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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioner
v.

LOGANTREE, LP,

Patent Owner

Case IPR2018-00564

Patent 6,059,576

PATENT OWNER'S SUR-REPLY TO PETITIONER'S REPLY

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I. INTRODUCTION

In an *inter partes* review, the burden of persuasion is on the petitioner to prove "unpatentability by a preponderance of the evidence," 35 U.S.C. § 316(e), and that burden never shifts to the patentee. "Failure to prove the matter as required by the applicable standard means that the party with the burden of persuasion loses on that point—thus, if the fact trier of the issue is left uncertain, the party with the burden loses." Tech. Licensing, 545 F.3d at 1327. See *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) (citing *Tech. Licensing Corp. v. Videotek, Inc.*, 545 F.3d 1316, 1326–27 (Fed. Cir. 2008)) (discussing the burden of proof in *inter partes* review).

Garmin failed to meet its burden in its Petition, and does not remedy this failure in its Petitioner's Reply to Patent Owner's Response ("Reply"). In particular, Garmin has failed to show by a preponderance of the evidence that all of the claim limitations are taught by or obvious in view of either a combination of Stewart and Rush or a combination of Richardson and Stewart, and Garmin's arguments in its Reply continue to fail to show that all of the claim limitations have been met by the foregoing combinations.

II. ARGUMENT

A. GROUND 1: *STEWART* IN VIEW OF *RUSH* DOES NOT RENDER CLAIMS 20-26, 29, 104-107, 110, 113-116, 118, 121, 126-128, 134-

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