

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLIR SYSTEMS, INC. and
FLIR MARITIME US, INC. (F/K/A RAYMARINE, INC.),
Petitioner,

v.

GARMIN SWITZERLAND GmbH,
Patent Owner.

Case IPR2017-00946
Patent 7,268,703 B1

Before JUSTIN T. ARBES and SCOTT B. HOWARD,
Administrative Patent Judges.

HOWARD, *Administrative Patent Judge.*

CONFERENCE CALL SUMMARY

A conference call was held on January 2, 2018, among counsel for the parties and Judges Arbes and Howard. Petitioner requested the conference call on December 28, 2017, regarding a request for discovery from Patent Owner pursuant to 37 C.F.R. § 42.51(b). In particular, as routine or additional discovery, Petitioner sought a copy of a manual of a Garmin GPSMap product with a February 2002 revision date (“Garmin Manual”) from Patent Owner’s records, along with either a stipulation from Patent Owner as to the date the Garmin Manual was made available on Patent Owner’s website or documents sufficient to establish when it was made available on the website. Petitioner argued that the Garmin Manual is prior art and teaches certain limitations in the proposed substitute claims in Patent Owner’s Motion to Amend (Paper 15).

Patent Owner opposed Petitioner’s request, arguing, *inter alia*, that Petitioner’s request is not routine discovery because, even if the Garmin Manual was prior art, it is not inconsistent with a position advanced by Patent Owner in the Motion to Amend. *See* 37 C.F.R. § 42.51(b)(1)(iii). Patent Owner also represented that it conducted an investigation but found no documentation regarding the date on which the Garmin Manual was made available on Patent Owner’s website.

Following Patent Owner’s representation that it does not have the information being requested by Petitioner, Petitioner stated that it was not seeking any relief from the Board at this time.

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