UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SKYHAWKE TECHNOLOGIES, LLC,

Petitioner

v.

L & H CONCEPTS, LLC,

Patent Owner

Case 2014-00437 and Case 2014-00438 (Patent 5,779,566)

PATENT OWNER'S ORAL ARGUMENT DEMONSTRATIVES

Petitioner Has Not Met Its Burden.

- "[T]he petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence."

  - 35 U.S.C. § 316(e)

NOTE: The exhibits to the 437 and 438 petition overlap quite closely, with some small differences in numbering. To simplify this presentation, Patent Owner refers to exhibits by their numbers from the 437 proceeding.

Why Hasn't Petitioner Met Its Burden?

- **Petitioner's Cited art doesn't disclose pre-game screens or sequential pre-game screens**

- **There is no reason to combine Vanden Heuvel with Palmer and Osamu, the other two references relied upon by Petitioner**

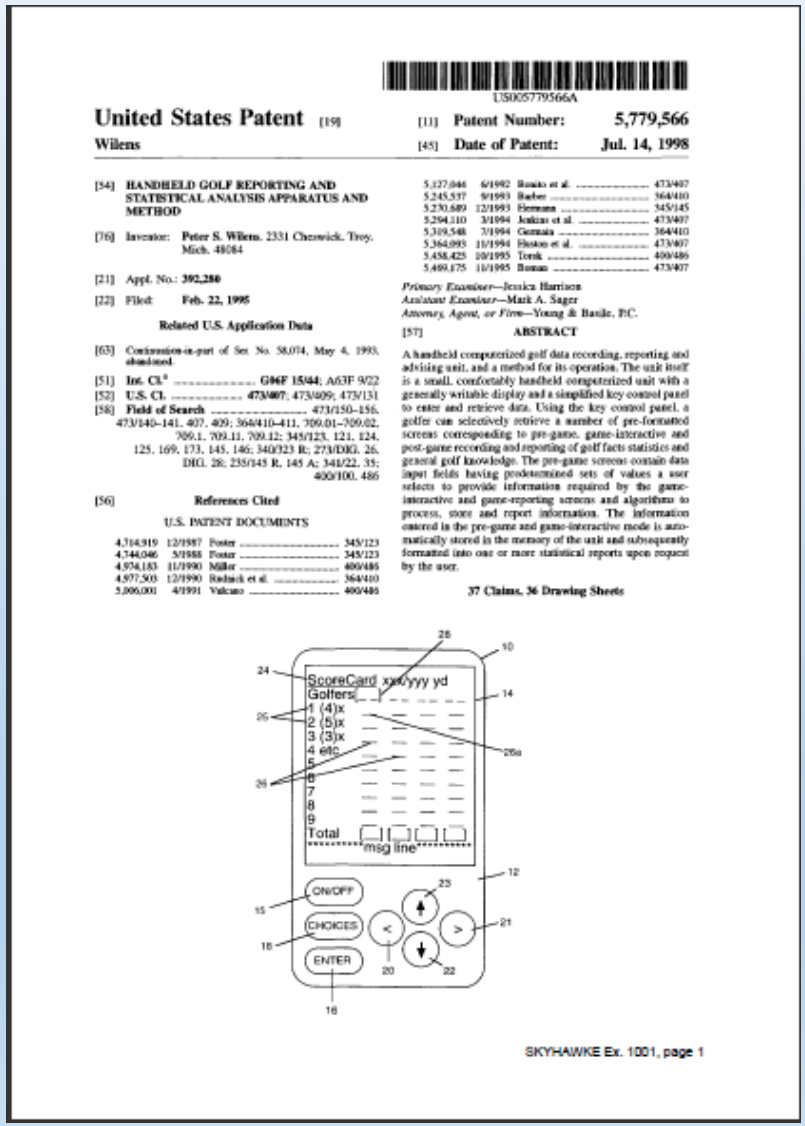
  a. Petitioner's stated reasons for combination are contradicted by the references, and are unsupportable. P.O.R. at 8.

  b. Petitioner's combination would not create a predictable result. P.O.R. at 15.

  c. Testimony of Petitioner's expert is contradictory and lacking and, thus, neither credible nor helpful to the Board. P.O.R. at 24.

  d. The Vanden Heuvel reference relied on by Petitioner is non-analogous art. P.O.R. at 11.

