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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

TABLE OF CONTENTS

I. INTRODUCTION4

II. ARGUMENT.....4

A.GROUND 1: *STEWART* IN VIEW OF *RUSH* DOES NOT RENDER CLAIMS
20-26, 29, 104-107, 110, 113-116, 118, 121, 126-128, 134-135, AND 175
OBVIOUS.....4

1. Ground 1, Claim 20: The Cited Prior Art Does Not Teach the Claimed
“measuring data associated with said physical
movement”5

2. Ground 1, Claim 20: The Cited Prior Art Does Not Teach the Claimed
“interpreting, using a microprocessor included in the portable, self-
contained movement measuring device, said physical movement data based
on user-defined operational parameters and a real-time clock”6

3. Ground 1, Claim 20: The Cited Prior Art Does Not Teach the Claimed
“storing said data in memory”12

4. Ground 1, Claim 20: The Cited Prior Art Does Not Teach the Claimed
“detecting, using the microprocessor, a first user-defined event based on the
movement data and at least one of the user-defined operational parameters

regarding the movement	
data”.....	13
5. Ground 1, Claim 20: The Cited Prior Art Does Not Teach the Claimed	
“storing, in said memory, first event information related to the detected first	
event along with first time stamp information reflecting a time at which the	
movement data causing the first user-defined event	
occurred”.....	16
B. GROUND 4: <i>RICHARDSON</i> IN VIEW OF <i>STEWART</i> DOES NOT RENDER	
CLAIMS 20 AND 138 OBVIOUS.....	17
1. Ground 4, Claim 20: The Cited Prior Art Does Not Teach the Claimed	
“interpreting, using a microprocessor included in the portable, self-	
contained movement measuring device, said physical movement data based	
on user-defined operational parameters and a real-time clock”	17
2. Ground 4, Claim 20: The Cited Prior Art Does Not Teach the Claimed	
“storing said data in memory”	19
3. Ground 4, Claim 20: The Cited Prior Art Does Not Teach the Claimed	
“detecting, using the microprocessor, a first user-defined event based on the	
movement data and at least one of the user-defined operational parameters	
regarding the movement	
data”.....	20

4. Ground 4, Claim 20: The Cited Prior Art Does Not Teach the Claimed
“storing, in said memory, first event information related to the detected first
event along with first time stamp information reflecting a time at which the
movement data causing the first user-defined event
occurred”.....21

III. Patent Owner Does Not Consent to the PTAB Adjudicating the Patentability or
Validity of the Challenged Claims of the ‘576 Patent.....24

IV. CONCLUSION.....25

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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