

**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

DEFENDANTS' REPLY CLAIM CONSTRUCTION BRIEF

As set forth under District of Kansas Local Patent Rule 4.5, Defendants Garmin International, Inc. and Garmin USA, Inc. ("Garmin") submits this Reply Claim Construction Brief.

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I. ARGUMENT

LoganTree’s responsive brief focuses almost exclusively on two specific disputes: (1) “first time stamp information,” and (2) whether “unrestrained movement” is indefinite. The dispute on the first time stamp originally centered around the question of whether the time stamp must reflect a time “at which” the movement occurred (as Garmin contends) or some amorphous time “associated with” the movement (as LoganTree contends). That dispute is now moot because LoganTree concedes the intrinsic record supports Garmin’s construction. In LoganTree’s own words: “the intrinsic evidence is incredibly clear in supporting the scope of the phrase ‘first time stamp information reflecting a time at which the movement data ... occurred.” ECF No. 91, at 8 (emphasis added). Instead, LoganTree now argues that the time stamp cannot be the “system time.” But this argument ignores the plain meaning and understanding of a time stamp. Both the intrinsic record and the testimony of both parties’ experts during the Patent Office proceedings confirm that a time stamp is a record from the computer system’s internal clock (e.g., its *system clock*) that reflects the precise time at which an event occurs within the computer system (e.g., a *system time*). Akin to a time clock for an employee, the time stamp allows someone to see the precise time at which an event occurs. Because the time stamp comes from the computer system itself, Garmin proposes (and LoganTree previously proposed) that the time stamp be construed to indicate it is the “system time” to help clarify what the time is, and from where it comes. LoganTree’s opposition brief does not cite a shred of evidence that shows the ’576 Patent using time stamp in a manner contrary to its plain and easily understood meaning. For this reason, Garmin requests that “time stamp information reflecting a time at which the movement data ... occurred” be construed as “time stamp information reflecting a system time at which the movement data ... occurred.”

On the question of “unrestrained movement,” the parties are in agreement that the ’576 Patent contemplates “unrestrained” as the opposite of a “restraining device used to immobilize ... human limbs.” However, Garmin’s argument on indefiniteness rests on LoganTree’s shifting positions before this Court and the Patent Office that have made it impossible for anyone—the court, the parties, the jury, or an expert—to determine how, why, and when LoganTree finds a measuring device to be unrestrained versus restrained (sensors noted in red):

'576 Patent Unrestrained	'576 Patent Unrestrained	'576 Patent Unrestrained	Accused Products Unrestrained	Stewart’s HAT System <i>Restrained and Immobilized</i>
<p>FIG. 2A</p>	<p>FIG. 2B</p>	<p>FIG. 2C</p>		<p>(Profile View – FIG. 2A)</p>
Sensor on shoulder	Sensor on hip	Sensor on chest	Sensor on wrist	Sensor on head

The head worn system does not immobilize the head any more than Garmin’s watch immobilizes the arm or LoganTree’s sensor immobilizes the hips or torso. Yet only LoganTree can determine the true scope of its claims. And by removing the clarity required by the law, LoganTree has made it impossible to determine the scope of the claims and has thus rendered the claims indefinite.

A. LoganTree Concedes the Need for this Court’s Aid

LoganTree asserts each disputed term’s “plain and ordinary” meaning should apply but it fails to explain any legal or factual basis for this vague assertion. Notably, LoganTree provides very little explanation of this position. Instead, LoganTree spends much of its time arguing against

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