MORRISON FOERSTER

IPR2023-00180
U.S. Patent No. 10,232,220

lululemon athletica canada inc. et al.

v.

Nike, Inc.

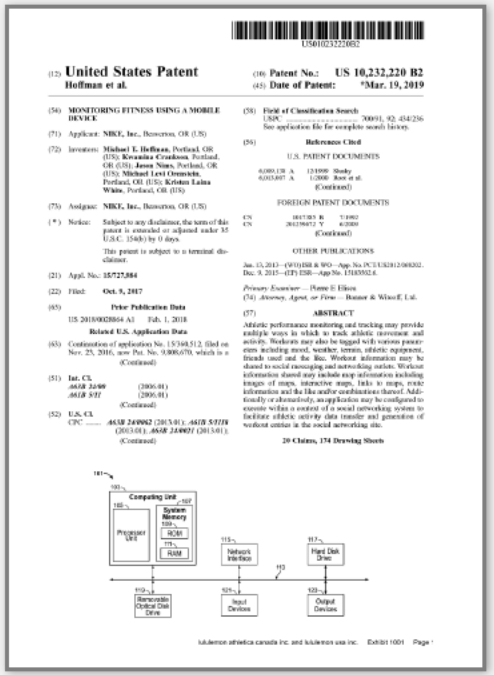
February 14, 2024

Roadmap

1. ’220 Patent
2. Claim Construction
3. Sutton
4. Plus 3
5. Johnson

’220 Patent

’220 Patent (Ex. 1001)



US010232220B2

(12) **United States Patent**
Hoffman et al.

(10) **Patent No.: US 10,232,220 B2**
(45) **Date of Patent: *Mar. 19, 2019**

(54) **MONITORING FITNESS USING A MOBILE DEVICE**

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(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **15/727,884**

(22) Filed: **Oct. 9, 2017**

(65) **Prior Publication Data**

US 2018/0028864 A1 Feb. 1, 2018

Related U.S. Application Data

(63) Continuation of application No. 15/360,512, filed on Nov. 23, 2016, now Pat. No. 9,808,670, which is a (Continued)

(51) **Int. Cl.**
A63B 24/00 (2006.01)
A63B 5/11 (2006.01)
(Continued)

(52) **U.S. Cl.**
CPC ***A63B 24/0062*** (2013.01); ***A63B 5/1118*** (2013.01); ***A63B 24/0021*** (2013.01);
(Continued)

(58) **Field of Classification Search**
USPC 700/91, 92, 434/236
See application file for complete search history.

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(Continued)

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Dec. 9, 2015—(CF) ESR—App No. 15183502.6.

Primary Examiner — Pierre E Elisca
(74) *Attorney, Agent, or Firm* — Banner & Witcoff, Ltd.

(57) **ABSTRACT**

Athletic performance monitoring and tracking may provide multiple ways in which to track athletic movement and activity. Workouts may also be tagged with various parameters including mood, weather, terrain, athletic equipment, friends used and the like. Workout information may be shared to social messaging and networking outlets. Workout information shared may include map information including images of maps, interactive maps, links to maps, route information and the like and/or combinations thereof. Additionally or alternatively, an application may be configured to execute within a context of a social networking system to facilitate athletic activity data transfer and generation of workout entries in the social networking site.

20 Claims, 174 Drawing Sheets

lululemon athletica canada inc. and lululemon usa inc. Exhibit 1001 Page

> Providing an activity monitoring system and environment having one or more of the features described herein provides a user with an immersive experience that will encourage and motivate the user to engage in athletic activities and improve his or her fitness. By encouraging the user to exceed

’220 Patent (Ex. 1001), 66:63-67

> Users may choose to share workout information or portions thereof with one or more other users, friends or through a social networking site. FIGS. **54A-54C** illustrate example

’220 Patent (Ex. 1001), 45:55-57

Petition (Paper 2), 2, 3-4

’220 Patent, Claim 11

11. An apparatus comprising:
a processor; and
a non-transitory, computer-readable medium storing computer-readable instructions that, when executed, cause the apparatus to:

[11C] record athletic activity performed by a user;
receive a sharing option selection configured to allow the recorded athletic activity to be shared; and

[11E] in response to receiving the sharing option selection, transmitting workout information associated with the recorded athletic activity to a network page of a social networking site viewable by one or more other users.

’220 Patent (Ex. 1001), 68:16-28

’220 Patent: Device 601 “record[s]”

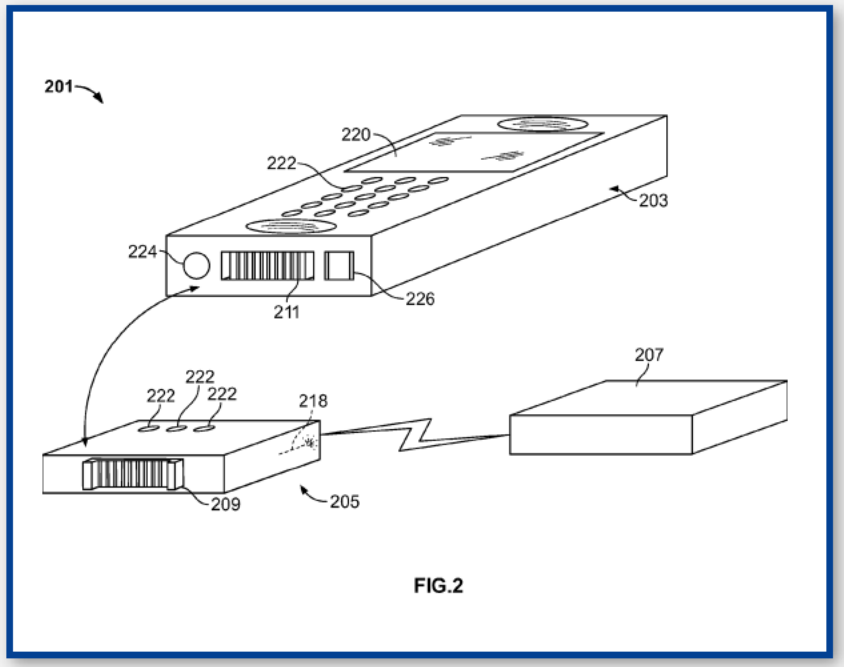


FIG.2

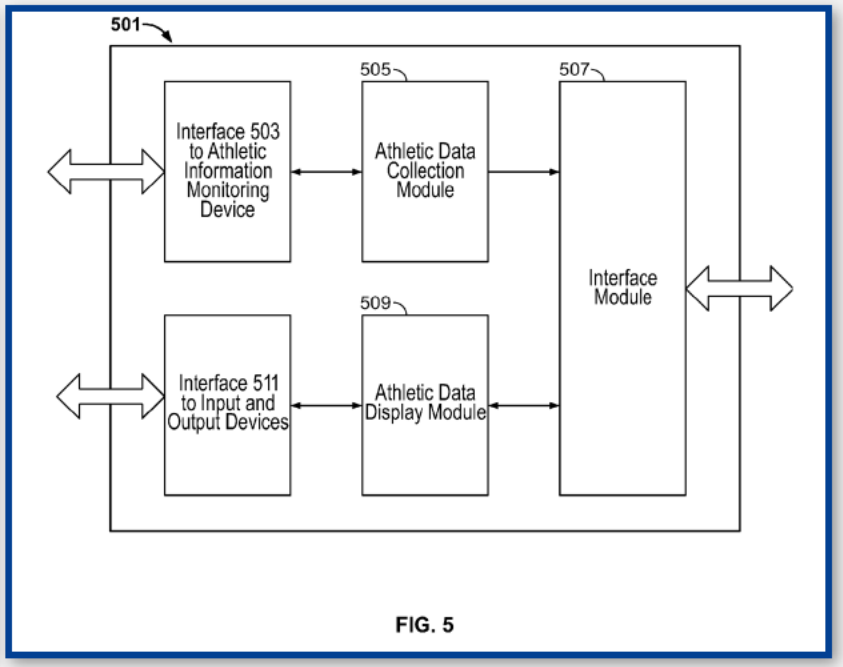


FIG. 5

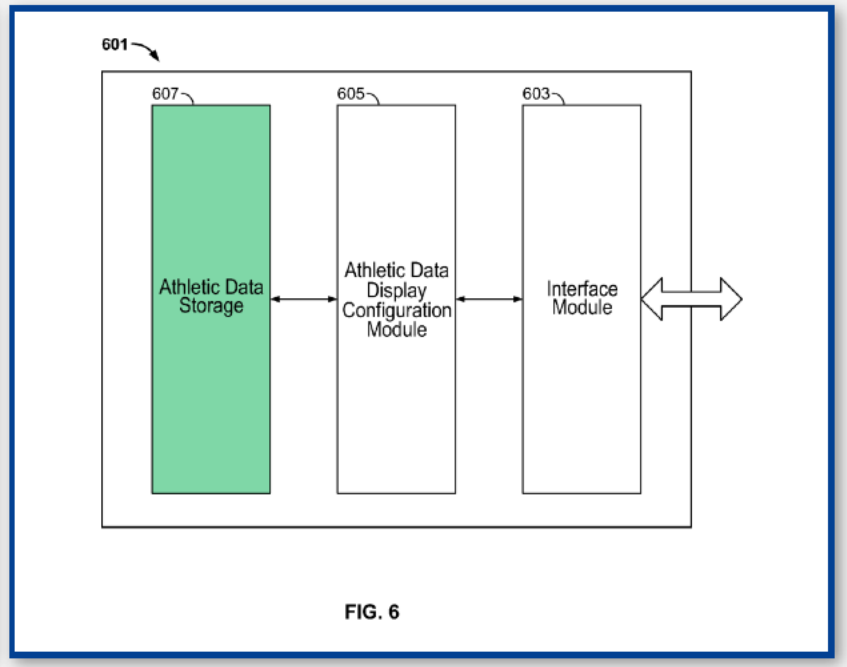


FIG. 6

’220 Patent (Ex. 1001), Figs. 2, 5, 6

the athletic data display configuration module **605**. The athletic data display configuration module **603** may then store the athletic data in the athletic data storage **607** for future use. As will be discussed in more detail below, the

