

EXHIBIT D to Joint Claim Construction and Prehearing Statement
Philips North America LLC v. Garmin Int'l, et al., Case NO. 2:19-cv-06301-AB-KS
 Garmin's Proposed Claim Constructions and Supporting Evidence

U.S. Patent No. 6,013,007

'007 Claim Term	Defendants' Proposed Construction	Defendants' Supporting Evidence ¹
means for computing athletic performance feedback data from the series of time-stamped waypoints obtained by said GPS receiver (Claims 1, 21)	35 U.S.C. § 112, ¶ 6. Indefinite. Function: computing athletic performance feedback data from the series of time-stamped waypoints obtained by said GPS receiver Structure or algorithm: not disclosed.	'007: FIG 1(c)(122); FIGs 3-6, 1:33-36, 1:46-48, 1:59-64, 2:23-31, 5:36-43, 7:29-32, 7:35-56, 7:36 (citing 604). <p align="center"><u>Extrinsic Evidence</u></p> GPS Land Navigation, Michael Ferguson, pps. 1-31 (GARMIN 2384)
means for presenting the athletic performance feedback data to an athlete (Claims 1, 21)	35 U.S.C. § 112, ¶ 6. Function: presenting the athletic performance feedback data to an athlete Structure: Wired headset (including all technical components for audio connections, amplification, speech	'007 Patent: FIG 1(c)(122); FIGs 3-6, 1:33-36, 1:45-58, 1:59-62, 4:4-16, 5:41-43, 7:35-40, 7:45-48, 7:36 (citing 604), 7:35-36 <p align="center"><u>Extrinsic Evidence</u></p> <u>'377 Prosecution History</u> <ul style="list-style-type: none"> • Final Rejection dated August 13, 2010 at 5 • Reasons for Requesting Pre-Appellate Review dated I at p.1-3

¹ In addition to the evidence cited herein, Garmin may rely on any aspects of the specification and prosecution history cited by Philips or any other additional portions necessary to rebut positions advanced by Philips in support of any proposed construction. In addition, Garmin may rely on extrinsic evidence identified by Philips.

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	synthesizer etc.). Feedback data is optionally also scrolled across the display while it is also being announced via the audio headphones.	
means for suspending and resuming operation of said means for computing when a speed of the athlete falls below a predetermined threshold (Claim 7)	35 U.S.C. § 112, ¶ 6. Indefinite. Function: suspending and resuming operation of said means for computing when a speed of the athlete falls below a predetermined threshold	<u>'007 Patent</u> : 8:5-9
modem for transmitting the athletic performance feedback data to a remote computer for comparison with athletic performance data of other athletes (Claim 21)	modulator capable of sending signals through a standard telephone line and a demodulator capable of receiving signals from a standard telephone line	<u>'007 Patent</u> : FIGs 8-9, 3:47-50, 4:60-67, 6:12-16, 6:29-42, 8: <u>Extrinsic Evidence</u> IBM Dictionary of Computing (1994) "modem" (GARM-CD

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"comprising means for exchanging GPS route waypoints via said Internet web site" (Claim 25)	35 U.S.C. § 112, ¶ 6. Indefinite. Function: exchanging GPS route waypoints via said Internet web site	<u>'007 Patent: 9:46-62</u> <u>Extrinsic Evidence</u> GPS Land Navigation, Michael Ferguson, pps. 1-31 (GARM 2384)

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U.S. Patent No. 7,088,233

'233 Claim Term	Defendants' Proposed Construction	Defendants' Supporting Evidence
first personal device (Claims 1, 10, 14, 24)	first personal medical device	<p><u>'233 Patent</u>: Title, 1:20-27, 1:28-59, 1:63-2:10, 2:11-35, 2:38-45, 8:37-39, 8:41-47, 10:13-11:22, 11:46-12:46, 13:21, 4A, 4B, 4C, 4D, 4E, 4F, 5, 6, Table 1.</p> <p align="center"><u>Extrinsic Evidence</u> (GARM-CDCA-0002227-2358)</p> <p>21 USCS § 321(h) [aka Section 201(h) of the Food, Drug, and Cosmetic Act] US6152933A, <i>passem</i> US5827224A, 1:18-62 US5738661A, <i>passem</i> US8663103B2, 8:61-64 US7967855B2, 1:28-65</p>
Body or physiological parameters wherein the detector senses body or physiological parameters (Claims 8, 9)	Indefinite.	<p><u>'233 Patent</u>: 2:1-10, 3:27-34, 11:49-59, 13:56-59, Table 1, Claims 8, 9</p> <p align="center"><u>Extrinsic Evidence</u></p> <p><u>'377 Patent Prosecution History</u>:</p> <ul style="list-style-type: none"> • Office Action dated May 4, 2009, p. 3 • Response to Office Action dated August 4, 2009, p.9
location determination module (Claim 24)	a terrestrial location system	<p><u>'233 Patent</u>: 12:53-13:23, Claims 24- 25</p> <p><u>U.S. Patent Application No. 10/112,669</u> (as-filed specification) 9:19-10:6, Figs. 4A, 4B, 4C</p>

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the bi-directional communications module has a powered-down state (Claim 26)	the bi-directional communications module of the first and second devices, each having a state that consumes no power	<u>'233 Patent</u> : 14:15-60, Fig. 7
"means for signaling the bi-directional communications module to transition from the powered-down state to the powered-up state" (Claim 26)	<u>Function</u> : signaling the bi-directional communications module to transition from the powered-down state [i.e., state that consumes no power] to the powered-up state <u>Structure</u> : a mechanical signal, such as throwing a switch or applying pressure to a pad; a magnetic signal, as in passing a magnet in the vicinity of the communications module; sound or ultrasound; infrared, provided there is a direct line of sight to the	<u>'233 Patent</u> : 14:15-60, Fig. 7

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