UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

LOGANTREE, LP,
Patent Owner.

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IPR2022-00037
Patent 6,059,576 C1

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Before PATRICK R. SCANLON, MITCHELL G. WEATHERLY, and
JAMES A. WORTH, *Administrative Patent Judges.*

SCANLON, *Administrative Patent Judge.*

JUDGMENT
Final Written Decision
Determining No Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I.   INTRODUCTION

Apple Inc. ("Petitioner") challenges claims 1–5, 8–11, 20, 25, 30–32, 36, 39–42, 45–51, 61–65, 144, and 147 of U.S. Patent No. 6,059,576 C1 (Ex. 1001, "the '576 patent"), which is assigned to LoganTree, LP ("Patent Owner"). We have jurisdiction under 35 U.S.C. § 6, and this Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has not shown by a preponderance of the evidence that claims 1–5, 8–11, 20, 25, 30–32, 36, 39–42, 45–51, 61–65, 144, and 147 of the '576 patent are unpatentable.

A.   Procedural History

Petitioner filed a Petition (Paper 3, "Pet.") requesting an *inter partes* review of the challenged claims. Patent Owner did not file a Preliminary Response.

We instituted a trial as to all challenged claims. Paper 10 ("Decision on Institution" or "Dec. Inst.").

After institution, Patent Owner filed a Patent Owner Response (Paper 17, "PO Resp."), Petitioner filed a Reply (Paper 21, "Reply"), and Patent Owner filed a Sur-reply (Paper 22, "Sur-reply").

Petitioner relies on the Declaration of Dr. Thomas W. Kenny (Ex. 1100) in support of its contentions. Patent Owner relies on the Declaration of Vijay K. Madisetti (Ex. 2001) in support of its contentions.

An oral hearing was held on June 2, 2023. A transcript of the hearing is included in the record. Paper 28 ("Tr.").

B.   Real Parties in Interest

Petitioner identifies itself as the real party in interest. Pet. 112. Patent Owner identifies itself as the real party in interest. Paper 8, 1.

C.   Related Matters

The parties identify the following proceedings as related matters involving the '576 patent: *LoganTree LP v. Apple, Inc.*, Case No. 6:21-cv-00397 (W.D. Tex.);[1] *LoganTree LP v. LG Electronics, Inc.*, Case No. 4:21-cv-00332 (E.D. Tex.); *LoganTree LP v. Huawei Technologies USA Inc.*, Case No. 4:21-cv-00119 (E.D. Tex.); and *LoganTree LP v. Fossil Group*, Case No. 1:21-cv-00385 (D. Del.). Pet. 112–113 (citing Exs. 1031–1037); Paper 8, 2.

In addition, Petitioner states that it has filed another petition for *inter partes* review of the '576 patent, IPR2022-00040.[2] Pet. 113. Petitioner states that two other *inter partes* review proceedings challenging the '576 patent (IPR2017-00256 and IPR2017-00258) terminated after the filing of a petition but before any decision on institution, and final written decisions were entered in two more *inter partes* review proceedings challenging the '576 patent (IPR2018-00564 and IPR2018-00565). *Id.* Patent Owner also identifies these proceedings. Paper 8, 3.

D.   The '576 Patent[3]

The '576 patent is titled "Training and Safety Device, System and Method to Aid in Proper Movement During Physical Activity" and relates to "the field of electronic training and safety devices used to monitor human

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[1] This proceeding was transferred from the Western District of Texas to the Northern District of California on May 16, 2022, and is now styled *LoganTree LP v. Apple, Inc.*, Case No. 5:22-cv-02892 (N.D. Cal.). Paper 6, 2.

[2] The Board instituted a trial in this proceeding on September 1, 2022. IPR2022-00040, Paper 10.

[3] An *ex parte* reexamination certificate issued on March 17, 2015, with all claims either amended from their original form or newly added during reexamination. Ex. 1001, code (45) C1, cols. 1–12 C1.

physical activity." Ex. 1001, code (54), 1:6–7. More specifically, the '576 patent discloses a method that detects, measures, records, and/or analyzes the time, date, and other data associated with movement of the device and produces meaningful feedback regarding the measured movement. *Id.* at 1:8–11.

The '576 patent discloses that certain prior art devices recorded the number of times that a predetermined angle was exceeded but were not convenient to operate and served to report rather than analyze the information. *Id.* at 1:45–54. The '576 patent discloses that it is also important to measure angular velocity to monitor and analyze improper movement. *Id.* at 1:55–67.

