

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

BLACKBIRD TECH LLC d/b/a  
BLACKBIRD TECHNOLOGIES,

Plaintiff,

v.

FITBIT, INC.,

Defendant.

C.A. No. 16-CV-683 (GMS)

BLACKBIRD TECH LLC d/b/a  
BLACKBIRD TECHNOLOGIES,

Plaintiff,

v.

SONY MOBILE COMMUNICATIONS  
(USA), INC.,

Defendant.

C.A. No. 16-CV-685 (GMS)

BLACKBIRD TECH LLC d/b/a  
BLACKBIRD TECHNOLOGIES,

Plaintiff,

v.

TOMTOM, INC.,

Defendant.

C.A. No. 16-CV-687 (GMS)

BLACKBIRD TECH LLC d/b/a  
BLACKBIRD TECHNOLOGIES,  
Plaintiff,

v.

GARMIN INTERNATIONAL, INC. and,  
GARMIN USA, INC.,  
Defendants.

C.A. No. 16-CV-689 (GMS)

**DEFENDANTS FITBIT, INC., SONY MOBILE COMMUNICATIONS (USA) INC.,  
TOMTOM, INC., GARMIN INTERNATIONAL, INC., AND GARMIN USA, INC.’S  
PROPOSED CLAIM CONSTRUCTIONS**

Pursuant to the Court’s Scheduling Order, Defendants Fitbit, Inc. (“Fitbit”), Sony Mobile Communications (USA) Inc. (“Sony”), TomTom, Inc. (“TomTom”), Garmin International, Inc. (“Garmin Int’l”), Garmin USA, Inc. (“Garmin USA”), (collectively “Defendants”) hereby provide the following list of proposed claim constructions for the claim terms, phrases and clauses from United States Patent No. 6,434,212 (the “’212 Patent”) that the parties previously identified as ones that they may propose for construction by the Court after meeting and conferring to narrow the claim construction disputes between the parties. Defendants reserve the right to amend these constructions during the meet and confer process, as well as following any attempt by Blackbird to further amend its infringement contentions, and information learned through the course of discovery.

<b>Proposed Claim Constructions for Identified Terms in the ’212 Patent</b>	
“a step counter”	“A device mounted to the chest, waist, or leg that counts the number of steps a user takes.”
“calculate”	“To determine by mathematical processes.”
“a stride length that varies according to [a stride rate/a rate at which steps are taken/a rate at which steps are counted]”	The stride length variation cannot only be between a uniform running stride length and a uniform walking stride length.
“stride rate”	“strides or steps per unit of time”







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