’220 Patent (Ex. 1001), 17:50-53

’220 Patent: “sharing option selection[s]”

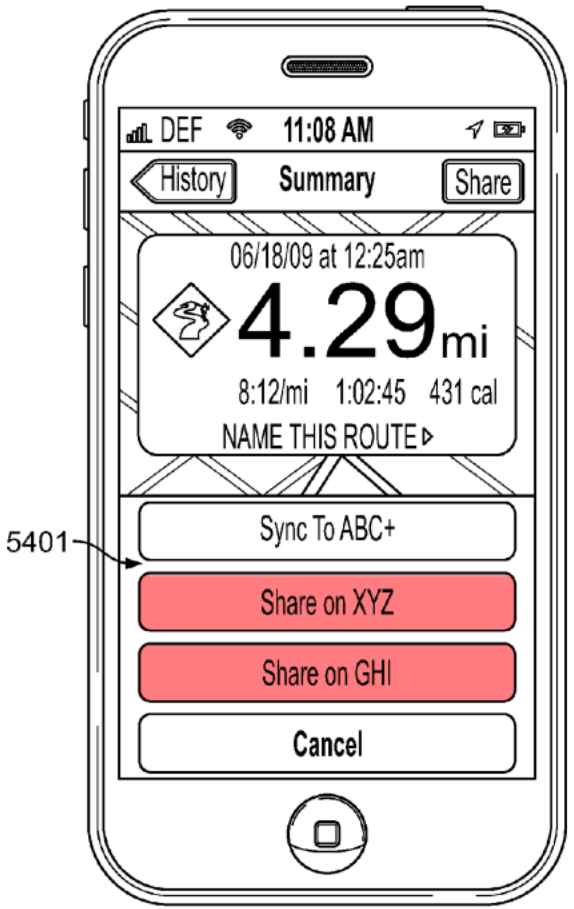


FIG. 54A

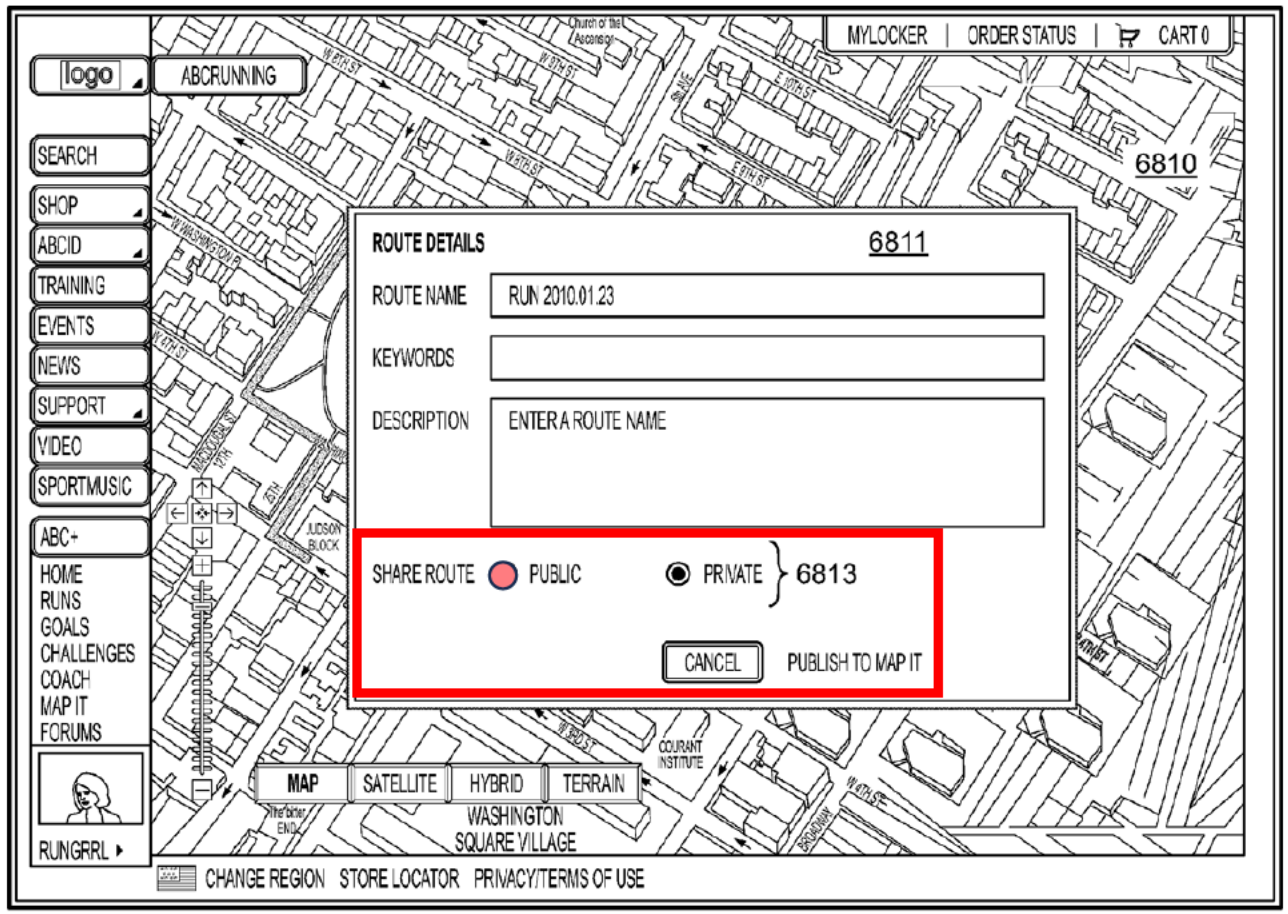


FIG. 68B

’220 Patent (Ex. 1001), Figs. 54A, 68B

Claim Construction: “record”

’220 Patent, Claim 11

11. An apparatus comprising:
a processor; and
a non-transitory, computer-readable medium storing computer-readable instructions that, when executed, cause the apparatus to:
[11C] record athletic activity performed by a user;
receive a sharing option selection configured to allow the recorded athletic activity to be shared; and
in response to receiving the sharing option selection, transmitting workout information associated with the recorded athletic activity to a network page of a social networking site viewable by one or more other users.

’220 Patent (Ex. 1001), 68:16-28

Proposed Constructions of "record"

Petitioner's Construction	Patent Owner's Construction
"save"	"measure or capture, and then save"

Reply (Paper 22), 2

Patent Owner Response (POR) (Paper 17), 2

Decision on Institution

> For the same reasons discussed in Part II.C.3.a) above, we interpret "record" more broadly to include the concept of writing athletic information to memory. Accordingly, at this stage of the proceeding, we determine that

Decision on Institution (DI) (Paper 11), 17

"record" vs. "measure"

'220 Patent

provider). Further, data recorded by the mobile device (e.g., GPS data or accelerometer data) may be synchronized with the remote network site to alleviate storage requirements of the mobile device. Additionally, synchronization with the

'220 patent (Ex. 1001), 2:30-34

'220 Patent

of currency. Typically, an athletic information monitoring device will incorporate a sensor or multiple sensors for measuring parameters relating to the person being monitored, and a computing device for processing the parameters measured by the sensor(s).

'220 patent (Ex. 1001), 8:50-54

"measur[ing]" While not "record[ing]"

'220 Patent

and the like. If, on the other hand, the individual is running outdoors such that the individual moves from one location to another, the GPS device **713** or recording of data therefrom (e.g., GPS device is always active, but recording is turned on and off) may be activated and used instead. In one or more

'220 Patent (Ex. 1001), 20:2-6

Dr. Houh

18. In the '220 patent, when the GPS signal is lost (*e.g.*, the GPS device is not receiving signals from at least three satellites), there is no recording of GPS data. However, the GPS device will continue measuring/capturing. It is not until the satellite signals from at least three satellites have been acquired that the system is able to record GPS data.

Houh Reply Decl. (Ex. 1017), ¶18

"record" Does not Include Measure

[11C] record athletic activity performed by a user;

'220 Patent

a location of the user is indoors. The user location may automatically be determined using GPS (e.g., location, signal strength) or based on manual input.

'220 Patent (Ex. 1001), 20:52-54

"record[ing]" After and Separate from Measuring

'220 Patent

indoor workouts. Using a device may include recording data from that device and instructing the device to communicate data at specified times (or continuously). Repeating a last

'220 Patent (Ex. 1001), 22:11-13

Claim 1 Does not Require Measuring

’220 Patent

1. A method comprising:
receiving, from an athletic activity monitoring system, athletic activity data recorded during an athletic activity performed by a first user, the athletic activity data including route information;
generating, on a network page of a social networking site, an athletic activity entry associated with the athletic activity, wherein the athletic activity entry and the network page are viewable by a second user; and
generating, within the athletic activity entry and based on the route information, a map indicating a route of the first user, wherein a performance of the first user during the athletic activity is identified in the map, and wherein the route information is downloadable to the second user and is configured to specify a workout route for the second user.

’220 Patent (Ex. 1001), 67:11-26

Patent Owner

recording." Reply, 5. But it does. Claim 1 recites an "athletic information monitoring device" that includes a "sensor or multiple sensors for ***measuring*** parameters relating to the person being monitored." These devices of claim 1 perform the recording. POR, 11–12 (citing EX1001, 8:50–53); EX2001, ¶50.

