

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LOGANTREE LP

Plaintiff,

v.

GARMIN INTERNATIONAL, INC.,
GARMIN USA, INC., and GARMIN, LTD.

Defendants.

CIVIL ACTION NO.

JURY DEMAND

PLAINTIFF'S ORIGINAL COMPLAINT

1. Plaintiff LoganTree LP (“LoganTree”) files this, its Original Complaint for patent infringement. Plaintiff asserts claims for patent infringement of U.S. Patent No. 6,059,576 (“the ‘576 Patent”), as reexamined, against Defendants Garmin International, Inc. (“Garmin Int’l”), Garmin USA, Inc. (“Garmin USA”), and Garmin, Ltd. (collectively, “Garmin”), under 35 U.S.C. § 271, *et seq.* In support thereof, LoganTree would respectfully show the Court the following:

PARTIES

2. Plaintiff LoganTree LP (“Plaintiff” or LoganTree”) is a partnership organized under the laws of the state of Nevada. LoganTree’s sole general partner is Gulfstream Ventures, LLC (“Gulfstream”), a limited liability company organized under the laws of the state of Nevada. Theodore and Anne Brann are the owners and sole managing members of Gulfstream, and their address is P.O. Box 2345, Boerne, Texas 78006.

3. Upon information and belief, Defendant Garmin Int’l is a corporation organized and existing under the laws of the State of Kansas, with its principal place of business at 1200

East 151st Street, Olathe, Kansas 66062. Garmin Int'l may be served through its registered agent, David Ayres, at 1200 East 151st Street, Olathe, Kansas 66062.

4. Upon information and belief, Defendant Garmin USA is a corporation organized and existing under the laws of the State of Kansas, with its principal place of business at 1200 East 151st Street, Olathe, Kansas 66062. Garmin Int'l may be served through its registered agent, David Ayres, at 1200 East 151st Street, Olathe, Kansas 66062.

5. Upon information and belief, Defendant Garmin Ltd. is a company organized and existing under the laws of Switzerland with its principal place of business at Muhlenstalstrasse 2, 8200 Schaffhausen, Switzerland, and can be served at that address.

6. Upon information and belief, Garmin Int'l and Garmin USA are wholly-owned subsidiaries of Garmin Ltd.

7. Upon information and belief, Garmin sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services into the stream of commerce that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

9. On information and belief, this Court has general and specific personal jurisdiction over each of the Defendants because each Defendant is present within and/or has sufficient minimum contacts with the State of Kansas and the District of Kansas pursuant to the Due Process Clause of the United States Constitution and the law of Kansas; each Defendant has

purposefully availed itself of the privileges of conducting business in the State of Kansas and in the District of Kansas; each Defendant has sought protection and benefit from the laws of the State of Kansas; each Defendant regularly conducts business within the State of Kansas and within the District of Kansas; each Defendant has purposefully and voluntarily placed infringing products in the stream of commerce with the expectation that its products will be purchased by end users in the State of Kansas and in the District of Kansas; each Defendant has committed the tort of patent infringement within the State of Kansas and within the District of Kansas; and Plaintiff's causes of action arise directly from the Defendants' business contacts and other activities in the State of Kansas and in the District of Kansas.

10. More specifically, Garmin directly and/or through intermediaries (including distributors, retailers, and others) ships, distributes, offers for sale, sells, and/or advertises its products in the United States, the State of Kansas, and the District of Kansas, including but not limited to the Accused Products identified below. Garmin solicits customers in the State of Kansas and in the District of Kansas. Garmin has customers who are residents of the State of Kansas and the District of Kansas and who use Garmin's products and services, including the Accused Products, in the State of Kansas and in the District of Kansas. Garmin derives substantial revenue from goods and service provided to individuals in Kansas and in the District of Kansas.

11. Venue is proper in the District of Kansas under 28 U.S.C. § 1400(b). Defendants Garmin Int'l and Garmin USA both reside in Kansas and the District of Kansas because both are incorporated in the State of Kansas. On information and belief, Defendant Garmin Ltd. has committed acts of patent infringement in the State of Kansas and in the District of Kansas and has a regular and established place of business in the State of Kansas and the District of Kansas.

See TC Heartland LLC v. Kraft Foods Grp. Brands LLC, 137 S. Ct. 11514 (2017). Moreover, on information and belief, Garmin has transacted business in this district, and has directly and/or indirectly committed and/or induced acts of patent infringement in this district.

THE PATENT-IN-SUIT

12. On May 9, 2000, the United States Patent and Trademark Office (“PTO”) duly and lawfully issued the ‘576 Patent, entitled “Training and Safety Device, System and Method to Aid in Proper Movement During Physical Activity,” after a full and fair examination. A true and correct copy of the ‘576 Patent is attached hereto as Exhibit A.

13. On March 17, 2015, following a reexamination requested by LoganTree, the PTO issued a reexamination certificate for the ‘576 Patent, bearing U.S. Patent No. 6,059,576 C1 (“the ‘576 Reexamination Certificate”). A true and correct copy of the ‘576 Reexamination Certificate is attached hereto as Exhibit B. The ‘576 Patent as reexamined is referred to as the “Reexamined ‘576 Patent.”

14. The named inventor of the ‘576 Patent is Theodore Brann.

15. Mr. Brann assigned all right, title, and interest in the ‘576 Patent to LoganTree. LoganTree possess all rights of recovery under the ‘576 Patent and the Reexamined ‘576 Patent, including the exclusive right to sue for infringement and recover past damages.

MR. BRANN’S INVENTION

16. The ‘576 Patent generally relates to a device that Mr. Brann invented to measure, analyze, and record data about the wearer’s body movements using an accelerometer, programmable microprocessor, internal clock, and memory. The ‘576 Patent summarizes the invention as follows:

An electronic device, system, and method to monitor and train an individual on proper motion during physical movement. The system employs an electronic

device which tracks and monitors an individual's motion through the use of an accelerometer capable of measuring parameters associated with the individual's movement. The device also employs a user-programmable microprocessor which receives, interprets, stores and responds to data relating to the movement parameters The downloadable, self-contained device can be worn at various positions along the torso or appendages being monitored depending on the specific physical task being performed. The device also detects the speed of movements made while the device is being worn

(Ex. A at 1).

17. As described in the '576 Patent, these basic components of Mr. Brann's patented invention can be physically configured in a number of different ways depending upon the application to which the invention is put, and the device itself is fully user-programmable, such that it can be programmed to detect the occurrence of various different events according to parameters defined by the user as part of the device's programming. (*Id.* at 13-17).

18. The '576 Patent describes in detail, and with reference to the included drawings, how Mr. Brann's invention might function in one possible "Preferred Embodiment."¹ (*Id.* at 13-17). In the Preferred Embodiment, the patented invention consists of a "self-contained movement measuring device" that can be attached to the wearer in a "variety of positions based on the specific movement being observed" and "the particular application in which the device is used." (*Id.* at 13). As illustrated in Figure 4, the Preferred Embodiment of the "self-contained movement measuring device" contains a number of internal components, including principally:

- (1) "a movement sensor which detects movement and measures associated data such as angle, speed, and distance,"
- (2) "a microprocessor" connected to the movement sensor "which receives the signals generated by the movement sensor for analysis and subsequent processing,"

¹ As the patent explicitly states, "the invention is capable of other and different embodiments, and its several details are capable of modifications in various obvious respects, all without departing from the invention." (*Id.* at 17). The patent's description of the "Preferred Embodiment" is thus "to be regarded as illustrative in nature, and not as restrictive." (*Id.*)

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