

1 LAMKIN IP DEFENSE
2 RDL@LamkinIPDefense.com
3 Rachael D. Lamkin (246066)
4 One Harbor Drive, Suite 304
5 Sausalito, CA 94965
6 (916) 747-6091 Telephone

7 Michelle L. Marriott (*pro hac vice*)
8 michelle.marriott@eriseip.com
9 Erise IP, P.A.
10 7015 College Blvd.
11 Suite 700
12 Overland Park, KS 66211
13 (913) 777-5600 Telephone
14 (913) 777-5601 Facsimile

15 *Attorneys for Defendants Garmin
16 International, Inc. and Garmin Ltd.*

17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

19 PHILIPS NORTH AMERICA LLC,
20 Plaintiff,
21 v.
22 GARMIN INTERNATIONAL, INC.
23 AND GARMIN LTD.,
24 Defendants.

Case No. 2:19-cv-06301-AB-KS

**DEFENDANTS' OPENING
CLAIM CONSTRUCTION BRIEF**

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 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

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

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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13 expiration, further evidencing their outdated subjects.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

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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:

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