

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

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

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I. INTRODUCTION

Patent Owner's ("PO") arguments in the Patent Owner's Response (Paper 13, "POR") are largely not supported by any factual basis, and in some instances, they also lack legal foundation. PO ignores the express teachings in the prior art as well as Petitioners' reliance on specific teachings from the art. Instead, PO's expert created "high-level simplified" demonstratives, which he admits are not true and accurate depictions of the prior art as they omit key disclosures of the prior art. Then PO relies solely on those demonstratives, not the prior art, to save its claims. Additionally, many of PO's arguments for patentability run contrary to the disclosures of the '576 patent, prosecution history and Petitioners' actual grounds of rejection. When PO's rhetoric that lacks any factual basis is rubbed away, Petitioners' arguments for invalidity should be upheld by the Board.

II. ARGUMENT

A. Claim Construction

Claim 20 recites the limitation "storing . . . first event information related to the detected first user-defined event along with first time stamp information reflecting a time at which the movement data causing the first user-defined event occurred." EX1001, 19. In the Institution Decision (Paper 9, "Decision"), the Board invited the parties "to brief the meaning of the term 'reflecting' during the trial." Decision, 22. Petitioners believe the "reflecting" term is best understood in the context of claimed phrase "first time stamp information reflecting a time."

The '576 patent does not include the words “reflect,” “reflecting,” or the phrase “first time stamp information reflecting a time” in the specification. And this limitation was added during a reexamination proceeding to distinguish over the prior art. Petition (Paper 1, “Pet.”), 6-7. To support amendments to claim 20, PO cited 5:59-6:9 of the '576 patent specification. EX1003, 73. This portion of the specification discloses that after “angle movement information received from the movement sensor 30 indicates that the wearer has exceeded any of the pre-set notice levels . . . the microprocessor 32 will obtain the date/time stamp from the clock 46 and store that information along with the notice level that was exceeded into memory 50 for later analysis and reporting.” EX1001, 6:1-9.

In the reexamination, the prior art was found to teach associating a timestamp with movement data when it is stored in a database. EX1003, 84-85. In response, PO argued, “[the] proposed combination of [Flentov/Vock] and Burdea would reflect the time at which the data captured during the skier’s run down the hill (i.e., at the end of the session) is updated to a database, **not a time at which the movement data causing the end of the run** (alleged event) occurred.” *Id.*, 84 (emphasis in original). And, “[s]ince the time stamp in the proposed modification reflects the time at which the ski data was downloaded, this could occur shortly after the skier pushes the button or a day or two later.” *Id.*, 85. Based on the specification and file history, it is clear the claimed phrase “first time stamp information reflecting

a time” must indicate a time when the movement data causing the first user-defined event occurred—not just a time when the first event information is stored.

B. 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

1. *Stewart* teaches “measuring unrestrained movement in any direction”¹

Claim 20 recites the steps of “attaching a portable, self-contained movement measuring device to said body part for measuring unrestrained movement in any direction” and “measuring data associated with said physical movement.” EX1001, 19. PO alleges “a POSITA would understand that *Stewart* does not teach or suggest measuring data associated with physical movement because the sensor in *Stewart* does not measure *unrestrained* movement of the body part.” POR, 16 (emphasis in original). PO also contends *Stewart*’s disclosure of “a helmet that includes three sets of three orthogonally-placed accelerometers that can be used to measure uniquely the translational, angular and normal components of acceleration of the head” is not sufficient disclosure of measuring unrestrained movement. *Id.*

PO’s arguments are perplexing given *Stewart*’s express teachings. *Stewart* teaches movement sensors comprising at least three to nine accelerometers, and

¹ Notably, PO does not contend *Stewart* fails to teach this limitation with respect to Ground

4.

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