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. IPR2018-00565
Patent No. 6,059,576

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

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 are not legally supported. 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 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 is rubbed away, Petitioners' arguments for invalidity should be upheld by the Board.

II. ARGUMENT

A. Claim Construction

Claims 1 and 13 recite 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." In the Institution Decision (Paper 9), the Board invited the parties "to brief the meaning of the term 'reflecting' during the trial." Decision, 24. 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. This limitation was added during a reexamination proceeding to distinguish over the prior art. Pet., 6-7. To support amendments to the claims, PO cited 5:59-6:9. EX1003, 73. This portion of the '576 specification discloses 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, 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 1, 2, 4, 5, 9, 10 and 12 Obvious

1. *Stewart* teaches "measuring unrestrained movement in any direction and generating signals indicative of said movement"

Claim 1 recites "a movement sensor capable of measuring data associated with unrestrained movement in any direction and generating signals indicative of said movement." 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, 17 (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 insufficient disclosure for measuring unrestrained movement. *Id.*, 17-18.

PO's arguments are perplexing given *Stewart*'s teachings. *Stewart* teaches movement sensors comprising three to nine accelerometers, and Dr. Madisetti admitted accelerometers measure body movement. EX1004, 6:29-35; EX1021, 26:9-12. *Stewart*'s accelerometers "provide data which corresponds directly to motion of the head in three-dimensional space," and Dr. Madisetti confirmed the

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.