

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 C1

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

SCANLON, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

Garmin International, Inc. and Garmin USA, Inc. (collectively, “Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review 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 C1 (Ex. 1001, “the ’576 patent”). LoganTree LP (“Patent Owner”) did not a Preliminary Response. The Board instituted a trial as to the challenged claims. Paper 9 (“Dec.”).

After institution of trial, Patent Owner filed a Patent Owner Response (“PO Resp.”) to the Petition. Paper 13. Petitioner filed a Reply (“Reply”) to the Patent Owner Response. Paper 16. Patent Owner filed a Sur-Reply (“Sur-Reply”). Paper 19. Petitioner relies on the Declaration of Dr. Andrew C. Singer (Ex. 1010) in support of its Petition, and Patent Owner relies on the Declaration of Vijay K. Madiseti, Ph.D. (Ex. 2001) in support of its Response.

An oral hearing was held on June 4, 2019, and the record contains a transcript of this hearing. Paper 24 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has not shown by a preponderance of the evidence that claims 20–26, 29, 104–107, 110, 113–122, 126–128, 134–138, and 175 of the ’576 patent are unpatentable.

II. BACKGROUND

A. *Related Matters*

The parties indicate that the ’576 patent is the subject of a patent infringement litigation, *LoganTree LP v. Garmin International, Inc.*, Case

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No. 6:17-cv-01217 (D. Kan.), and that another proceeding with the same parties in a different jurisdiction has been dismissed without prejudice to refile in another district, *LoganTree LP v. Garmin International, Inc.*, Case No. 5-17-cv-00098 (W.D. Tex.). Pet. 71; Paper 4, 2.

In addition, Petitioner states that it has filed another petition for *inter partes* review of the '576 patent, in IPR2018-00565. Pet. 71. Petitioner states that two other *inter partes* review proceedings with respect to the '576 patent terminated after the filing of a petition but before any decision on institution, i.e., IPR2017-00256, -00258. Pet. 71–72.

*B. The '576 Patent*¹

The '576 patent is titled “Training and Safety Device, System and Method to Aid in Proper Movement During Physical Activity” and relates to “the field of electronic training and safety devices used to monitor human physical activity.” Ex. 1001, [54], 1:6–7. More specifically, the '576 patent discloses a method that detects, measures, records, and/or analyzes the time, date, and other data associated with movement of the device and produces meaningful feedback regarding the measured movement. *See id.* at 1:8–11.

The '576 patent discloses that certain prior art devices recorded the number of times that a predetermined angle was exceeded but were not convenient to operate and served to report rather than analyze the information. *See id.* at 1:45–54. The '576 patent discloses that it is also important to measure the angular velocity to monitor and analyze improper movement. *Id.* at 1:55–67.

¹ An ex parte reexamination certificate issued on March 17, 2015, with all claims either amended from their original form or newly added during reexamination. Ex. 1001, [45] C1, cols. 1–12 C1.

The '576 patent discloses an electronic device that tracks and monitors an individual's motion through the use of a movement sensor capable of measuring data associated with the wearer's movement. *Id.* at 2:10–13. The device of the '576 patent also employs a user-programmable microprocessor, which receives, interprets, stores and responds to the movement data based on customizable operation parameters; a clock connected to the microprocessor; memory for storing the movement and analysis data; a power source; a port for downloading the data from the device to other computation or storage devices contained within the system; and various input and output components. *Id.* at 2:13–21.

