

**UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

LOGANTREE LP,

Plaintiff,

vs.

Case No. 6:17-cv-01217

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

Defendants.

**DEFENDANTS' OPENING CLAIM CONSTRUCTION BRIEF**

In accordance with District of Kansas Local Patent Rule 4.5, Defendants Garmin International, Inc. and Garmin USA, Inc. ("Garmin") submit this Opening Claim Construction Brief.

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## I. INTRODUCTION

As the title of the '576 Patent suggests, LoganTree's patent is directed towards safety devices that help teach wearers proper movement during physical activity. The inventor of the '576 Patent contemplated his device being used in the workplace to monitor and prevent injuries from activities, such as lifting improperly. Figure 2 provides a clear example of the invention in practice:

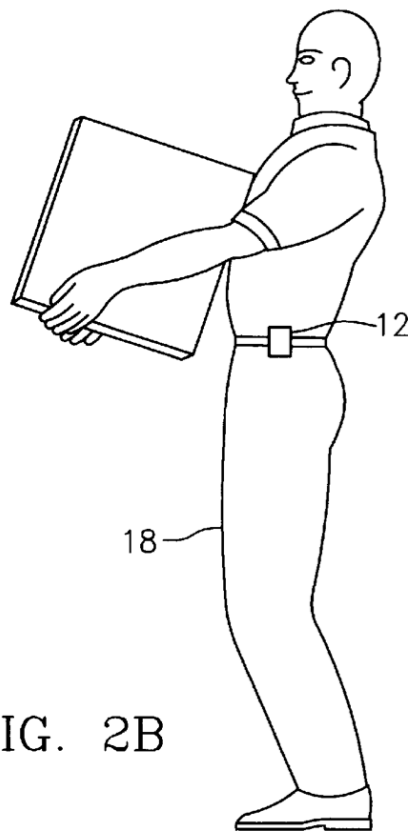


FIG. 2B

**Ex. A, '576 Patent**, at Fig. 2B. As shown above in Fig. 2B, the device (labeled 12) is worn by a worker lifting boxes and monitors the forward and backward bending of the spine to aid in correct bending and lifting. If the worker lifts with their back, instead of their legs, the device will sense that an angle limit is exceeded. Using its internal clock, the device will then store a time

stamp indicating the exact time and date at which the angle limit was exceeded. The device also will begin recording the movement data to monitor the user and will sound an alarm to inform the user of the unsafe movement. The goal of this invention, in the inventor's own words, is to "prevent incorrect movement in hopes of reducing injuries, lost man hours, and workmen's compensation claims." *Id.* at 1:58-60.

Not surprisingly, Garmin is not in the business of making products that reduce or prevent injuries, lost man hours, or workmen's compensation claims. Instead, Garmin is one of the worldwide leaders in electronic devices used for navigation, fishing, aviation, and wearable/fitness devices. This case revolves around Garmin's wearable/fitness devices, none of which provide the user with any help in avoiding injury or worker's compensation claims. Because of the differences between the monitoring device of the '576 Patent and the Accused Products, LoganTree has twisted its claims in an effort to cover Garmin's technology. Garmin's products are using technology in existence well before LoganTree's patent—such as calculating the number of steps a user takes or determining a user's distance and speed while running. As such, LoganTree's allegations rest on a contorted reading of simple language in the claims to support its infringement claims.

There are four claim construction disputes the Court must resolve. The first relates to a time stamp that is created by the system "reflecting a time at which the movement data causing the ... event occurred." From the Fig. 2 example above, this would be the time at which the angle limit is exceeded when the worker bends over. The plain language of the claim requires the time stamp to reflect "a time at which the movement data" occurred. LoganTree, however, seeks to rewrite the claim to simply require the time stamp to reflect a "time associated with movement data occurrence." The resolution of this dispute is simple. LoganTree repeatedly told the Patent

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