The '576 patent discloses an electronic device that tracks and monitors an individual's motion through the use of a movement sensor capable of measuring data associated with the wearer's movement. *Id.* at 2:10–13. The device of the '576 patent includes a user-programmable microprocessor, which receives, interprets, stores and responds to the movement data based on customizable operation parameters; a clock connected to the microprocessor; memory for storing the movement and analysis data; a power source; a port for downloading the data from the device to other computation or storage devices contained within the system; and various input and output components. *Id.* at 2:13–21.

Figure 4 of the '576 patent is a block diagram of the movement measuring device (*id.* at 3:11–12):
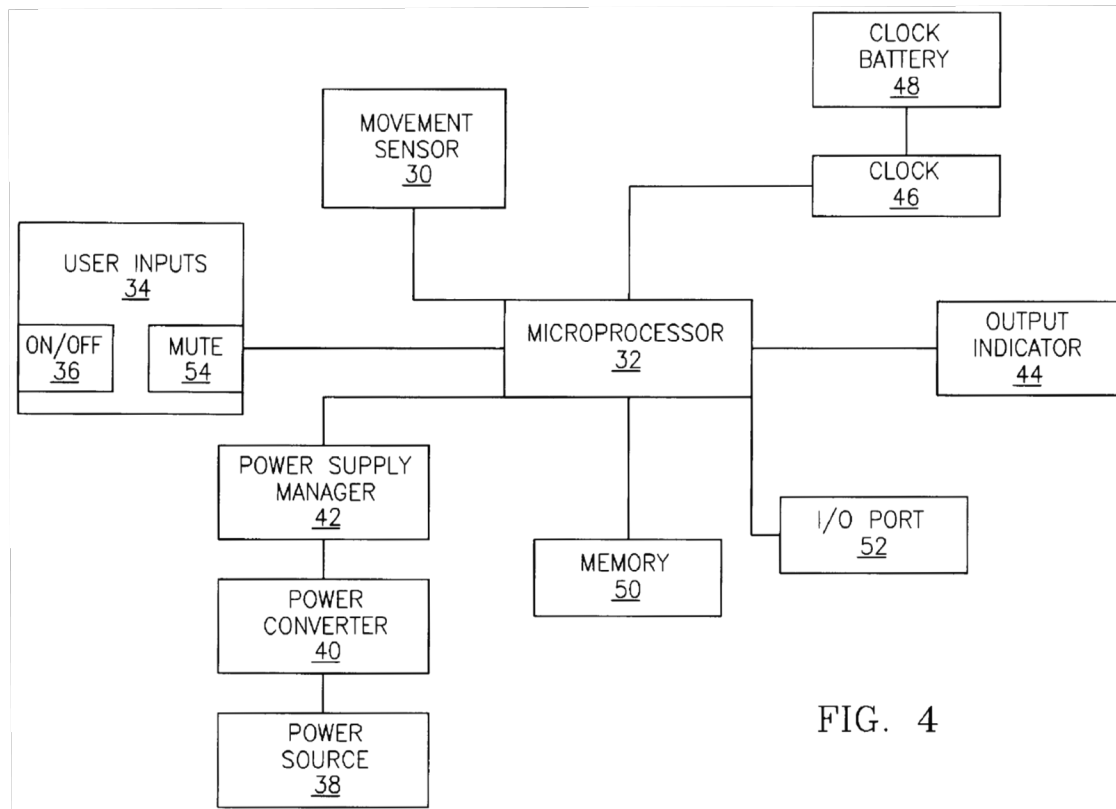
Figure 4 depicts a block diagram of the components of the device.

The self-contained device can be worn at various positions along the torso or appendages being monitored depending on the specific physical task being performed. *Id.* at 2:21–24. The device also monitors the speed of the movements made while the device is being worn. *Id.* at 2:24–25. When a pre-programmed event is recognized, the device records the time and date of the event while providing feedback to the wearer via visual, audible and/or tactile warnings. *Id.* at 2:25–29. Periodically, data from the device may be downloaded into an associated computer program, which analyzes the data. *Id.* at 2:29–31. The program can then format various reports to aid in recognizing and correcting trends in incorrect physical movement. *Id.* at 2:31–33.

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