#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Theodore L. Brann

U.S. Patent No.: 6,059,576 Attorney Docket No.: 50095-0041IP1

Issue Date: May 9, 2000 Appl. Serial No.: 08/976,228

Filing Date: November 21, 1997

Title: TRAINING AND SAFETY DEVICE, SYSTEM AND

METHOD TO AID IN PROPOER MOVEMENT DURING

PHYSICAL ACTIVITY

## **Mail Stop Patent Board**

Patent Trial and Appeal Board U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

# PETITION FOR INTER PARTES REVIEW OF UNITED STATES PATENT NO. 6,059,576 PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42



## TABLE OF CONTENTS

I.	REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104		
	A. Grounds for Standing		
	B. Challenge and Relief Requested		
	C. Level of Ordinary Skill in the Art		
	D. Claim Construction		
II.	THE '576 PATENT		
	A. Brief Description		
	B. Construction of "movement sensor"	17	
III.	THE CHALLENGED CLAIMS ARE UNPATENTABLE		
	A. GROUND 1—Ono and Hutchings Render Claims 1, 3-5, 8, 10, 20, 2 39, 41, 42, and 61-65 Obvious		
	1. Ono	18	
	2. Hutchings	22	
	3. Ono-Hutchings Combination	24	
	4. Analysis	27	
	B. GROUND 2—Ono, Hutchings, and Amano Render Claims 1, 3-5, 8-11 20, 25, 30, 36, 39-42, and 61-65 Obvious		
	1. Amano	78	
	2. Ono-Hutchings-Amano Combination	79	
	3. Analysis	81	
	C. GROUND 3A—Ono, Hutchings, and Conlan Render Claims 1-5, 8, 20, 25, 30, 31, 39, 41, 42, 45-47, 49, and 61-65 Obvious		
	1. Conlan	84	
	2. Ono-Hutchings-Conlan Combination	86	
	3. Analysis	88	
	D. GROUND 3B—Ono, Hutchings, Conlan, and Hickman Render Clair 50, and 51 Obvious		
	1. Hickman	94	
	2. Ono-Hutchings-Conlan-Hickman Combination	95	
	3. Analysis	95	



	E.	GROUND 4—Ono, Hutchings, and Kaufman Render Claims 1, 3-5, 8, 10, 20, 25, 30, 39, 41, 42, 61-65, 144, and 147 Obvious
		1. Kaufman97
		2. Ono-Hutchings-Kaufman Combination98
		3. Analysis99
	F.	GROUND 5A—Ono, Hutchings, Amano, Conlan, and Kaufman Render Claims 1-5, 8-11, 20, 25, 30-32, 36, 39-42, 45-47, 49, 61-65, 144, and 147 Obvious
	G.	GROUND 5B—Ono, Hutchings, Amano, Conlan, Kaufman, and Hickman Render Claims 48, 50, and 51 Obvious
	Η.	GROUND 6A—Ono, Hutchings, Amano, and Conlan Render Claims 1-5, 8-11, 20, 25, 30, 31, 36, 39-42, 45-47, 49, and 61-65 Obvious
	I.	GROUND 6B—Ono, Hutchings, Amano, Conlan, and Hickman Render Claims 48, 50, and 51 Obvious
	J.	GROUND 7—Ono, Hutchings, Amano, and Kaufman Render Claims 1, 3-5, 8-11, 20, 25, 30, 36, 39-42, 61-65, 144, and 147 Obvious
	K.	GROUND 8A—Ono, Hutchings, Conlan, and Kaufman Render Claims 1-5, 8, 10, 20, 25, 30, 31, 39, 41, 42, 45-47, 49, 61-65, 144, and 147 Obvious
	L.	GROUND 8B—Ono, Hutchings, Conlan, Kaufman, and Hickman Render Claims 48, 50, and 51 Obvious
IV.	РΊ	TAB DISCRETION SHOULD NOT PRECLUDE INSTITUTION106
		Factor 1: Either Party May Request Stay107
	В.	Factor 2: The FWD will likely issue within one month of Trial (assuming that Trial is not delayed)
	C.	Factor 3: Petitioner's Diligence and Investment in IPR Outweighs the Parties' Minimal Investment in Litigation
	D.	Factor 4: The Petition's Grounds are Materially Different from any that Might be Raised in Litigation
	E.	Factor 5: Institution Would Promote Judicial Efficiency
	F.	Factor 6: The Merits of this Petition Strongly Favor Institution110
V.	C	ONCLUSION112
VI.	PA	AYMENT OF FEES112
VII.	M	ANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)112



# Attorney Docket No. 50095-0041IP1 IPR of U.S. Patent No. 6,059,576

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)	112
B. Related Matters Under 37 C.F.R. § 42.8(b)(2)	112
C. Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)	113
D. Service Information	113



## **EXHIBITS**

APPLE-1001	U.S. Patent No. 6,059,576 to Brann. ("the '576 Patent")
APPLE-1002	Prosecution History of the '576 Patent ("the Prosecution History")
APPLE-1003	[RESERVED]
APPLE-1004	Complaint, Logantree LP, v. Apple, Inc., 6:21-cv-00397, W.D. Tex., Apr. 23, 2021
APPLE-1005	Stipulation by Petitioner
APPLE-1006	Ex Parte Reexamination Certificate of U.S. Patent No. 6,059,576
APPLE-1007	Excerpts from <i>Ex Parte</i> Reexamination No. 90/013,201 Prosecution History
APPLE-1008	[RESERVED]
APPLE-1009	U.S. Patent No. 5,778,882 ("Raymond")
APPLE-1010	U.S. Patent No. 5,573,013 ("Conlan")
APPLE-1011	[RESERVED]
APPLE-1012	[RESERVED]
APPLE-1013	[RESERVED]
APPLE-1014	U.S. Patent No. 5,803,740 ("Gesink")
APPLE-1015-102	3 [RESERVED]
APPLE-1024	Scheduling Order, <i>Logantree LP</i> , v. Apple, Inc., 6:21-cv-00397, W.D. Tex., Aug. 13, 2021



# DOCKET

# Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

# **Real-Time Litigation Alerts**



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

# **Advanced Docket Research**



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

# **Analytics At Your Fingertips**



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

#### API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

#### **LAW FIRMS**

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

#### **FINANCIAL INSTITUTIONS**

Litigation and bankruptcy checks for companies and debtors.

### **E-DISCOVERY AND LEGAL VENDORS**

Sync your system to PACER to automate legal marketing.

