

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

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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 previously known for portable electronic devices to detect when a human exceeds “a predetermined angle of flexion or extension.” FTBT-1001, 1:39-41. Additionally, U.S. Patent No. 5,293,879 (FTBT-1011, “Vonk”) describes a wrist-based tremor detection device that differentiates tremors from normal arm motion based upon user-defined criteria. Moreover, U.S. Patent No. 5,803,740 (FTBT-1013, “Gesink”) describes a wearable electronic device that detects walking motion and determines if a user’s heading exceeds a user-defined veer amount. Both Vonk and Gesink, in combination with respective secondary references disclose every element of the

method recited in the '576 Patent.

Accordingly, the evidence in this petition demonstrates that claims 20, 25, 26, 104, 105, 108, 110, 113, 114, 118, 119, 123-125, 128-132, and 134-138 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 ("related litigation"), 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. 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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