

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

GARMIN INTERNATIONAL, INC. AND GARMIN USA, INC.  
Petitioners

v.

LOGANTREE, LP  
Patent Owner

---

Case No. IPR2018-00564  
Patent No. 6,059,576

---

**PETITION FOR *INTER PARTES* REVIEW  
OF U.S. PATENT NO. 6,059,576**

**TABLE OF CONTENTS**

**I. INTRODUCTION..... 1**

**II. SUMMARY OF THE '576 PATENT ..... 1**

    A. DESCRIPTION OF THE ALLEGED INVENTION OF THE '576 PATENT..... 1

    B. SUMMARY OF THE PROSECUTION HISTORY ..... 4

    C. LEVEL OF SKILL OF A PERSON HAVING ORDINARY SKILL IN THE ART..... 7

**III. REQUIREMENTS UNDER 37 C.F.R. §42.104 ..... 8**

    A. GROUNDS FOR STANDING UNDER 37 C.F.R. §42.104(A)..... 8

    B. IDENTIFICATION OF CHALLENGE UNDER 37 C.F.R. §42.104(B)(1)-(2)..... 8

    C. CLAIM CONSTRUCTION UNDER 37 C.F.R. §42.104(B)(3)..... 9

**IV. THERE IS A REASONABLE LIKELIHOOD THAT THE CHALLENGED CLAIMS ARE UNPATENTABLE ..... 11**

    A. GROUND 1: *STEWART* IN VIEW OF *RUSH* RENDERS CLAIMS 20-26, 29, 104-107, 110, 113-116, 118, 121, 126-128, 134-135, AND 175 OBVIOUS ..... 11

    B. GROUND 2: *STEWART* IN VIEW OF *RUSH* IN FURTHER VIEW OF *CONLAN* RENDERS CLAIMS 119-124, 126, 136, AND 137 OBVIOUS..... 43

    C. GROUND 3: *STEWART* IN VIEW OF *RUSH* IN FURTHER VIEW OF *CHURCH* RENDERS CLAIMS 117 OBVIOUS ..... 50

    D. GROUND 4: *RICHARDSON* IN VIEW OF *STEWART* RENDERS CLAIMS 20 AND 138 OBVIOUS ..... 52

**V. CONCLUSION..... 70**

**VI. MANDATORY NOTICES UNDER 37 C.F.R. §42.8..... 71**

    A. REAL PARTIES-IN-INTEREST UNDER 37 C.F.R. §42.8(B)(1) ..... 71

    B. RELATED MATTERS UNDER 37 C.F.R. §42.8(B)(2) ..... 71

    C. LEAD AND BACK-UP COUNSEL UNDER 37 C.F.R. § 42.8(B)(3)..... 72

    D. SERVICE INFORMATION UNDER 37 C.F.R. § 42.8(B)(4) ..... 72

### APPENDIX OF EXHIBITS

<b>Exhibit 1001</b>	U.S. Patent No. 6,059,576 to Brann
<b>Exhibit 1002</b>	File History of U.S. Patent No. 6,059,576
<b>Exhibit 1003</b>	File History of Reexamination Request No. 90/013,201
<b>Exhibit 1004</b>	U.S. Patent No. 5,978,972 to Stewart et al.
<b>Exhibit 1005</b>	U.S. Provisional Application No. 60/020,271
<b>Exhibit 1006</b>	U.S. Patent No. 5,546,609 to Rush, III
<b>Exhibit 1007</b>	U.S. Patent No. 5,197,489 to Conlan
<b>Exhibit 1008</b>	U.S. Patent No. 5,474,083 to Church et al.
<b>Exhibit 1009</b>	U.S. Patent No. 5,976,083 to Richardson et al.
<b>Exhibit 1010</b>	Declaration of Dr. Andrew C. Singer and Appendix A
<b>Exhibit 1011</b>	J.R.W. Morris, "Accelerometry – A Technique for the Measurement of Human Body Movements," J. Biomechanics, Vol. 6, Pergamon Press (1973, pp. 729-736)
<b>Exhibit 1012</b>	U.S. Patent No. 3,797,010 to Adler et al.
<b>Exhibit 1013</b>	U.S. Patent No. 5,803,740 to Gesink et al.
<b>Exhibit 1014</b>	UK Patent Application No. GB 2,225,459A to Holder
<b>Exhibit 1015</b>	C. Verplaetse, "Inertial proprioceptive devices: Self-motion-sensing toys and tools," IBM Systems Journal, Vol. 35, Nos. 3&4 (1996, pp. 639-650)
<b>Exhibit 1016</b>	Alan Freedman, <i>The Computer Desktop Encyclopedia</i> , The Computer Language Company Inc. (1996)
<b>Exhibit 1017</b>	Robert C Cantu, "Head injuries in sport," Br J Sports Med 30 (289-296; 1996)
<b>Exhibit 1018</b>	Affidavit of Service dated February 22, 2017
<b>Exhibit 1019</b>	Exhibit C to Plaintiff's Original Complaint

## I. INTRODUCTION

Petitioners Garmin International, Inc. and Garmin USA, Inc. respectfully request *inter partes* review (“IPR”) of claims 20-26, 29, 104-107, 110, 113-122, 126-128, 134-138, and 175 (“the Challenged Claims”) of U.S. Patent No. 6,059,576 (“the ’576 patent”). As demonstrated below, there is a reasonable likelihood that Petitioners will prevail in establishing the unpatentability of the Challenged Claims.

## II. SUMMARY OF THE ’576 PATENT

### A. Description of the Alleged Invention of the ’576 Patent

The ’576 patent generally describes “[a]n electronic device, system and method to monitor and train an individual on proper motion during physical movement.” EX1001, Abstract. The ’576 patent purportedly solves problems with prior motion sensing/monitoring devices that either record motion, but “do not warn the device wearer when the wearer is nearing, or has reached, a potential angle of movement” or warn the wearer of an improper movement, but do not analyze the detected motion data. *Id.*, 1:22-54. The alleged key feature of the “invention is that it gives instant information to the wearer at the moment of incorrect movement and also records the information for future reference and analysis.” *Id.*, 6:16-19. Thus, the key feature of the ’576 Patent’s invention was merely combining known features of the prior art motion sensing devices.

The system includes a movement measuring device 12 and a download device 14 connected to a computer 16:

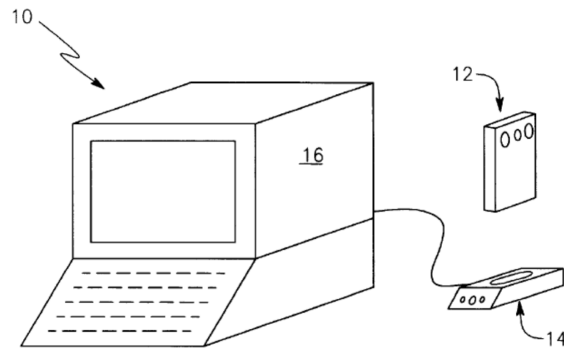


FIG. 1

*Id.*, Fig. 1; *see also, id.*, 3:22-24.

The movement measuring device 12 “is designed to be physically attached to a user” and “may be worn by the individual being monitored in a variety of positions based on the specific movement being observed.” *Id.*, 3:24-31. The measuring device 12 includes internal components including a microprocessor 32, movement sensor 30, and clock 46:

# 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.