IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

BLACKBIRD TECH LLC d/b/a BLACKBIRD TECHNOLOGIES,	C.A. No. 16-CV-683 (GMS)
Plaintiff,	
v.	
FITBIT, INC.,	
Defendant.	
BLACKBIRD TECH LLC d/b/a BLACKBIRD TECHNOLOGIES,	C.A. No. 16-CV-685 (GMS)
Plaintiff,	
V.	
SONY MOBILE COMMUNICATIONS (USA), INC.,	
Defendant.	
BLACKBIRD TECH LLC d/b/a BLACKBIRD TECHNOLOGIES,	C.A. No. 16-CV-687 (GMS)
Plaintiff,	
V.	
TOMTOM, INC.,	
Defendant.	
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.

Proposed Claim Constructions for Identified Terms in the '212 Patent	
"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"



Dated: August 25, 2017

By: /s/ Eugene Novikov

Clement S. Roberts
Timothy C. Saulsbury
Eugene Novikov
DURIE TANGRI LLP
217 Leidesdorff Street
San Francisco, CA 94111
Telephone: 415-362-6666
Facsimile: 415-236-6300
croberts@durietangri.com
tsaulsbury@durietangri.com

Jack B. Blumenfeld MORRIS, NICHOLS, ARSHT & TUNNELL LLP 1201 North Market Street P.O. Box 1347 Wilmington, DE 19899 (302) 658-9200 jblumenfeld@mnat.com

Attorneys for Defendant Fitbit, Inc.

Dated: August 25, 2017

By: /s/ James V. Mahon

Rodger D. Smith (#3778) 1201 North Market Street P.O. Box 1347 Wilmington, DE 19899 (302) 658-9200 rsmith@mnat.com

James V. Mahon ANDREWS KURTH KENYON LLP 4505 Emperor Blvd., Suite 330 Durham, NC 27703 (919) 864-7200 jamesmahon@andrewskurth.com

Attorneys for Defendant Sony Mobile Communications (USA) Inc.



Dated: August 25, 2017

By: /s/ Adam V. Orlacchio

Larry R. Wood, Jr. (DE #3262) LWood@BlankRome.com Adam V. Orlacchio (DE # 5520) Orlacchio@BlankRome.com BLANK ROME LLP 1201 N. Market Street, Suite 800 Wilmington, DE 19801 Tel: (302) 425-6400

Jeffrey K. Sherwood (pro hac vice)
JSherwood@BlankRome.com
Dipu A. Doshi (pro hac vice)
DDoshi@BlankRome.com
David E. Anderson (pro hac vice)
DEAnderson@BlankRome.com
BLANK ROME LLP
1825 Eye Street, NW
Washington, DC 20006
Tel: (202) 420-2200

Attorneys for Defendant TomTom, Inc.



By: /s/ Jason R. Mudd

Kenneth L. Dorsney MORRIS JAMES LLP 500 Delaware Avenue, Suite 1500 Wilmington, Delaware 19801 (302) 888-6800 kdorsney@morrisjames.com

Adam P. Seitz
Eric A. Buresh
Jason R. Mudd
ERISE IP, P.A.
6201 College Blvd, Suite 300
Overland Park KS, 66211
Phone: 913-777-5600
Fax: 913-777-5601
adam.seitz@eriseip.com
eric.buresh@eriseip.com
jason.mudd@eriseip.com

Paul R. Hart ERISE IP, P.A. 5600 Greenwood Plaza Blvd, Suite 200 Greenwood Village, CO 80111 Phone: 913-777-5600 Fax: 913-777-5601

paul.hart@eriseip.com

Attorneys for Defendants Garmin International, Inc. and Garmin USA, Inc.



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

