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IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

PHILIPS NORTH AMERICA LLC, Plaintiff, v. GARMIN INTERNATIONAL, INC. AND GARMIN LTD., Defendants.	Case No. 2:19-cv-06301-AB-KS **DEFENDANTS' OPENING CLAIM CONSTRUCTION BRIEF**

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I. INTRODUCTION

Garmin is the world leader in the manufacture of sophisticated activity tracking and lifestyle devices, devices that bear no resemblance to the Patents-in-Suit, which are drawn to medical devices, archaic technologies, or both. For example, Garmin's state-of-the-art GPS fitness watches are worlds apart from the decades-old '007 Patent, which covers a GPS receiver velcroed to the top of a baseball cap or wired headphones. Dkt. 45-1 ('007 Patent 5:11-14). As a second example, Garmin's accused fitness watches are expressly distinct from the '958 Patent, which "only relate to disease states or conditions of a patient" and "do not relate to exercise parameters." Declaration of Michelle Marriott ("Marriott Dec.") Ex. K (8,712,510 File History, Office Action Response dated October 22, 2012, at p. 17, *discussed infra*). Further, many of the Patents-in-Suit have expired or are near expiration, further evidencing their outdated subjects.

Philips, by its own admission, doesn't make or sell any products embodying the Patents-in-Suit. Philips is simply engaging in an ongoing rent-seeking campaign. A campaign that failed in the United Kingdom where Garmin invalidated the sister patent to the '007. A campaign that failed in Germany, where Garmin invalidated a sister patent to the two asserted Quy ('377 and '958) patents. And a campaign that Garmin respectfully believes will fail here. The asserted claims are far afield Garmin's cutting-edge fitness watches, as is clear from Philips' proposed claim constructions, which are unmoored from the Patents-in-Suit in an attempt to capture Garmin's truly pioneering technologies.

II. LEGAL AUTHORITY

"It is a bedrock principle of patent law that the claims of a patent define the invention to which the patentee is entitled the right to exclude." *Phillips v. AWH Corp.,* 415 F.3d 1303, 1312 (Fed. Cir. 2005) (*en banc*, quotation marks excluded).

"[T]he claims themselves provide substantial guidance as to the meaning of

particular claim terms." *Id*. at 1314. However, the claims "do not stand alone[.]" *Id*. at 1315. They are part of "'a fully integrated written instrument,' consisting principally of a specification that concludes with the claims[,]" and must therefore "be read in view of the specification[.]" *Id*. Moreover, patentees are precluded from recapturing through claim interpretation specific meanings disclaimed during prosecution. *Aylus Networks, Inc. v. Apple Inc.,* 856 F.3d 1353, 1359 (Fed. Cir. 2017). When the patentee unequivocally and unambiguously disavows a certain meaning to obtain a patent, the doctrine of prosecution history disclaimer narrows the meaning of the claim consistent with the scope of the claim surrendered. *Id*.

Secondary to the intrinsic evidence, "we have also authorized district courts to rely on extrinsic evidence, which consists of all evidence external to the patent and prosecution history, including expert and inventor testimony, dictionaries, and learned treatises." *Phillips*, at 1317. But "while extrinsic evidence 'can shed useful light on the relevant art,'" it is "less significant than the intrinsic record in determining 'the legally operative meaning of claim language'." *Id*.

"When the parties present a fundamental dispute regarding the scope of a claim term, it is the court's duty to resolve it." *O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co., Ltd.*, 521 F.3d 1351, 1362 (Fed. Cir. 2008).

III. GARMIN'S PROPOSED CONSTRUCTIONS

A. US Patent No. 6,013,007

The '007 Patent, filed more than twenty-two (22) years ago, covers a portable system comprising a GPS receiver attached to a hat or headphones and a Walkman® like unit clipped to the waist of a runner or other athlete. The archaic unit has no wifi or internet capability:

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