

# EXHIBIT 5

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FITBIT, INC.,  
Petitioner

v.

PHILIPS NORTH AMERICA LLC  
Patent Owner

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Patent No. 8,277,377

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**PETITION FOR *INTER PARTES* REVIEW OF  
U.S. PATENT NO. 8,277,377**

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a) [1.0] “A method for interactive exercise monitoring, the method comprising the steps of:” .....	11
b) [1.1] “a. downloading an application to a web-enabled wireless phone directly from a remote server over the internet;” .....	13
c) [1.2] “b. coupling the a [ <i>sic</i> ] web-enabled wireless phone to a device which provides exercise-related information;”.....	26
d) [1.3] “c. rendering a user interface on the web-enabled wireless phone;”.....	27
e) [1.4] “d. using the application, receiving data indicating a physiologic status of a subject;” .....	30

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f) [1.5] “e. using the application, receiving data indicating an amount of exercise performed by the subject;” .....32

g) [1.6] “f. wherein at least one of the data indicating a physiologic status of a subject or the data indicating an amount of exercise performed by the subject is received from the device which provides exercise-related information, and wherein the data indicating a physiologic status of a subject is received at least partially while the subject is exercising;” .....35

h) [1.7] “g. sending the exercise-related information to an internet server via a wireless network;” .....36

i) [1.8] “h. receiving a calculated response from the server, the response associated with a calculation performed by the server based on the exercise-related information; and” .....37

j) [1.9] “i. using the application, displaying the response.” .....39

2. Claim 4 .....40

a) “The method of claim 1, wherein the web-enabled wireless phone receives exercise-related information over a transmission medium, the transmission medium including a wired connection or a wireless connection.” .....40

3. Claim 5 .....42

a) “The method of claim 4, wherein the wireless connection includes an infrared connection or a radio frequency communication protocol including a short-range wireless transmission scheme.” .....42

4. Claim 6 .....42

a) “The method of claim 5, wherein the short-range wireless transmission scheme includes IEEE 802.11 protocol or short-wavelength radio transmission in the ISM band of 2400-2480 MHz.” .....42

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	a) “The method of claim 1, wherein the data indicating an amount of exercise performed is received from a device selected from the group consisting of: a treadmill, a stepper, an exercise cycle, an accelerometer, a rowing machine, physiotherapy equipment, an aerobic or anaerobic exercise device, and a device that monitors an amount of work or rate of work performed.” .....	43
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	a) “The method of claim 1, wherein the data indicating a physiological status of a subject is received from a device selected from the group consisting of: a heart rate monitor, a blood pressure monitor, a body temperature monitor, a respiratory monitor, a biofeedback device, an electronic body weight scale, and a body fat gauge.” .....	44
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