Claims 4, 5, 8-11, 13, 14, 17,and 18 of the ′566 Require Pre-Game Screens



US005779566A

United States Patent [19]
Wilens

[11] **Patent Number: 5,779,566**
[45] **Date of Patent: Jul. 14, 1998**

[54] **HANDHELD GOLF REPORTING AND STATISTICAL ANALYSIS APPARATUS AND METHOD**

[76] Inventor: **Peter S. Wilens**, 2331 Chenwick, Troy, Mich. 48084

[21] Appl. No.: **392,280**

[22] Filed: **Feb. 22, 1995**

Related U.S. Application Data

[63] Continuation-in-part of Ser. No. 58,074, May 4, 1993, abandoned.

[51] **Int. Cl.**[6] **G06F 15/44**; A63F 9/22

[52] **U.S. Cl.** **473/407**; 473/409; 473/131

[58] **Field of Search** ..... 473/150–156, 473/140–141, 407, 409; 364/410–411, 709.01–709.02, 709.1, 709.11, 709.12; 345/123, 121, 124, 125, 169, 173, 145, 146; 340/323 R; 273/DIG. 26, DIG. 28; 235/145 R, 145 A; 341/22, 35; 400/100, 486

[56] **References Cited**

U.S. PATENT DOCUMENTS

4,314,919	12/1987	Foster	345/123
4,744,046	5/1988	Foster	345/123
4,974,183	11/1990	Miller	400/486
4,977,503	12/1990	Radnich et al.	364/410
5,006,001	4/1991	Vulcano	400/486
5,127,046	6/1992	Rosato et al.	473/407
5,245,537	9/1993	Barber	364/410
5,270,689	12/1993	Hermann	345/145
5,294,110	3/1994	Jenkins et al.	473/407
5,319,548	7/1994	Germain	364/410
5,364,093	11/1994	Huston et al.	473/407
5,458,425	10/1995	Terek	400/486
5,469,175	11/1995	Boman	473/407

Primary Examiner—Jessica Harrison
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Attorney, Agent, or Firm—Young & Basile, P.C.

[57] **ABSTRACT**

A handheld computerized golf data recording, reporting and advising unit, and a method for its operation. The unit itself is a small, comfortably handheld computerized unit with a generally writable display and a simplified key control panel to enter and retrieve data. Using the key control panel, a golfer can selectively retrieve a number of pre-formatted screens corresponding to pre-game, game-interactive and post-game recording and reporting of golf facts statistics and general golf knowledge. The pre-game screens contain data input fields having predetermined sets of values a user selects to provide information required by the game-interactive and game-reporting screens and algorithms to process, store and report information. The information entered in the pre-game and game-interactive mode is automatically stored in the memory of the unit and subsequently formatted into one or more statistical reports upon request by the user.

37 Claims, 36 Drawing Sheets

SKYHAWKE Ex. 1001, page 1

13. An apparatus for recording and reporting sports and game information to increase a player's ability to improve from experience, the apparatus comprising:

a self-contained computer unit having a memory, a power source and a display for selectively displaying a plurality of information screens and associated data stored in the memory, the information screens including screen-dependent data input fields for the associated data;

a plurality of pre-game, game-interactive and post-game information screens stored in the memory of the computer unit;

means for displaying a pre-game information screen and prompting entry of data which defines parameters of an upcoming game, and means for subsequently displaying a game-interactive information screen corresponding to a game-interactive mode defined by the parameters selected in the pre-game information screen;

Ex. 1001, col. 19, ll. 3-21, p. 47.

Pre-Game Must be Construed Reasonably

- Petitioner asserts that "pre-game" is essentially every moment in time prior to the game.

> Palmer's personal database would have to be populated before the golf round for the club selection tip feature to work. (Ex. 1033 169:23-170:11.) Thus, there is no dispute in the record that Palmer teaches pre-game screens.

- 437 Reply at 14

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