UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GARMIN INTERNATIONAL, INC. and GARMIN USA, INC.,
Petitioners,

v.

LOGANTREE, LP,
Patent Owner.

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Case IPR2018-00564 (Patent 6,059,576C1)
Case IPR2018-00565 (Patent 6,059,576C1)

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Record of Oral Hearing
Held: June 4, 2019

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Before PATRICK R. SCANLON, MITCHELL G. WEATHERLY, and
JAMES A. WORTH, *Administrative Patent Judges.*

IPR2018-00564 (Patent 6,059,576C1)
IPR2018-00565 (Patent 6,059,576C1)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

    ADAM P. SEITZ, ESQUIRE
    HUNTER HORTON, ESQUIRE
    Erise IP
    7015 College Boulevard
    Suite 700
    Overland Park, Kansas 66211

ON BEHALF OF THE PATENT OWNER:

    CHRISTOPHER M. BARKLEY, ESQUIRE
    McCathern Law
    523 West Sixth Street
    Suite 830
    Los Angeles, California 90014

      The above-entitled matter came on for hearing on Tuesday, June 4, 2019, commencing at 10:00 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1	P R O C E E D I N G S
2	- - - - -
3	JUDGE SCANLON: Good morning, everyone and welcome to the
4	Board. This is a hearing for IPR2018-00564 and 565 which involves patent
5	number 6,059,576. I'm Judge Scanlon in our Detroit office. With me today
6	on the panel are Judge Worth and Judge Weatherly. Let's start with
7	appearances. Who is here for petitioner, please.
8	MR. SEITZ: Good morning, Your Honors. Adam Seitz on behalf
9	of petitioner, Garmin. With me today is an associate from my firm, Hunter
10	Horton. And then seated behind me, Your Honors, is David Ayres with
11	Garmin International.
12	JUDGE SCANLON: Thank you. And for patent owner.
13	MR. BARKLEY: Good morning, Your Honors. Christopher
14	Barkley, counsel for LoganTree, patent owner.
15	JUDGE SCANLON: Thank you. So as set forth in the hearing
16	order, each party will have 45 minutes to present arguments. Petitioner will
17	present its case first and may reserve time for rebuttal. Patent owner will
18	then present its case, after which petitioner may use any reserved time for
19	rebuttal. And finally, patent owner may request an opportunity to present a
20	brief surreply to petitioner's rebuttal.
21	With that, I'll let petitioner take the podium. And please let me
22	know how much time, if any, you would like to reserve.
23	MR. SEITZ: Thank you, Your Honor. Ten minutes, please. And
24	as a matter of minor housekeeping, not knowing preferences, I have paper
25	copies of our demonstratives, if Your Honors would prefer them. I'm
26	perfectly fine with electronics as well.

1   JUDGE WEATHERLY: I think I'm fine with the electronic

2   version. Thank you.

3   MR. SEITZ: May it please the Court, we are here today, as

4   discussed, to talk about the 564 and 565 petitions. Both relate to the '576

5   patent, and both petitions rely on the same grounds of obviousness. Ground

6   1 in the 564 petition is Stewart and Rush and ground 4 is Richardson and

7   Stewart. For the 565, those are grounds 1 and then ground 3. The 564

8   petition relates to claim 20. The 565 relates to claim 1. There is significant

9   overlap between these two patents. The parties have briefed and argued

10 nearly identical issues. So for purposes of today, I'm going to be talking

11 mainly about claim 20, but the arguments apply equally to both petitions.

12   And before we get into the art and the combinations itself, I think it

13 would be useful to start with a description of the '576 patent. On the screen

14 in front of you is demonstrative slide 4, which is a representation of claim 4

15 with the various limitations that have been disputed by LoganTree

16 highlighted in different colors. The '576 patent is focused fundamentally on

17 an electronic device that attaches to your body that's used to measure some

18 type of movement and track your individual motion. It then also is meant to

19 account for a situation where you would have some, what they call, a

20 user-defined operational parameter. What I'll refer to today is either a

21 user-defined operational parameter or a threshold for shorthand. But there's

22 some threshold that's set and the device, the '576 patent will monitor your

23 activity and your movements to see when you have exceeded or met that

24 threshold, that operational parameter, and if and when you do, will record

25 this information to storage.

1   In practice, the example given of the '576 patent is one of lifting a

2   box. We've all heard that you lift with your knees and not with your back.

3   That's a perfect example of the '576 patent. If we walk through the claim

4   with that example in mind, what we see is that it's a portable self-contained

5   device that attaches to the body that does not restrain your movement in any

6   manner. So it's attached in this example to the waist or to the torso of the

7   individual. And it's going to measure data associated with your movements

8   using a clock and a processor. It's then going to store that data on your

9   movements into memory.

10   At the same time it's going to detect if you have exceeded this user

11   set, this user-defined operational parameter. In the example that I have

12   given, that user-defined operational parameter for someone that's lifting a

13   box may be the angle at which your back is positioned. And so it is going to

14   monitor and then detect if you have exceeded or met this user-defined

15   operational parameter, for example, if you bend over too far in the example

16   that we have been talking about. If so, then we see that it's going to store in

17   memory that first user-defined event, the bending over and exceeding that

18   angle, along with first timestamp information recording the time at which

19   the movement data of the first user-defined event occurred.

20   So if I bend over at 3:01 p.m. to pick up a box and exceed that

21   user-defined operational parameter, the threshold, it's going to record a

22   timestamp with that data that says you exceeded this user-defined

23   operational threshold, this parameter at 3:01 p.m.

24   JUDGE WORTH: Is there a difference between interpreting and

25   detecting?

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