

Fitbit, Inc.* v. Philips North America

IPR 2020-00783

Patent No. 7,088,233

Patent Owner's Demonstrative Exhibits

*Garmin has been joined as a petitioner

Claim Construction

- “Usually, **the specification is dispositive**, and it is the single best guide to the meaning of a disputed term. *Id.* [*Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc)] at 1315.” Inst. Dec’n, 10.
- “The claims, of course, do not stand alone. Rather, they are part of ‘a **fully integrated written instrument**,’ consisting principally of a specification that concludes with the claims. For that reason, claims ‘must be read in view of the specification, of which they are a part.’” *Phillips* at 1315 (citations omitted). Inst. Dec. at 11
- “[T]he interpretation to be given a term can only be determined and confirmed with a full understanding of what the **inventors actually invented and intended to envelop with the claim**.” *Id.* at 1316 (citing *Renishaw PLC v. Marposs Societa' per Azioni*, 158 F.3d 1243, 1249 (Fed. Cir. 1998); see also *Renishaw*, 158 F.3d at 1252 (“to the extent that these passages [from the specification] refer to the preferred embodiment, they cannot be read into the claims without some hook. The claim term ‘when’ is that hook.”) Id.
- “[A] **court should discount any expert testimony** ‘that is clearly at odds with the claim construction mandated by the claims themselves, the written description, and the prosecution history, in other words, with the written record of the patent.’” *Id.* at 1318. Id.
- “[U]ndue reliance on extrinsic evidence poses the risk it **will be used to change the meaning of claims**.” *Id.* at 1319. Id.

Claim 1

Claim 1 recites:

A bi-directional wireless communication system comprising:

(a) a first personal device, the first personal device further comprising:

(i) a processor;

(ii) a memory;

(iii) a power supply;

(iv) at least one detector input; and

(v) a short-range bi-directional wireless communications module;

(b) a **second device communicating with the first device**, the second device having a short-range bi-directional wireless communications module

compatible with the short-range bi-directional wireless communications module of the first device; and

(c) a **security mechanism governing information transmitted between the first personal device and the second device**.

(1) Information communicated between two devices with short-range bi-directional wireless communications modules

(2) **Security mechanism governing information transmitted between the first personal device and the second device**

Claim 13 and Claim 22

Claim 13 recites:

The system of claim 1, wherein the short-range wireless communications further **comprises BLUETOOTH technology.**

Claim 22 recites:

The system of claim 15, wherein the central communications base station further **comprises a connection to the Internet.**

Claim 15 recites:

The system of claim 1, further **comprising a central communications base station communicating with the first personal device** using short-range wireless communications.

Total challenged claims: 1, 7-10, 13-16, 22, 24-26.

Single ground challenge to claim 13 (Ground 4) and claim 22 (Ground 7).

Claim 1—Governing Information Transmitted

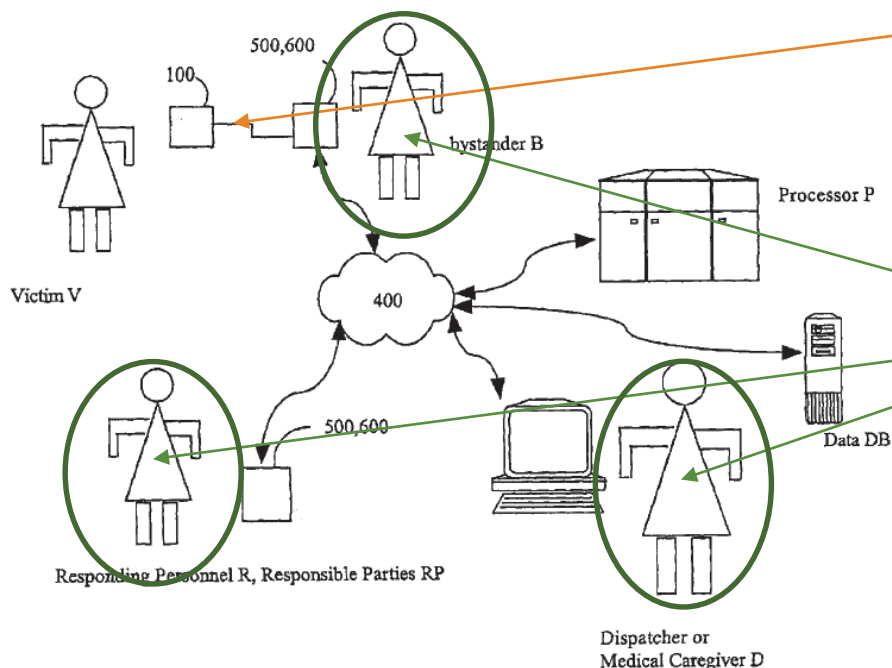


FIG. 5

“may include a separate, integrated or software based short-range bi-directional wireless module. The short range network may be based upon ... Bluetooth.” Ex. 1001, 5:57-60.

security mechanism governing access to information transmitted

Mechanism must -
 (a) Provide security
 (b) Govern access to information transmitted by short range communications between the devices.

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