

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners,

v.

GARMIN SWITZERLAND GmbH,

Patent Owner.

Case IPR2017-00946

Patent 7,268,703 B1

**PETITIONERS' RESPONSE TO PATENT OWNER'S
MOTION FOR OBSERVATION REGARDING
CROSS-EXAMINATION OF REPLY WITNESS**

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EX. 1032	Deposition Transcript of Steven Browne, dated January 19, 2018
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EX. 1036	<i>Webster's New Collegiate Dictionary</i> (G. & C. Merriam Co. 1977): definition of "vehicle"
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* - Denotes an Exhibit that has been served on Patent Owner but not filed.

Pursuant to the Scheduling Order (Paper 8), Petitioners FLIR Systems, Inc. and FLIR Maritime US, Inc. respectfully submit this response to Patent Owner's motion for observation regarding cross-examination of reply witness Dr. Michael Braasch, Ph.D. The cited testimony is found in Exhibit 2008.¹

Response to Observations on Cross Examination

Observation #1:

Patent Owner cites pages 38:25-40:2 as being relevant to Patent Owner's claim construction for "re-routing/"re-route." As Dr. Braasch explained, it is clear from the plain language of the challenged claims of the 703 Patent that the claims require only a single route be calculated that avoids pre-selected conditions, and

¹ Exhibit 2008 as filed by Patent Owner on February 20, 2018 included the wrong deposition transcript. As Patent Owner explained in an email communication to the Board on March 8, 2018, the filed version of Exhibit 2008 is the deposition transcript of Dr. Braasch from his deposition on October 16, 2017. A second deposition of Dr. Braasch was taken on February 8, 2018, and Patent Owner intended Exhibit 2008 to be the deposition transcript for the February 2018 deposition. Patent Owner further requested that Exhibit 2008 as originally filed be expunged and that Patent Owner be authorized to file a corrected version of Exhibit 2008. Petitioners refer herein to the corrected version of Exhibit 2008.

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