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Filed on behalf of: Fitbit, Inc.

By: Naveen Modi (PH-Fitbit-Philips-IPR@paulhastings.com)
Yar R. Chaikovsky (PH-Fitbit-Philips-IPR@paulhastings.com)
Joseph E. Palys (PH-Fitbit-Philips-IPR@paulhastings.com)
David Beckwith (PH-Fitbit-Philips-IPR@paulhastings.com)
David Okano (PH-Fitbit-Philips-IPR@paulhastings.com)
Paul Hastings LLP

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT, INC.,
Petitioner

v.

PHILIPS NORTH AMERICA LLC
Patent Owner

U.S. Patent No. 7,088,233

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,088,233

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C. *Say* 11

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A. The '493 provisional does not provide written description support for claim 13's "Bluetooth technology" or claim 24-25's "location determination module" 19

B. The '862 provisional and the '165 application each fail to provide written description support for claim 13's "Bluetooth technology" 20

IX. CLAIM CONSTRUCTION 20

A. "means for *signaling the bi-directional communications module to transition from the powered-down state to the powered-up state*" 21

X. DETAILED EXPLANATION OF THE GROUNDS 22

A. Ground 1: Claims 1, 7-10, 14 are anticipated by *Jacobsen* 22

1. Claim 1 22

i. [1p] "A bi-directional wireless communication system comprising:" 22

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ii. [1a] "(a) a first personal device, the first personal device further comprising:" 24

iii. [1b] "(i) a processor;" 25

iv. [1c] "(ii) a memory;" 28

v. [1d] "(iii) a power supply 29

vi. [1e] "(iv) at least one detector input; and" 30

vii. [1f] "(v) a short-range bi-directional wireless communications module;" 32

viii. [1g] "(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" 33

ix. [1h] "(c) a security mechanism governing information transmitted between the first personal device and the second device." 36

2. Claim 7 38

i. "The system of claim 1, further comprising a detector connected to the at least one detector input." 38

3. Claim 8 40

i. "The system of claim 7, wherein the detector senses body or physiological parameters." 40

4. Claim 9 41

i. "The system of claim 8, wherein the body or physiological parameters are selected from the group consisting of temperature, motion, respiration, blood oxygen content, and electroencephalogram." 41

5. Claim 10 41

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i. "The system of claim 1, wherein the first personal device further comprises a user interface module." 41

6. Claim 14 43

i. "The system of claim 1, wherein the first personal device further comprises a data input/output port, the second device further comprises a data input/output port, and wherein the second device communicates with the first personal device using the data input/output ports." 43

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ii. Claim element [1a] 46

iii. Claim element [1b] 48

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1. Claim 1 66

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1. Claim 13 71

i. "The system of claim 1, wherein the short-range wireless communications further comprises BLUETOOTH technology." 71

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1. Claim 24 75

i. "The system of claim 1, wherein the first personal device further comprises a location determination module that determines the geographical location of the first personal device 75

2. Claim 25 82

i. "The system of claim 24, wherein the location determination module further comprises a GPS receiver." 82

F. Ground 6: Claim 26 is obvious over *Jacobsen* in view of *Say* and *Reber* 82

1. Claim 26 82

i. "The system of claim 1, wherein the bi-directional communications module has a powered-down state and a powered-up state, and further comprising a means for signaling the bi-directional communications module to transition from the powered-down state to the powered-up state." 82

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1. Claim 15 91

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