Sur-reply (Paper 26), 2

Reply (Paper 22), 5

The ’220’s Purpose is to Motivate—not Measure

Patent Owner

2023). Here, the express purpose of the ’220 patent is to measure athletic activity and thereby motivate the user. EX1001, 1:29–35. An interpretation of “record” to

Sur-reply (Paper 26), 5

Decision on Institution

The ’220 patent, which is entitled, “Monitoring Fitness Using a Mobile Device,” purports to address the problem of people having “difficulty finding the motivation required to maintain a regular exercise program.” Ex. 1001, 1:25–26. To address the problem, the Specification describes a system allowing users to record, track, and share their athletic activities. *Id.* at 1:55–2:49. For example, the disclosed system may include

DI (Paper 11), 3-4

Claim Construction: "in response to receiving the sharing option selection"

'220 Patent, Claim 11

11. An apparatus comprising:
a processor; and
a non-transitory, computer-readable medium storing computer-readable instructions that, when executed, cause the apparatus to:
record athletic activity performed by a user;
receive a sharing option selection configured to allow the recorded athletic activity to be shared; and
[11E] in response to receiving the sharing option selection, transmitting workout information associated with the recorded athletic activity to a network page of a social networking site viewable by one or more other users.

'220 Patent (Ex. 1001), 68:16-28

Proposed Constructions of "in response to receiving the sharing option selection"

Petitioner's Construction	Patent Owner's Construction
"in response to receiving a selection whether to share"	"in response to receiving an individual user command or confirmation to share the recorded athletic activity"

Reply (Paper 22), 9

POR (Paper 17), 19

'220 Patent

new run information through the information outlet. In some arrangements, the information might only be shared in response to receiving a user command or confirmation.

'220 Patent (Ex. 1001), 46:28-30

’220 Patent: “sharing option selection[s]”

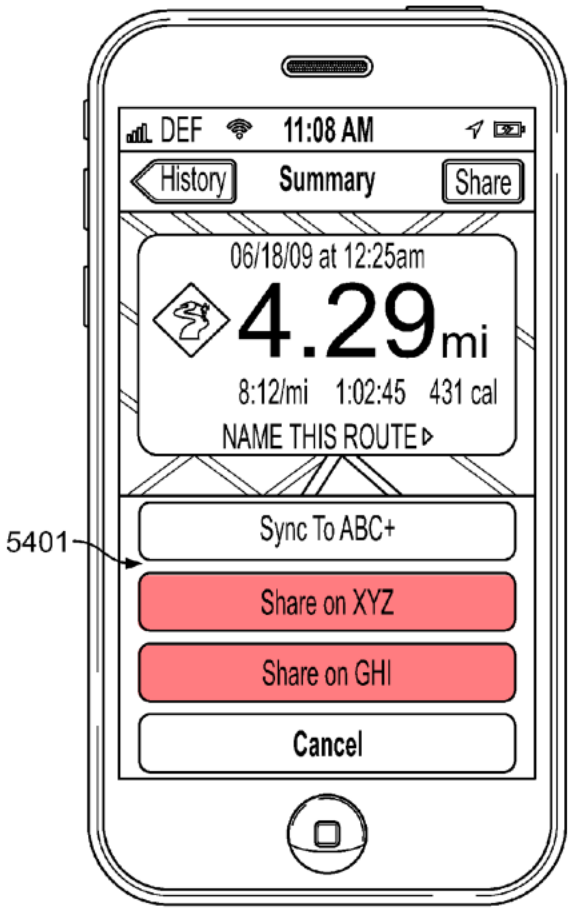


FIG. 54A

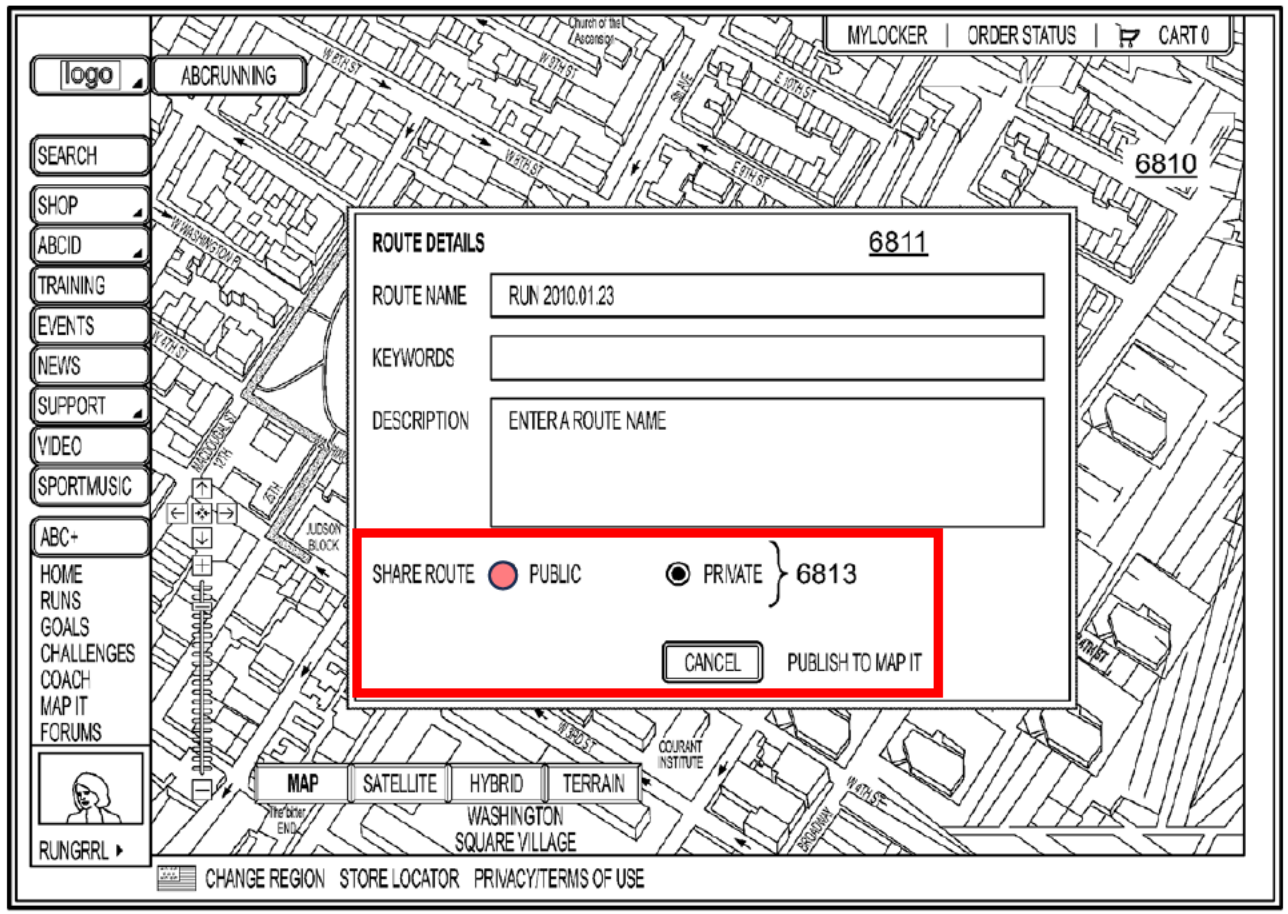


FIG. 68B

’220 Patent (Ex. 1001), Figs. 54A, 68B

“sharing option selection” Includes Automatic Sharing

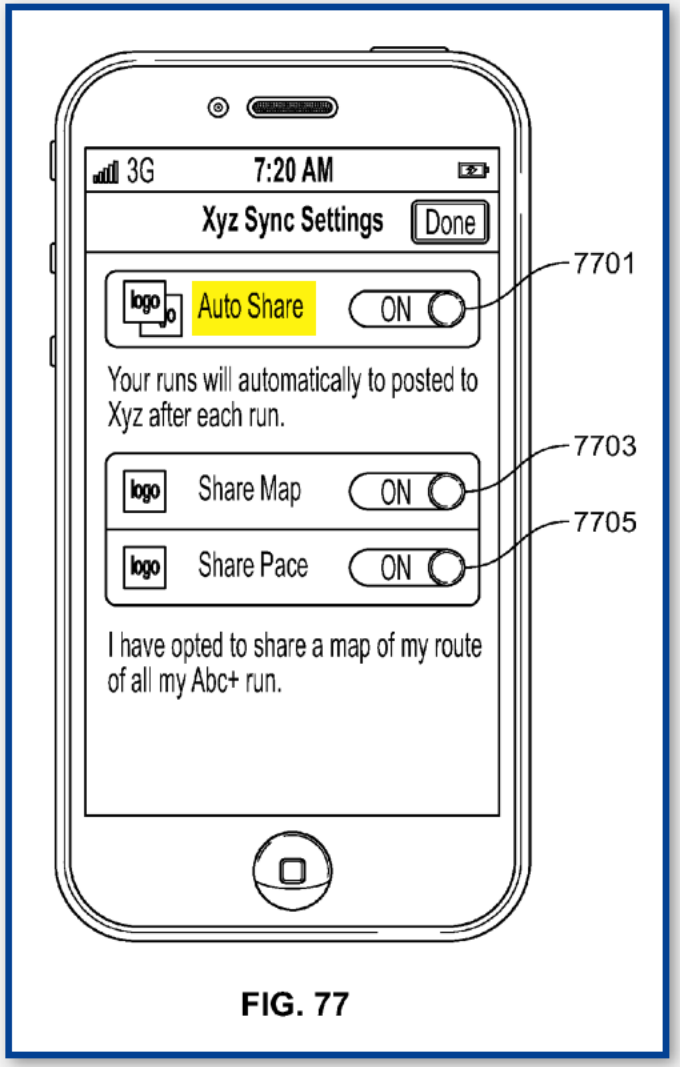


FIG. 77

’220 patent (Ex. 1001), Fig. 77

’220 Patent

FIG. **77** illustrates an example synchronization setting interface through which a user may configure the application to automatically share certain types of information. Option

