

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner

v.

UNILOC LUXEMBOURG S.A.  
Patent Owner

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Case No. IPR2018-00294  
Patent No. 6,736,759

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**PETITION FOR *INTER PARTES*  
REVIEW OF U.S. PATENT NO. 6,736,759**

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## **I. INTRODUCTION**

Petitioner Apple Inc. (“Petitioner”) respectfully requests an *Inter Partes* Review (“IPR”) of claims 1-32 (collectively, the “Challenged Claims”) of U.S. Patent No. 6,736,759 (“’759 Patent”). The ’759 Patent was filed on November 9, 1999 and issued on May 18, 2004 to Jack B. Stubbs, et. al. (“Applicant”). ’759 Patent (EX1001). The ’759 Patent broadly describes an exercise monitoring system comprising an electronic positioning device (e.g., GPS), a physiological monitor (e.g., heart rate monitor), and a display for displaying real-time data to the user while exercising. *Id.* at 2:66-3:13. As emphasized during prosecution, the ’759 Patent’s purported points of novelty were (1) physically separating the display unit from the electronic positioning device and the physiological monitor and (2) displaying “real-time” data.

These purportedly distinguishing features are well represented in the prior art, including in the two base combinations presented herein.<sup>1</sup> The first combination relies primarily on U.S. Patent No. 6,002,982 to Fry (“*Fry*”), which teaches an exercise monitoring system comprising GPS, a physiological monitor, and real-time display of data from both. Although *Fry* expressly recognizes that its system

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<sup>1</sup> The 32 Challenged Claims present additional limitations beyond the primary concept of separating the display from the data acquisition components and presenting information in real time. These additional limitations are, however, minor variations on the base concept and are taught by a variety of secondary references across the nine proposed grounds of unpatentability presented herein.

is applicable to runners, the sole detailed embodiment relates to cycling. As discussed herein, a person having ordinary skill in the art (PHOSITA) would have recognized that *Fry's* system could be easily adapted for runners by arranging the *Fry* components on the user's person pursuant to the teachings of U.S. Patent No. 6,466,232 to Newell et al. ("*Newell*"). With this straightforward modification that is expressly motivated by *Fry* itself, the key concepts in the Challenged Claims are rendered obvious.

The second combination addressed herein relies primarily on U.S. Patent No. 6,539,336 to Vock et al. ("*Vock*") (EX1006), which discloses an exercise monitoring system with GPS, a heart rate monitor, and a separate wrist-mounted display for real-time display of positional data from the GPS. Although *Vock* does not expressly describe displaying heart rate information, a PHOSITA would have looked to prior art references like U.S. Patent No. 6,149,602 to Arcelus ("*Arcelus*"), which discloses a chest-mounted heart rate monitor and wrist-mounted display for relaying real-time pulse information to the user. Adding real-time display of heart rate information to *Vock*, pursuant to the teachings of *Arcelus*, also captures the key concepts in the Challenged Claims.

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