

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT, INC.,
Petitioner,

v.

LOGANTREE LP,
Patent Owner

PETITION FOR *INTER PARTES* REVIEW

OF

U.S. PATENT NO. 6,059,576

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	MANDATORY NOTICES	2
	A. Real Party-in-Interest.....	2
	B. Related Matters.....	2
	C. Lead and Back-up Counsel and Service Information	2
III.	GROUND FOR STANDING.....	3
IV.	THE '576 PATENT	3
	A. Overview of the '576 Patent.....	3
	B. Prosecution History	6
	C. Claim Construction.....	7
	1. “a movement sensor” (Claims 1, 13, 108, 139)	8
	2. “self-contained” (Claims 1, 13, 20, 108, 110, 128, and 139)	9
	3. “a computer” (Claim 13).....	12
	4. “velocity” (Claims 1 and 13).....	16
V.	RELIEF REQUESTED AND THE REASONS FOR THE REQUESTED RELIEF	17
VI.	IDENTIFICATION OF CHALLENGES.....	17
	A. Challenged Claims and Statutory Grounds for Challenges.....	17
VII.	IDENTIFICATION OF HOW THE CLAIMS ARE UNPATENTABLE.....	19
	A. Challenge #1: Claims 1, 13, and 17 are invalid under 35 U.S.C. § 103 over Allum in view of Dougherty and Conlan.....	19

1.	Summary of Allum.....	19
2.	Summary of Dougherty.....	24
3.	Reasons to Combine Allum and Dougherty	26
4.	Summary of Conlan	31
5.	Reasons to Combine Allum and Conlan	32
6.	Detailed Analysis	35
B.	Challenge #2: Claims 20, 104, 108, 110, 118-123, 134 are invalid under 35 U.S.C § 103 over Allum in view of Dougherty	53
1.	Detailed Analysis	54
C.	Challenge #3: Claims 129, 132, and 133 are invalid under 35 U.S.C § 103 over Allum in view of Dougherty and Bernard	62
1.	Summary of Bernard.....	62
2.	Reasons to Combine Allum and Bernard.....	64
3.	Detailed Analysis	67
D.	Challenge #4: Claims 139-142 are invalid under 35 U.S.C § 103 over Allum in view of Dougherty, Bernard, and Conlan.....	70
1.	Additional Reasons to Combine Allum and Conlan.....	71
2.	Detailed Analysis	73
VIII.	CONCLUSION.....	79

I. INTRODUCTION

U.S. Patent No. 6,059,576 (“the ’576 Patent,” FTBT-1001) is generally directed to monitoring an individual’s motion with a portable electronic device. The ’576 Patent issued with 29 claims covering the portable device, a system including the device, and a method of using the device. Almost fourteen years after issuance, however, Patent Owner requested reexamination of the ’576 Patent in order to add over 150 new dependent claims. During the course of reexamination, the original independent claims were deemed unpatentable, forcing Patent Owner to add additional limitations to each. These added limitations—directed to detecting whether body motion meets a threshold—were well-known to persons of ordinary skill in the art before the earliest alleged priority date of the ’576 patent. In fact, the ’576 Patent itself acknowledges that it was known for portable electronic devices to detect when a human exceeds “a predetermined angle of flexion.” FTBT-1001, 1:39-41. Additionally, U.S. Patent No. 5,919,149 (FTBT-1007, “Allum”) describes a “complete body motion analysis system” including a wearable electronic device that measures an individual’s body sway and determines if the user is about to fall. It does this by comparing the body sway against a user-defined threshold. Allum, in combination with secondary references also directed to wearable body monitoring devices, discloses every element of the device, system, and method recited in the ’576 Patent.

Accordingly, the evidence in this Petition demonstrates that claims 1, 13, 17, 20, 104, 108, 110, 118-123, 129, 132-134, and 139-142 of the '576 Patent are unpatentable under (pre-AIA) 35 U.S.C. § 103. Fitbit, Inc. ("Petitioner") therefore respectfully requests that these claims be held invalid and cancelled.

II. MANDATORY NOTICES

A. Real Party-in-Interest

The real party-in-interest is Fitbit, Inc.

B. Related Matters

As of the filing date of this petition, the '576 Patent has been asserted in *LoganTree LP v. Fitbit Inc.*, Case No. 2:15-cv-01575, which was filed in the Eastern District of Texas on October 2, 2015 and transferred to the Northern District of California on May 5, 2016, Case No. 3:16-cv-02443 ("related litigation"). Additionally, due to word count limitations and given the voluminous number of dependent claims asserted in the related litigation, Petitioner is concurrently filing a second IPR petition challenging claims of the '576 Patent.

C. Lead and Back-up Counsel and Service Information

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