’220 Patent (Ex. 1001), 47:63-65

Patent Owner's Excluded Embodiments

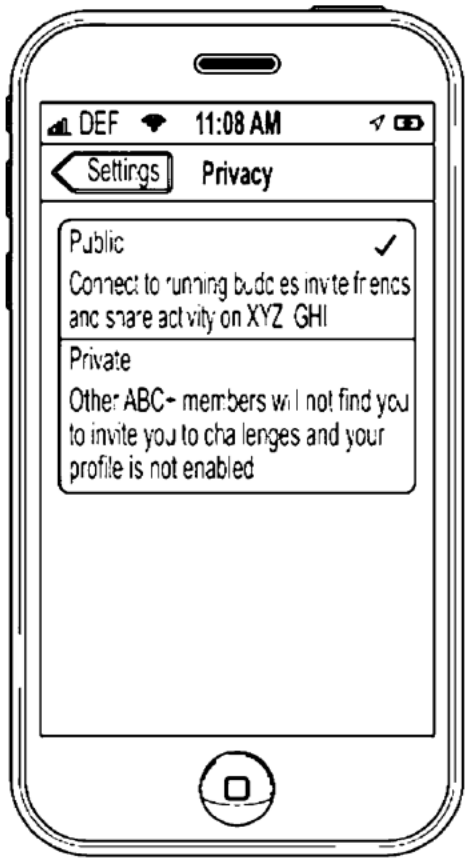


FIG. 53F



FIG. 53S



FIG. 53V

'220 Patent (Ex. 1001), Figs. 53F, 53S, 53V

Patent Owner's Excluded Embodiments

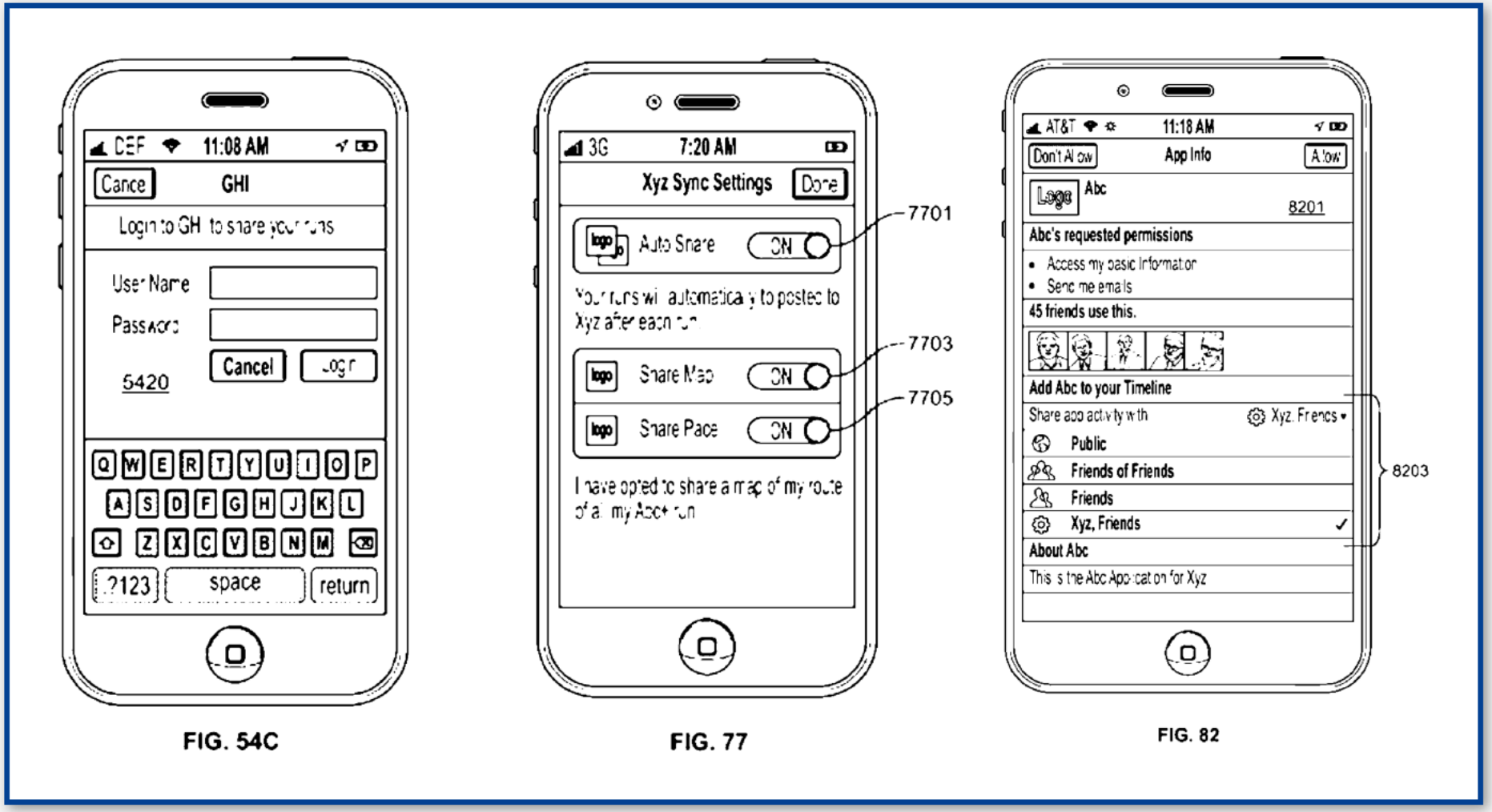


FIG. 54C

FIG. 77

FIG. 82

'220 Patent (Ex. 1001), Figs. 54C, 77, 82

The Claim Language Covers PO's Excluded Embodiments

However, in a case such as this, where the patent describes multiple embodiments, every claim does not need to cover every embodiment. *See Aug. Tech. Corp. v. Camtek, Ltd.*, 655 F.3d 1278, 1285 (Fed. Cir. 2011). This is particularly true where the plain language of a limitation of the claim does not appear to cover that embodiment.

Pacing Techs., LLC v. Garmin Int'l, Inc., 778 F.3d 1021, 1026 (Fed. Cir. 2015)

Claim 11

receive a sharing option selection configured to allow the recorded athletic activity to be shared; and

in response to receiving the sharing option selection, transmitting workout information associated with the recorded athletic activity to a network page of a social networking site viewable by one or more other users.

'220 Patent (Ex. 1001), 68:22-28

Instituted Grounds

Instituted Grounds

Ground	35 U.S.C. §	Claims	Prior Art References
1	102	11-13, 19	Johnson
2	102	11-12, 19-20	Sutton
3	103(a)	11-12, 19-20	Sutton
4	103(a)	11-14, 19-20	Sutton, Plus 3 Website Pages
5	103(a)	12	Sutton, Fry

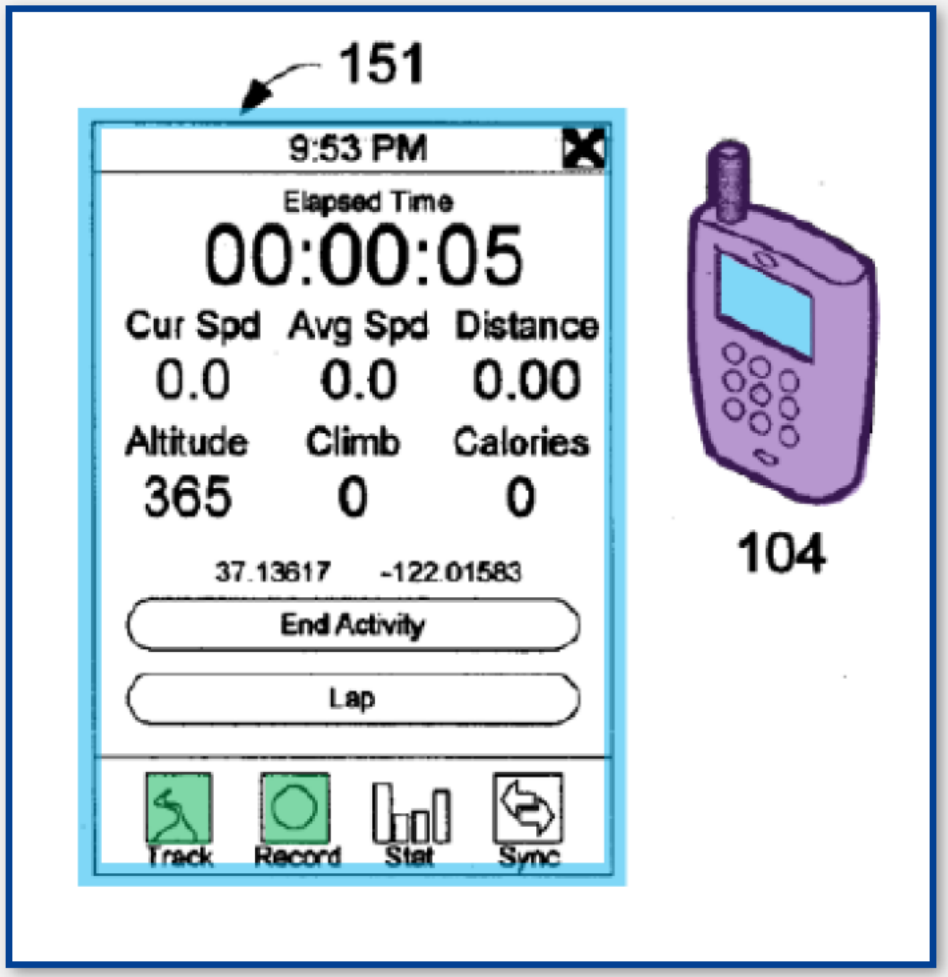
Petition (Paper 2), 34

Sutton

Sutton

[0002] The field of the invention relates generally to a computer system and method for capturing users' activity and biometric data and specifically to a commerce system wherein convertible values rewarded for users' activity and healthy behavior are traded among various participants in the system.

