

Philips v. Fitbit

Case No. 1:19-cv-11586 (D. Mass)

Hon. Judge Talwani

Plaintiff's Claim Construction Presentation

August 5, 2020

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PHILIPS

Overview

- U.S. Patent No. 6,013,**007** (Root)
 - “means for computing athletic performance feedback data from the series of time-stamped waypoints obtained by said GPS receiver”
 - “means for suspending and resuming operation of said means for computing when a speed of the athlete falls below a predetermined threshold”
- U.S. Patent No. 7,088,**233** (Menard)
 - “governing information transmitted between the first personal device and the second device”
 - “first personal device”
 - “wireless communication”
- U.S. Patent No. 8,277,**377** (Quy)
 - “indicating a physiologic status of a subject”

U.S. Patent No.
6,013,007
(Root)

'007: Structure – Claim Recites Algorithm

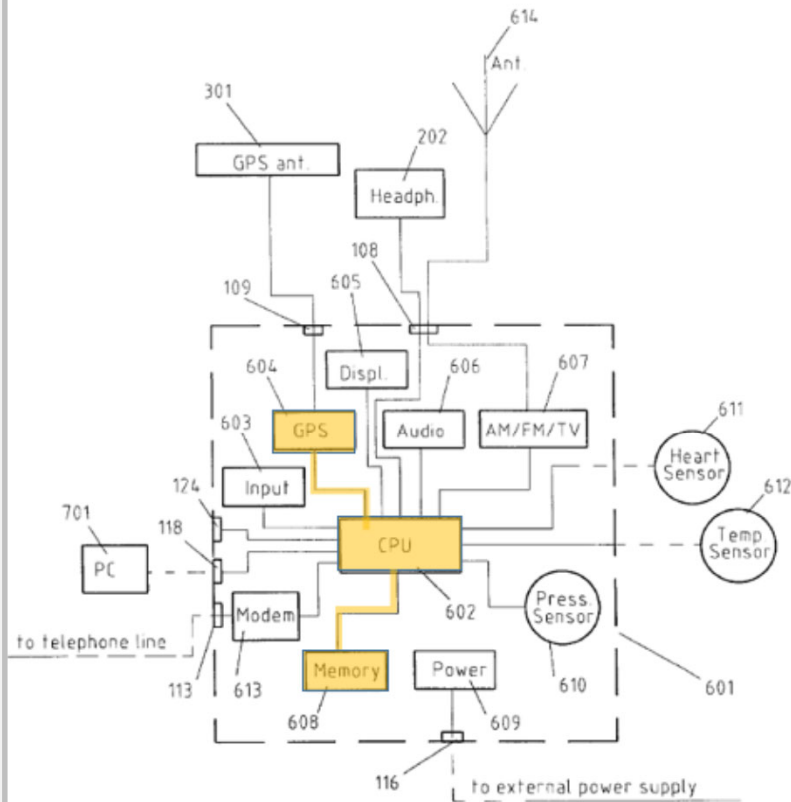


Fig. 6

1. A portable feedback system providing regular updates on an athlete's performance, comprising:
 - a global positioning system GPS receiver that obtains a series of time-stamped waypoints;
 - means for computing athletic performance feedback data from the series of time-stamped waypoints obtained by said GPS receiver; and
 - means for presenting the athletic performance feedback data to an athlete.

During the exercise session, the GPS receiver module 604 continuously determines the athlete's geographical position and stores it in the memory 608 along with other information such as the date and time that each position was acquired.

'007: 7:40-43

'007: Structure – Algorithm Stated In Claim

means for computing athletic performance feedback data from the series of time-stamped waypoints obtained by said GPS receiver; and

- A patentee may express an algorithm "in any understandable terms including as a mathematical formula, in prose, or as a flow chart, or in any other manner that provides sufficient structure." *Typhoon Touch Techs., Inc. v. Dell, Inc.*, 659 F.3d 1376, 1385 (Fed. Cir. 2011).
- "Structure may also be provided by describing the claim limitation's operation, such as its input, output, or connections. The limitation's operation is more than just its function; it is how the function is achieved in the context of the invention." *Apple v. Motorola*, 757 F.3d 1286, 1299 (Fed. Cir. 2014) (overruled on other grounds by *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1349 (Fed. Cir. 2015) (en banc)).
- "Because the claim language discloses the algorithm to perform the stated function, the court finds that the [disputed] terms are not subject to analysis under 35 U.S.C. § 112 ¶ 6 and are therefore not indefinite." *Typemock, Ltd. v. Telerik, Inc.*, No. 17-10274-RGS, 2018 WL 4189692 at *8 (D. Mass. Aug. 31, 2018); *Gemalto S.A. v. HTC Corp.*, No. 6:10-CV-561 LED-JDL, 0212 WL 2505745 at *23-24 (E.D. Tex. June 28, 2012); *Signal IP v. Am. Honda Motor Co.*, No. LA CV14-02454 JAK (JEMx), 2015 WL 5768344 at *40 (C.D. Cal. Apr. 17, 2015)

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