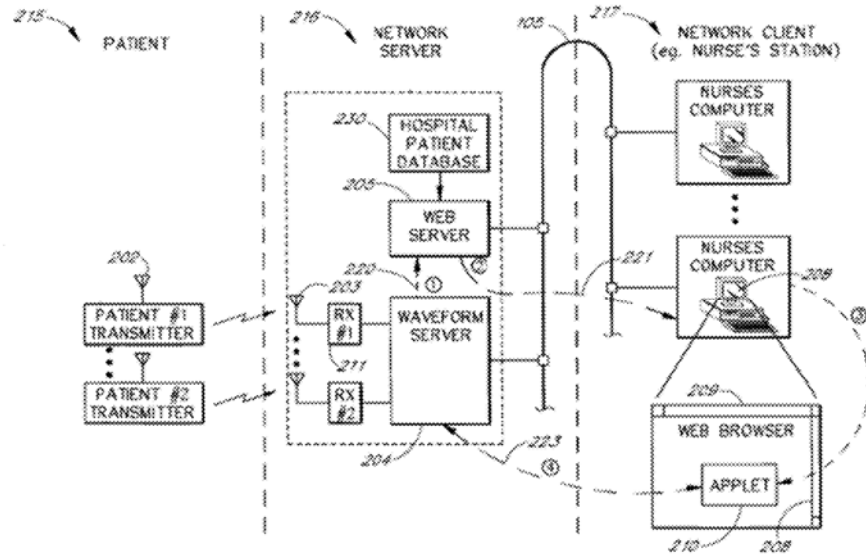


FIG. 15A

Id. at 62:60–62, Fig. 15A. The patient monitoring system in Figure 15A includes a “a patient component 215,” “a server component 216,” “a client component 217,” “one or more mesh network patient transmitters 202,” “one or more Web servers 205,” “one or more waveform servers 204,” “one or more mesh network receivers 211,” “the network 105,” “the hospital database 230,” “a plurality of nurse computer user interface[s] 208,” “an applet,” “a network client component 217,” “a series of workstations 106,” “media player applets 210,” and “a path 221.” *Id.* at 62:60–67, 63:1–23.

Plaintiff asserts independent Claim 13 of the '542 Patent and claims that depend therefrom. *See* Dkt. No. 145 at 3. Claim 13 of the '542 Patent recites:

13. A method for maintaining wellness in a user comprising the following steps:
 - a. using one or more sensors physically coupled to the user and connected to a network, to monitor one or more vital parameters, providing data representative of the user's physical condition;
 - b. analyzing the one or more vital parameters using a statistical analyzer, trained with training data representing physiological conditions determined to be undesirable for the user to analyze the vital parameters to determine if the physiological conditions are undesirable; and
 - c. generating a warning indication when the user's physical condition is undesirable.

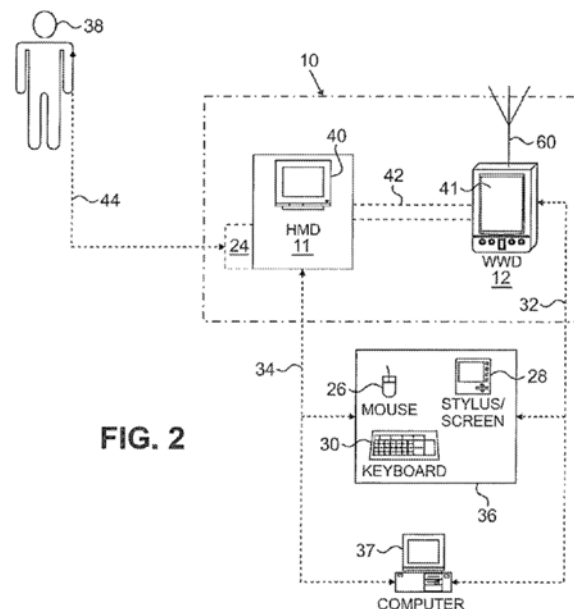
'542 Patent, Claim 13.

B. The '377 Patent

The '377 Patent is titled “Method and Apparatus for Monitoring Exercise with Wireless Internet Connectivity” and claims priority to Provisional Patent Application No. 61/172,486, filed on December 17, 1999. The '377 Patent issued on October 2, 2012. According to the specification, the '377 Patent:

[R]elates to monitoring of living subjects, and more particularly to health-monitoring of persons where measured or input health data is communicated by a wireless device to and from a software application running on an internet-connected server and where the same may be studied and processed by the software application, a health professional, or the subject.

See '377 Patent at 1:35–41. The '377 Patent discloses that the invention meets the need of “reduc[ing] health care costs through providing educational health care information and interactive physiological monitoring in the home environment by means of a user-friendly, interactive system.” See *id.* at 2:2–5. Figure 2, reproduced below, “illustrates an embodiment of a wireless health-monitoring apparatus according to the present invention”:



Id. at 5:26–28, Fig. 2. The wireless health monitoring system in Figure 2 includes “a[] [health monitoring device] **11**, which may include an optional monitor screen **40**, coupled via an optional adaptor **42** to a [wireless web device] **12**.” *Id.* at 6:46–48. The “[wireless web device] **12** connects wirelessly via an antenna **60**.” *Id.* at 6:48–49.

Plaintiff asserts independent Claim 1 of the ’377 Patent and claims that depend therefrom. *See* Dkt. No. 145 at 3. Claim 1 of the ’377 Patent recites:

1. A method for interactive exercise monitoring, the method comprising the steps of:
 - a. downloading an application to a web-enabled wireless phone directly from a remote server over the internet;
 - b. coupling the a web-enabled wireless phone to a device which provides exercise-related information;
 - c. rendering a user interface on the web-enabled wireless phone;
 - d. using the application, receiving data indicating a physiologic status of a subject;
 - e. using the application, receiving data indicating an amount of exercise performed by the subject;
 - f. wherein at least one of the data indicating a physiologic status of a subject or the data indicating an amount of exercise performed by the subject is received from the device which provides exercise-related information, and wherein the data indicating a physiologic status of a subject is received at least partially while the subject is exercising;
 - g. sending the exercise-related information to an internet server via a wireless network;
 - h. receiving a calculated response from the server, the response associated with a calculation performed by the server based on the exercise-related information; and
 - i. using the application, displaying the response.

’377 Patent, Claim 1.

II. LEGAL STANDARD

Summary judgment is appropriate where there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S. 317, 330 (1986). A fact is

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.