Sutton (Ex. 1005), [0002]



Sutton (Ex. 1005), Fig. 1B

Sutton

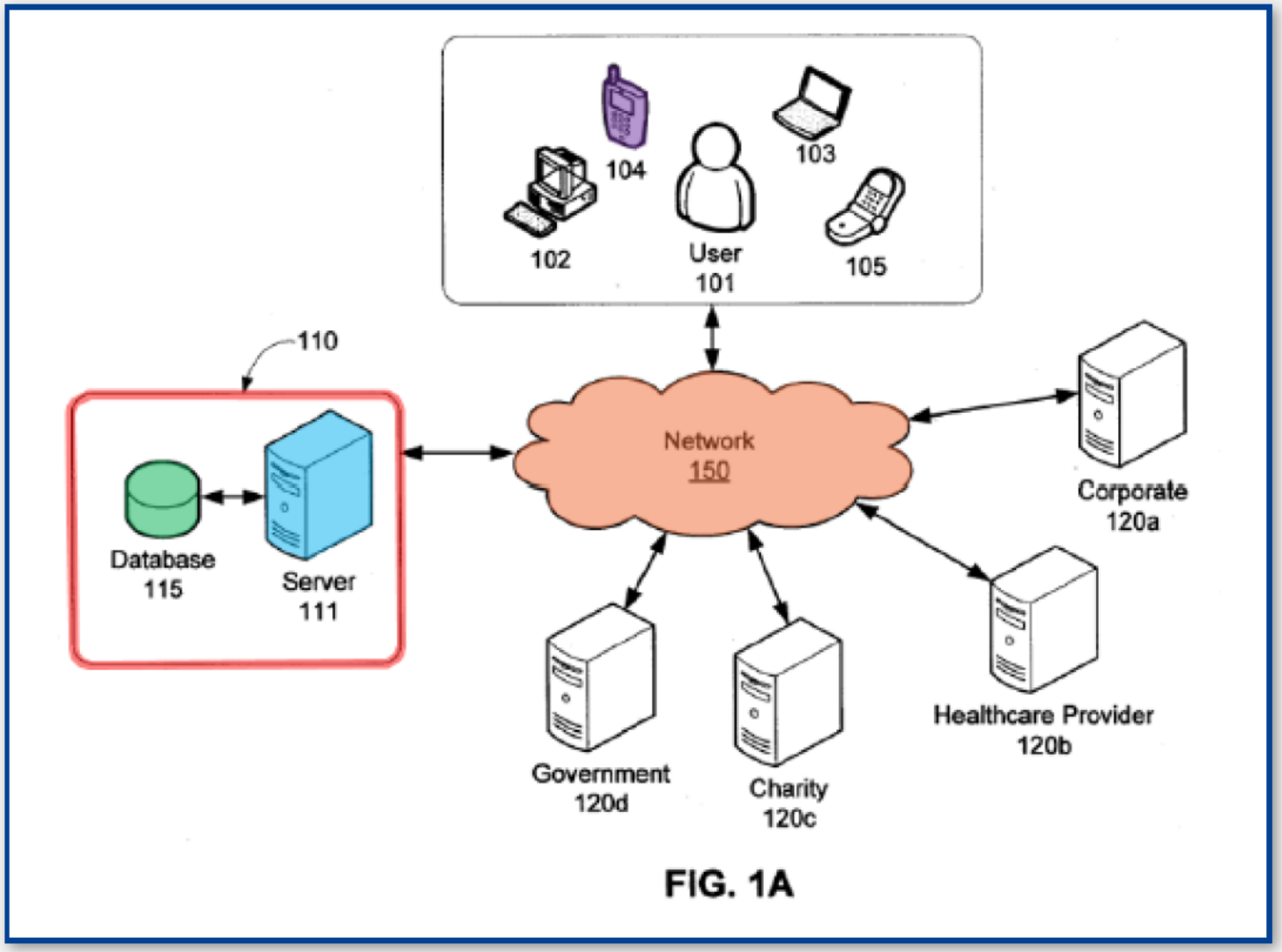


FIG. 1A

Sutton (Ex. 1005), Fig. 1A

Ground 2: Sutton's Manual Pathway

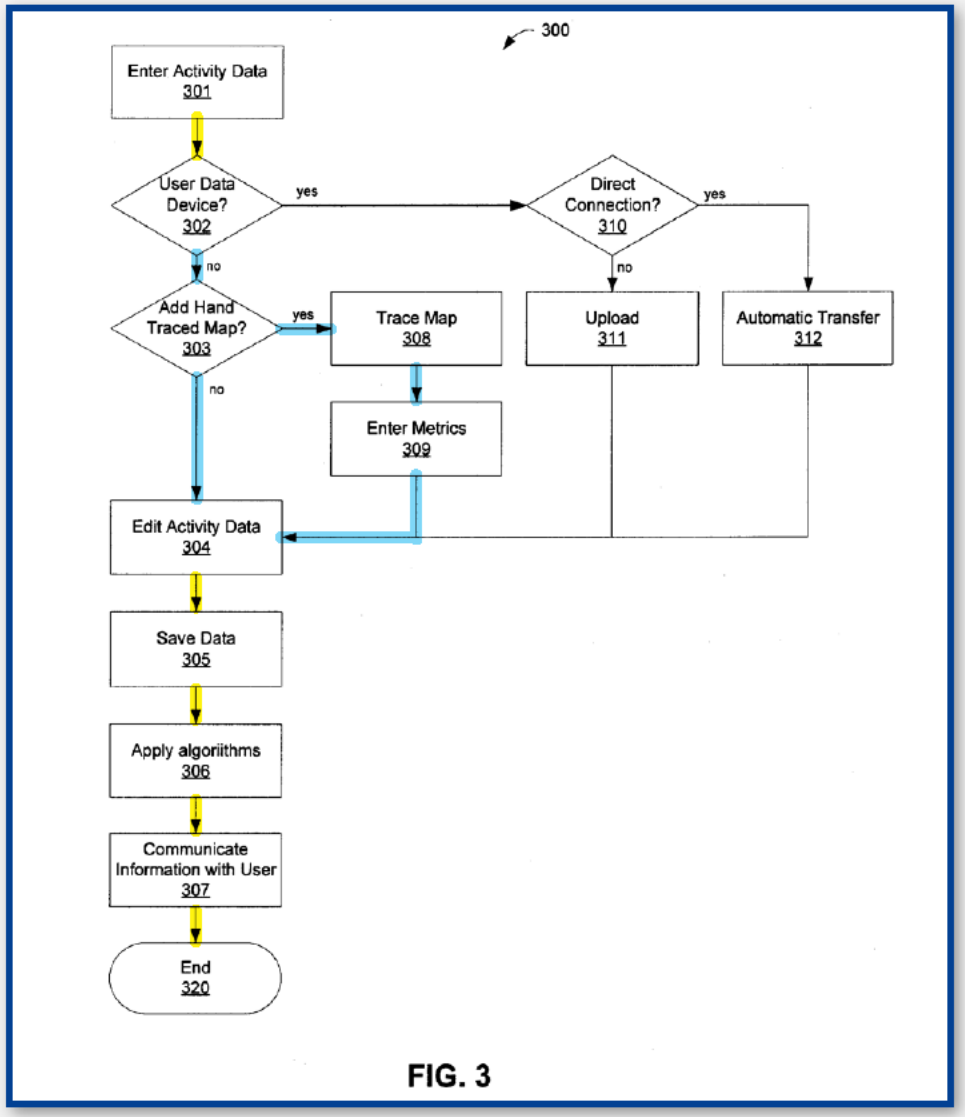


FIG. 3

Sutton (Ex. 1005), Fig. 3

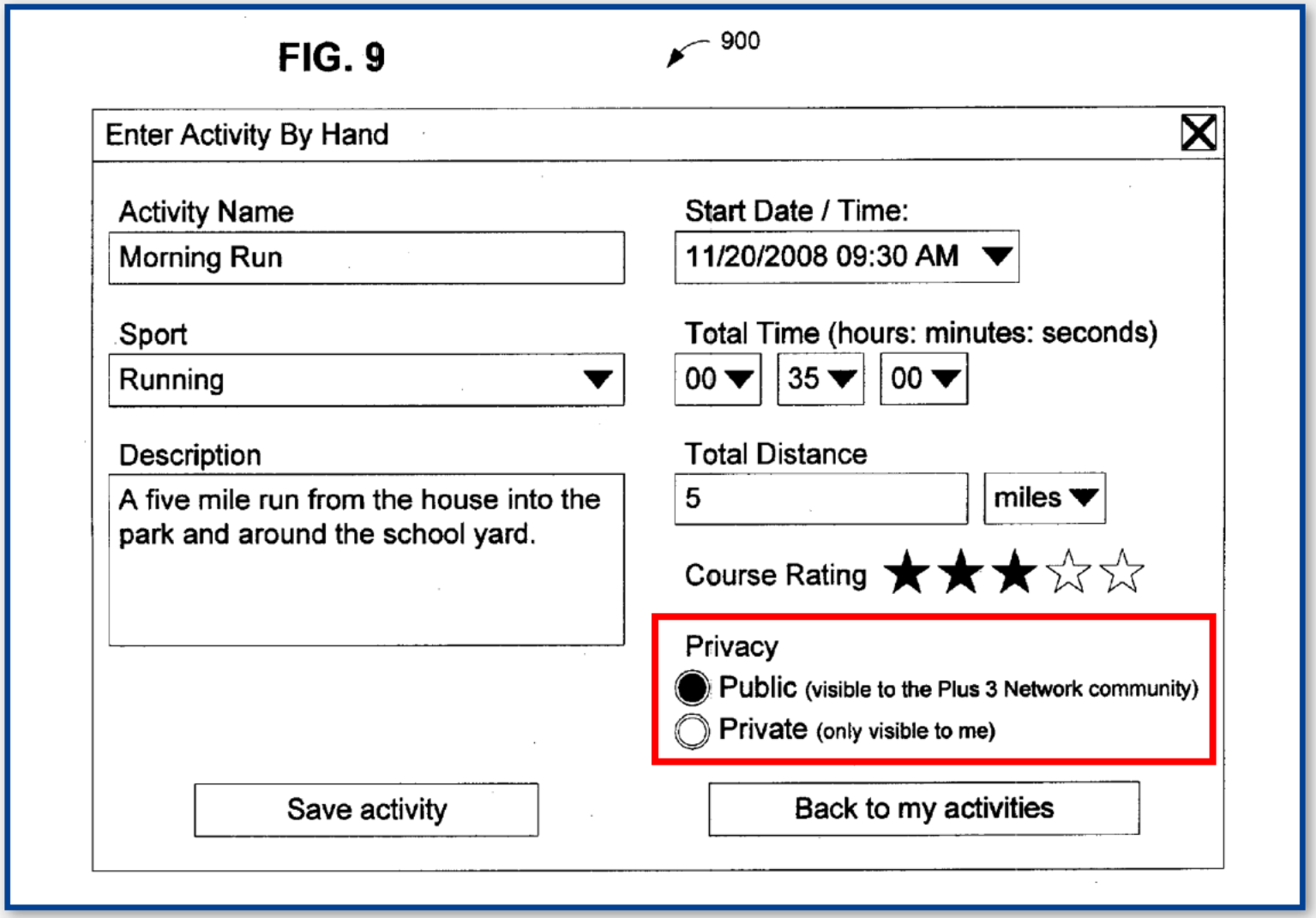
"Manual transfer pathway"