Figure 4 of the '576 patent is a block diagram of the movement measuring device (*id.* at 3:11–12):

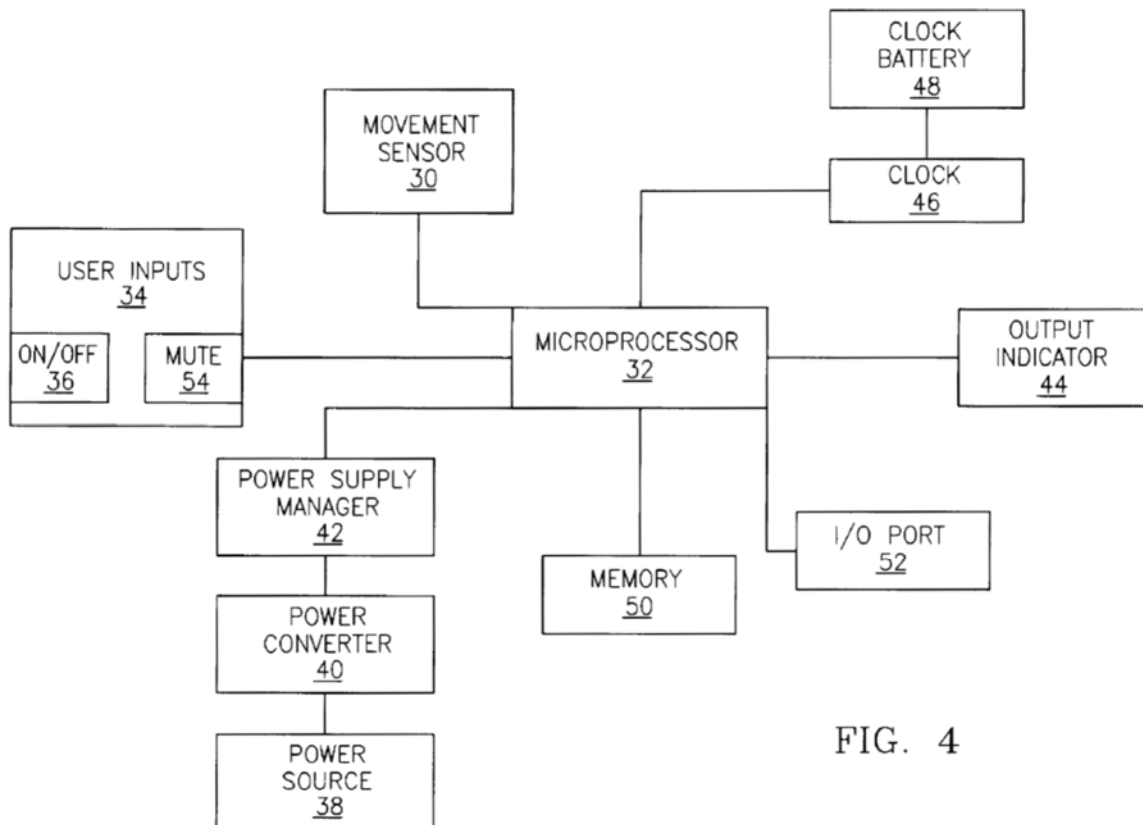


FIG. 4

Figure 4 depicts a block diagram of the components of the device.

The downloadable, self-contained device can be worn at various positions along the torso or appendages being monitored depending on the specific physical task being performed. *Id.* at 2:21–24. The device also monitors the speed of the movements made while the device is being worn. *Id.* at 2:24–25. When a pre-programmed recordable event is recognized, the device records the time and date of the occurrence while providing feedback to the wearer via visual, audible and/or tactile warnings. *Id.* at 2:25–29. Periodically, data from the device may be downloaded into an associated computer program, which analyzes the data. *Id.* at 2:29–31. The program can then format various reports to aid in recognizing and correcting trends in incorrect physical movement. *Id.* at 2:31–33.

C. Challenged Claims

As noted above, Petitioner challenges claims 20–26, 29, 104–107, 110, 113–122, 126–128, 134–138, and 175. Of these claims, claim 20 is the sole independent claim and is illustrative of the subject matter. Claim 20, as amended in the reexamination proceeding, reads as follows:

20. A method to monitor physical movement of a body part comprising the steps of:

attaching a portable, self-contained movement measuring device to said body part for measuring unrestrained movement in any direction;

measuring data associated with said physical movement;

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;

storing said data in memory;

detecting, using the microprocessor, a first user-defined event based on the movement data and at least one of the user-

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