

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

LOGANTREE LP,

Plaintiff,

vs.

GARMIN INTERNATIONAL, INC. and
GARMIN USA, INC.,

Defendants.

Case No. 6:17-cv-01217

JOINT CLAIM CONSTRUCTION STATEMENT

In accordance with Kansas Patent Local Rule 4.3, the Scheduling Order (Dkt. 48), and this Court's Order (Dkt. 70), Plaintiff LoganTree LP ("LoganTree") and Defendants Garmin International, Inc. and Garmin USA, Inc. ("Garmin") submit this Joint Claim Construction Statement.

Patent Local Rule 4.3(a)

The parties agree to the construction of the term "interpreting" as recited in Claims 1 and 20 as "analyzing."

Patent Local Rule 4.3(b)

LoganTree's proposed constructions of each disputed terms, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to LoganTree that it intends to rely upon, are attached hereto as Exhibit A.

Garmin's proposed constructions of each disputed terms, together with an identification of all references from the specification or prosecution history that support that construction, and an

identification of any extrinsic evidence known to Garmin that it intends to rely upon, are attached hereto as Exhibit B.

Patent Local Rule 4.3(c)

Of the terms identified in Exhibits A and B by LoganTree and Garmin, the construction of “unrestrained movement in any direction” will be the most significant to the resolution of the case—if Garmin’s argument for that term is adopted, that claim will be found indefinite which will be case dispositive.

Patent Local Rule 4.3(d)

The parties anticipate they will need one (1) hour for any Claim Construction Hearing.

Patent Local Rule 4.3(e)

The parties propose that the Claim Construction Hearing format match the format of the claim construction briefing: Garmin will present its terms and arguments first, LoganTree will then respond with its own terms and arguments, and then Garmin would be given a chance to rebut. Garmin proposes that it be given twenty-five (25) minutes for its opening argument, LoganTree be given thirty (30) minutes for its response, and Garmin be given five (5) minutes for its rebuttal. The parties do not believe witnesses will be necessary.

DATED: April 3, 2020

Respectfully submitted,

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EXHIBIT A

Claim Terms	LoganTree's Proposed Construction	Supporting Evidence
<p>“Unrestrained movement in any direction” – Claims 1 and 20</p>	<p>“movement along multiple axes without restraint to the movement”</p>	<p><u>Intrinsic Evidence</u></p> <p>Figures 2A, 2B and 2C. ‘576 Patent, Sheets 2 and 3.</p> <p>“The downloadable, self-contained device can be worn at various positions along the torso or appendages being monitored depending on the specific physical task being performed.” ‘576 Patent at 2:21-24</p> <p>“The self-contained movement measuring device 12 may be worn by the individual being monitored in a variety of positions based on the specific movement being observed, the particular application in which the device is used, and the convenience of the wearer.” ‘576 Patent at 3:25-31</p> <p>“For example, FIG. 2A shows placement of the movement measuring device 12 on the upper torso of an individual 18. Placement of the device 12 at this location will allow monitoring of the flexion and extension of the spinal column during a lifting activity. Similarly, FIG. 2B shows placement of the movement measuring device 12 on the waist or hip of an individual 18. The movement measuring device 12 may be attached via a clip, Velcro, its own belt, or any other means known in the art. Placement of the device 12 on the belt as shown will also permit monitoring of the individual's movement during physical activity. In particular, the device 12 can monitor the forward and backward bending of the spine as well as lateral bending of the spine to aid in correct bending and lifting tasks. The device 12 is also capable of measuring the distance the wearer walks and how fast he</p>

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