- User enters activity data using Figure 9's data entry form

> not it is received from a user **101**'s device (**302**). If the user-provided data is manually entered by user **101**, the data is checked to determine whether it includes a traced map (**303**). If the user-provided data that has a traced map, user **101** enters metrics on a traced map (**308**, **309**) to complete the map data along with the associated metrics. If the user-provided data is generated from a user **101**'s device, the user **101**'s device is checked to determine if it has a direct connection to server **111** (**310**). If the user **101**'s device has a direct connection to

Sutton (Ex. 1005), [0060]

Manual Pathway Data Entry Form



Sutton (Ex. 1005), Fig. 9

Ground 3: Sutton's Device Pathways

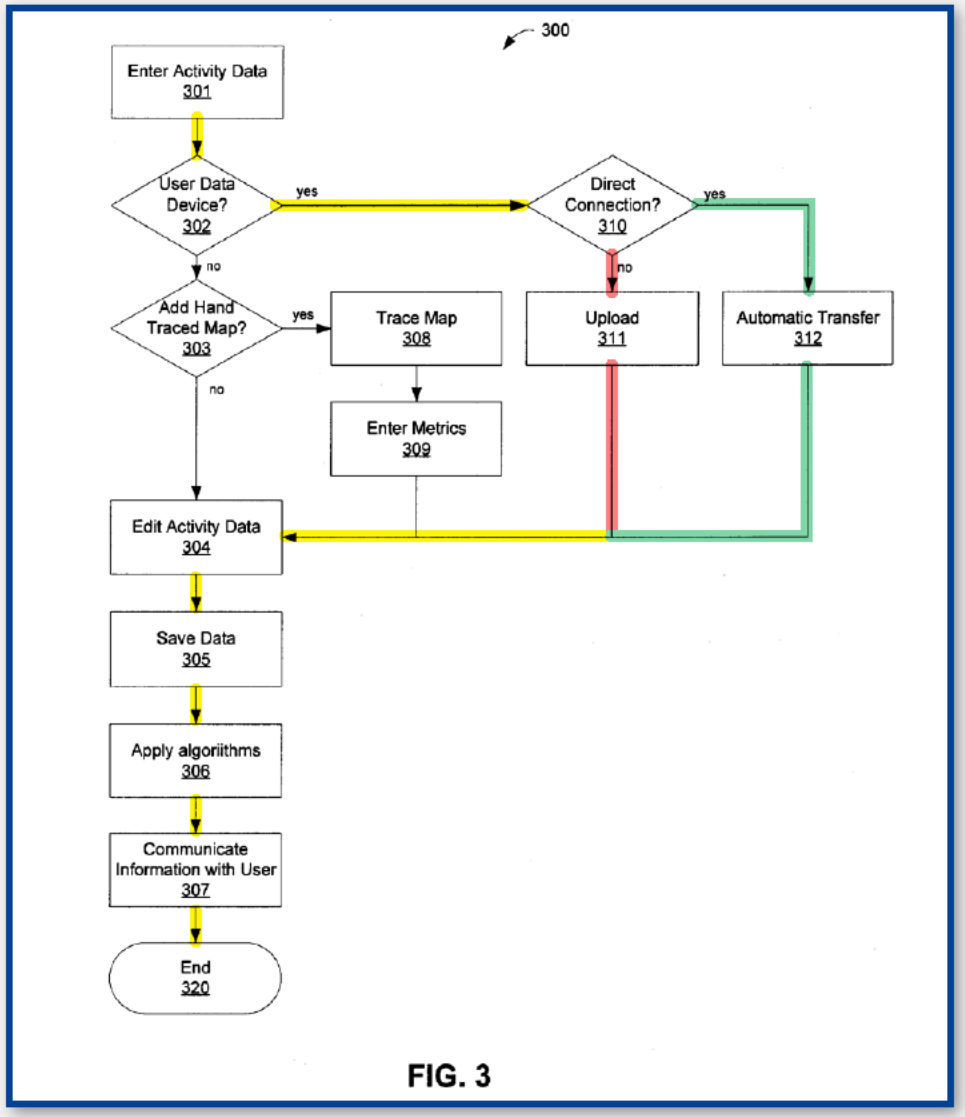


FIG. 3

"Manual **device** transfer pathway" and
"Automatic **device** transfer pathway"

- Device 104 tracks activity data

not it is received from a user **101**'s device (**302**). If the user-provided data is manually entered by user **101**, the data is checked to determine whether it includes a traced map (**303**). If the user-provided data that has a traced map, user **101** enters metrics on a traced map (**308**, **309**) to complete the map data along with the associated metrics. If the user-provided data is generated from a user **101**'s device, the user **101**'s device is checked to determine if it has a direct connection to server **111** (**310**). If the user **101**'s device has a direct connection to

Sutton (Ex. 1005), [0060]

Sutton (Ex. 1005), Fig. 3

’220 Patent, Claim 11

11. An apparatus comprising:
a processor; and
a non-transitory, computer-readable medium storing computer-readable instructions that, when executed, cause the apparatus to:
[11C] record athletic activity performed by a user;
receive a sharing option selection configured to allow the recorded athletic activity to be shared; and
in response to receiving the sharing option selection, transmitting workout information associated with the recorded athletic activity to a network page of a social networking site viewable by one or more other users.

’220 Patent (Ex. 1001), 68:16-28

Sutton Teaches Element [11C] Under Both Parties' Constructions

Decision on Institution

system 110 (*id.* ¶ 28, Fig. 1A). If the activity data originated from a data device, Sutton uses either the "manual device transfer" pathway via step 311 or the "automatic device transfer" pathway via step 312 to upload that data. *Id.* ¶ 60.

DI (Paper 11), 9

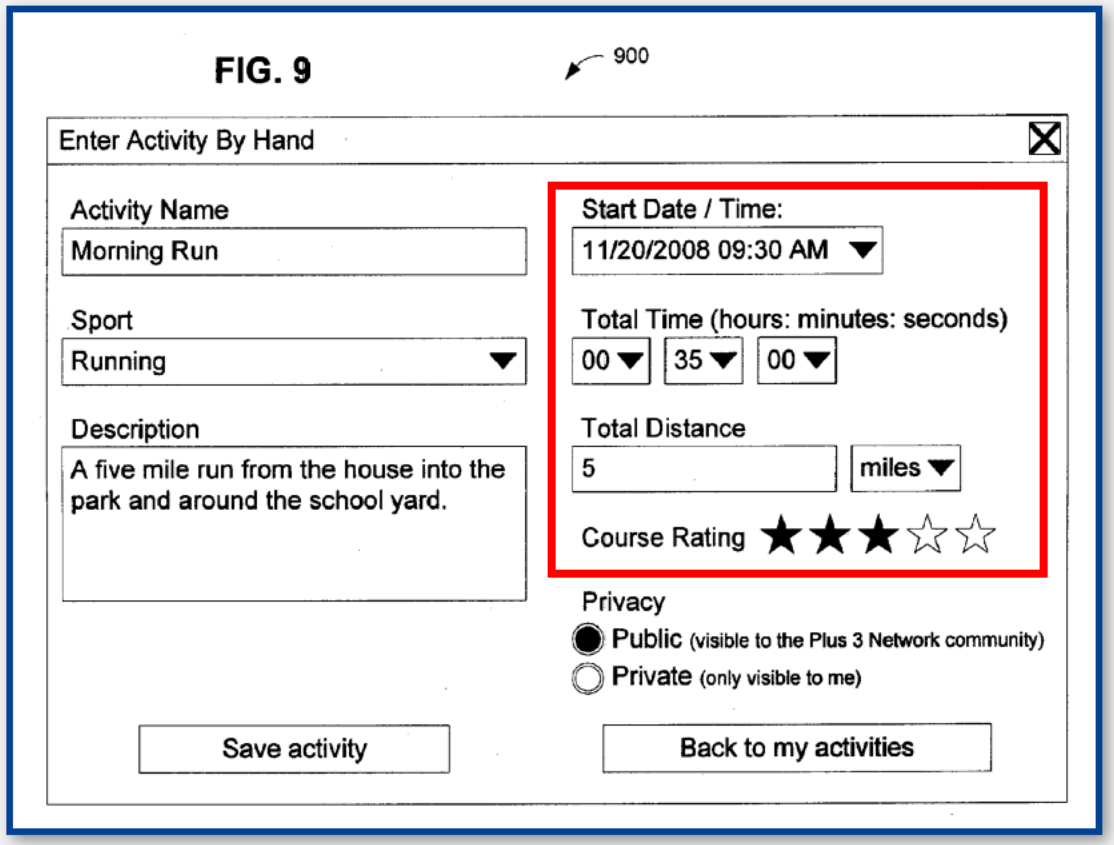
Sutton



Sutton (Ex. 1005), Fig. 1B

Obviousness Ground 3: Modify Figure 9

Sutton



Sutton (Ex. 1005), Fig. 9

Petition

starting real-time transfer and sharing. (Ex. 1003, ¶ 94.) A POSITA therefore would have required a user to fill out Figure 9's form before starting their workout, except that the POSITA would omit the "Start Data / Time," "Total Time," "Total Distance," and "Course Rating" fields from the form because the user would not yet have performed the activity. (*Id.*)

