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International, Inc. and Garmin Ltd.*

**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**

IPR2020-00910

Philips North America LLC EX2015

**TABLE OF CONTENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I. INTRODUCTION ..... 1

II. LEGAL AUTHORITY ..... 1

III. GARMIN’S PROPOSED CONSTRUCTIONS ..... 2

    A. US Patent No. 6,013,007 ..... 2

        1. Means For Computing Athletic Performance Data, Claims 1, 21, limitation 1(b)..... 3

        2. Means For Presenting Athletic Performance Feedback Data, Claims 1, 21, limitation 1(c). ..... 5

        3. Means For Suspending And Resuming Operation, Claim 7..... 6

        4. Comprising Means for Exchanging GPS Route Waypoints Via Said Internet Web Site, Claim 25. .... 6

    B. US Patent No. 7,088,233 ..... 7

        1. First Personal Device, Claims 1, 10, 14, 24, Limitation (a). .... 7

        2. A Security Mechanism Governing Information Transmission Between the First and Second Devices, Claim 1(c). .... 8

        3. Body or Physiological Parameters, Claims 8-9 ..... 9

        4. Location Determination Module, Claim 24 ..... 10

        5. Powered Down State, Claim 26 ..... 10

        6. Means for Signaling, Claim 26 ..... 11

    C. US Patent No. 9,314,192 ..... 11

        1. Any One of a Plurality of Positions, Claims 1, 20..... 11

        2. Analyzing the Measured Value For Features That Are Position Dependent, Claims 1, 20 ..... 12

        3. Derive a Subject-Related Value, Claims 1, 20 ..... 12

    D. U.S. Patent Nos. 8,277,377 and 6,976,958 ..... 13

        1. “web-enabled wireless phone” /“internet-enabled wireless web device”.. 14

        2. “method for interactive exercising monitoring” and “sending the exercise-related information to an internet server” (’377) ..... 16

        3. “calculation performed by the server based on the exercise-related information” (’377)..... 17

        4. “physiological status” (’377) ..... 19

        5. disease management limitations: “health monitoring device,” “disease state or condition,” and “health parameter” (’958) ..... 19

            a) Health monitoring device (’958 Patent Claims 15, 16) ..... 20

            b) Disease state or condition (’958 Claims 15, 16)..... 21

            c) Health parameter (’958 Claims 15, 16) ..... 22

    E. U.S. Patent No. 9,801,542 (Claims 13 and 15)..... 22

IPR2020-00910

Philips North America LLC EX2015

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*B. Braun Med., Inc. v. Abbott Labs.*, 124 F.3d 1419 (Fed. Cir. 1997) ..... 3

*Becton, Dickinson and Co. v. Tyco Healthcare Grp., LP*, 616 F.3d 1249 (Fed. Cir. 2010) ..... 5

*Biedermann Motech GmbH v. Acme Spine, LLC*, No. 06-3619, 2007 U.S. Dist. LEXIS 98330, 2007 WL 6210841 (C.D. Cal. Aug. 31, 2007) ..... 10

*Datamize LLC v. Plumtree Software, Inc.*, 417 F.3d 1342 (Fed. Cir. 2005)..... 23

*Elkay Mfg. Co. v. Ebco Mfg. Co.*, 192 F.3d 973 (Fed. Cir. 1999)..... 20

*EON Corp. IP Holdings LLC v. AT&T Mobility LLC*, 785 F.3d 616 (Fed. Cir. 2015) ..... 4, 6, 7

*Interval Licensing LLC v. AOL, Inc.*, 766 F.3d 766 F.3d 1364 (Fed. Cir. 2014)..... 23, 24

*Luminara Worldwide, LLC v. Liown Elecs. Co. Ltd.*, 814 F.3d 1343 (Fed. Cir. Feb. 29, 2016) ..... 8

*Lydall Thermal/Acoustical, Inc. v. Fed.-Mogul Corp.*, 344 F. App'x 607 (Fed. Cir. 2009) ..... 8, 11

*Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898 (2014)..... 9, 22

*O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co., Ltd.*, 521 F.3d 1351 (Fed. Cir. 2008) ..... 2

*Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) ..... 1, 2

*Poly-America, L.P. v. API Indus., Inc.*, 839 F.3d 1131 (Fed. Cir. Oct. 14, 2016)..... 8

*Prolifiq Software Inc. v. Veeva Sys. Inc.*, C 13-03644 SI, 2014 WL 3870016 (N.D. Cal. Aug. 6, 2014) ..... 24

*Regents of the Univ. of Minn. v. AGA Med. Corp.*, 717 F.3d 929 (Fed. Cir. 2013)..... 5, 7, 8

*Williamson v. Citrix Online, LLC*, 792 F.3d 1339 (Fed. Cir. 2015)..... 3

IPR2020-00910

Philips North America LLC EX2015

1 **I. INTRODUCTION**

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

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

23 **II. LEGAL AUTHORITY**

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

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

IPR2020-00910

Philips North America LLC EX2015

1 particular claim terms.” *Id.* at 1314. However, the claims “do not stand alone[.]” *Id.*  
2 at 1315. They are part of “‘a fully integrated written instrument,’ consisting  
3 principally of a specification that concludes with the claims[.]” and must therefore  
4 “be read in view of the specification[.]” *Id.* Moreover, patentees are precluded from  
5 recapturing through claim interpretation specific meanings disclaimed during  
6 prosecution. *Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1359 (Fed. Cir.  
7 2017). When the patentee unequivocally and unambiguously disavows a certain  
8 meaning to obtain a patent, the doctrine of prosecution history disclaimer narrows  
9 the meaning of the claim consistent with the scope of the claim surrendered. *Id.*

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

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

### 19 **III. GARMIN’S PROPOSED CONSTRUCTIONS**

#### 20 **A. US Patent No. 6,013,007**

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

IPR2020-00910

Philips North America LLC EX2015

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