Petition (Paper 2), 63

Petition (Paper 2), 64

Claim 12

Sutton's Pre-Event Group Invitation

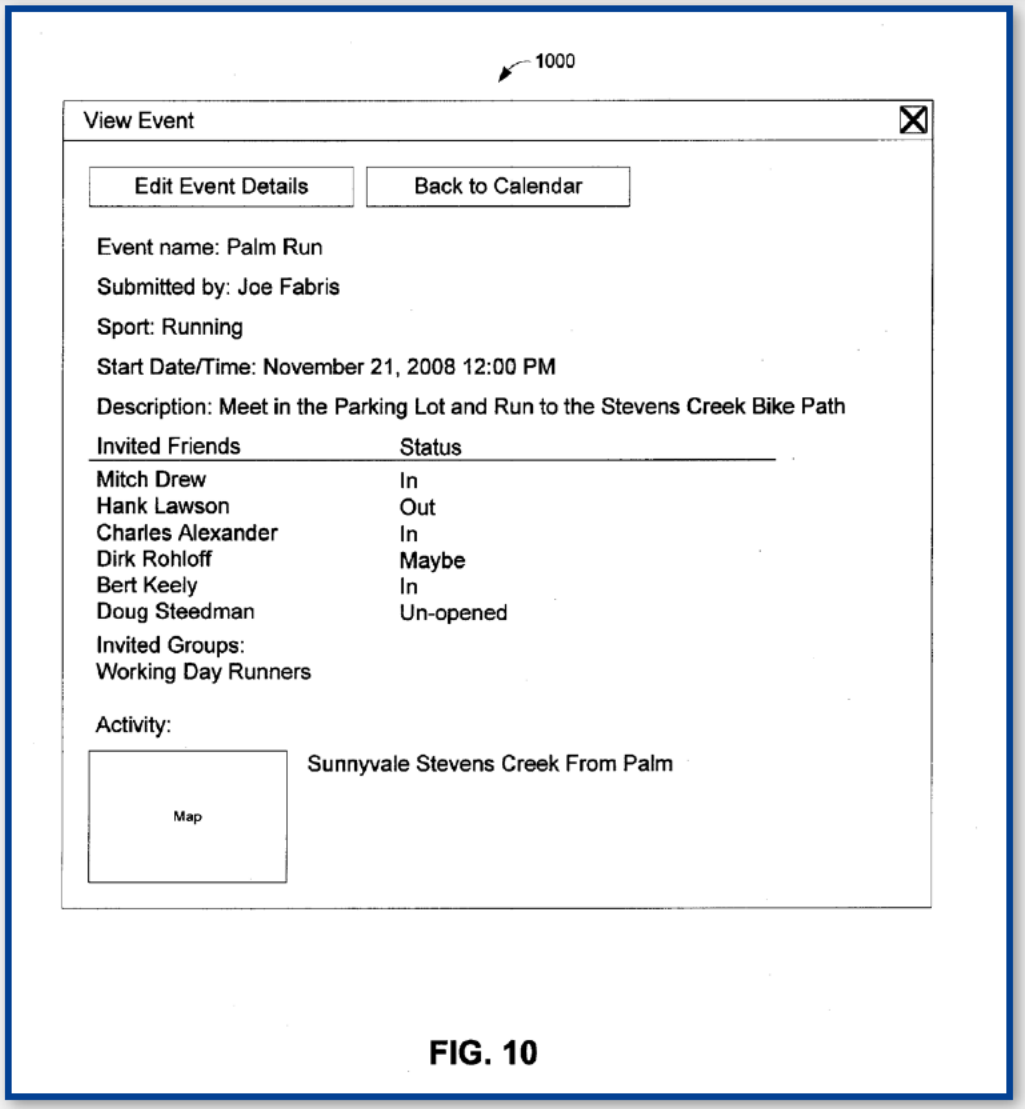


FIG. 10

Sutton (Ex. 1005), Fig. 10

[0084] FIG. **10** illustrates an exemplary data entry form for generating group commitments and tracking, according to one embodiment. User **101** may create an event for other users to join. Each user may view the event in his/her calendar. A group event may be created by inviting a group of users, and each user can accept, decline or defer the decision to join the organized event. The group event may show a trace map **1005** to give an overview of the course that the group will be hiking, riding, running, etc.

Sutton (Ex. 1005), [0084]

Sutton's Post-Event Summary

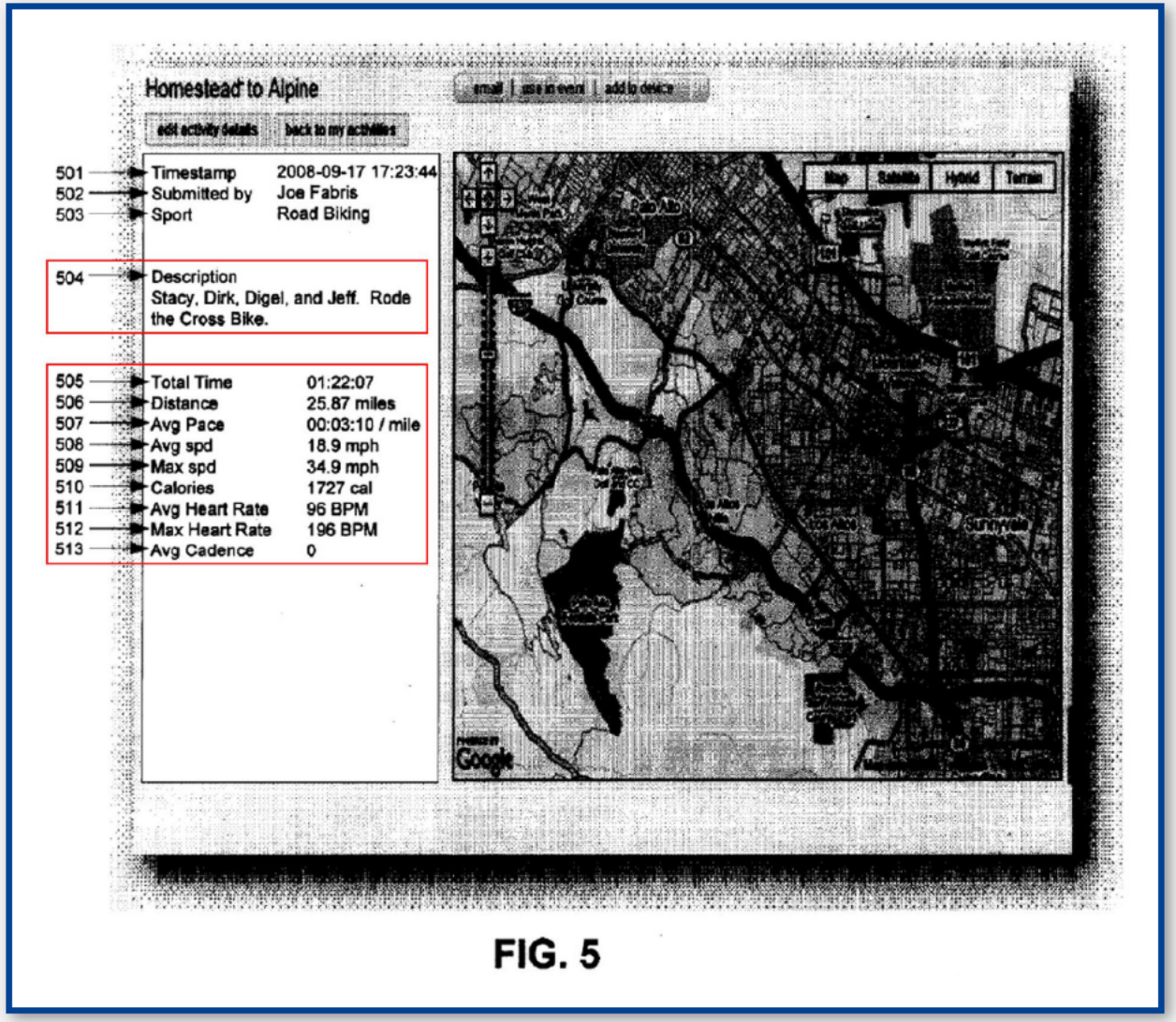


FIG. 5

Sutton (Ex. 1005), Fig. 5

’220 Patent, Claim 12

12. The apparatus of claim **11**, wherein the apparatus is further caused to tag a summary of one or more metrics from the recorded athletic activity with identifiers of one or more other users.

’220 Patent (Ex. 1001), 68:28-32

’220 Patent: Claim 12’s “user”

other individuals associated with a workout session. As such, if a user performed a run with a friend, the user may tag the run with the friend’s information. In a particular example, the user may select a username or other identifier associated with the friend in a tagging menu of the application. The username or identifier may correspond to an identifier registered with an athletic tracking and monitoring service, a social networking site, a phone number, a nickname specified in a user’s phonebook or the like. Multiple

’220 Patent (Ex. 1001), 39:51-58

Reply (Paper 22), 24; Houh Reply Decl. (Ex. 1017), ¶ 50

Sutton Teaches "tag[ging] a summary … with identifiers of one or more other users"

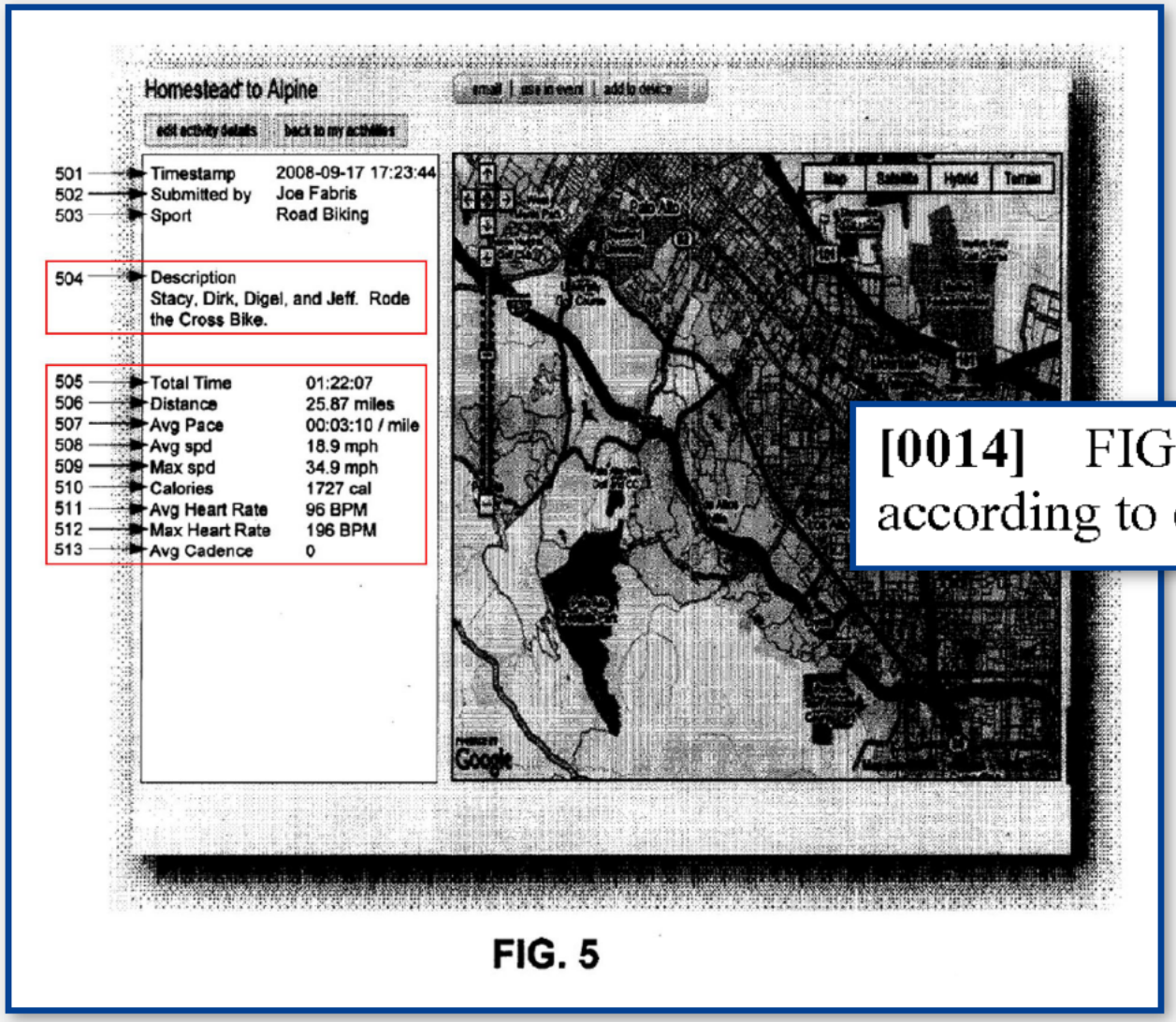


FIG. 5

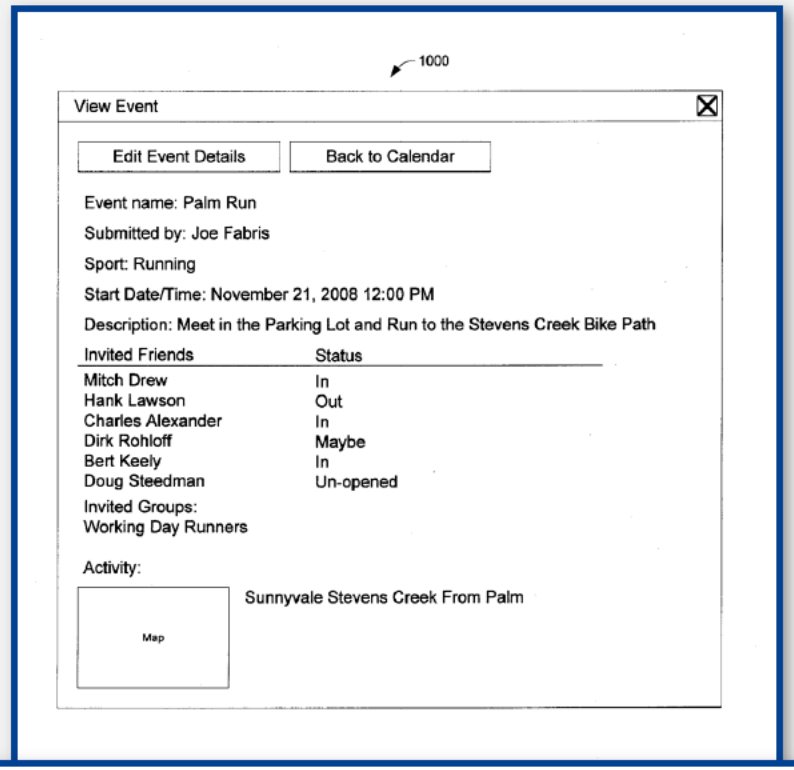
[0014] FIG. **5** illustrates a trace map of a user activity, according to one embodiment;

Sutton (Ex. 1005), [0014]

Sutton (Ex. 1005), Fig. 5

Figures 5 and 10 are not Distinct Embodiments

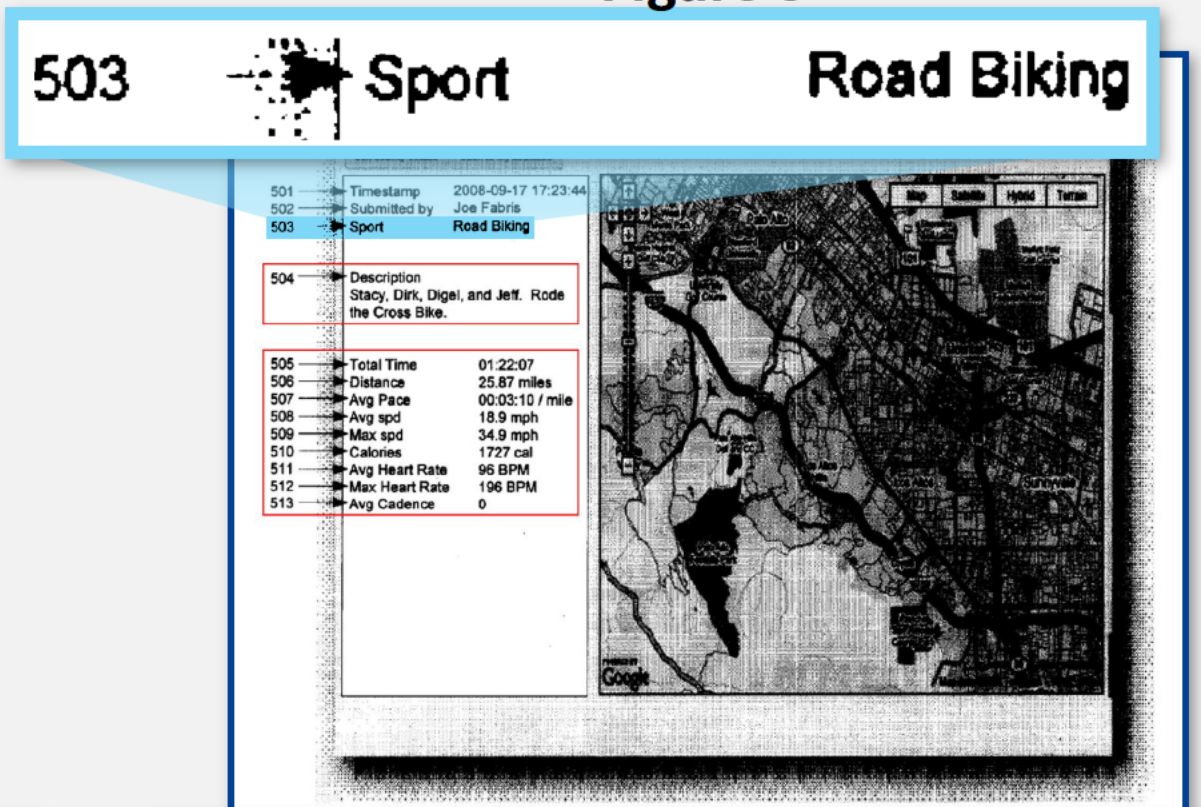
Figure 10



the organized event. The group event may show a trace map **1005** to give an overview of the course that the group will be hiking, riding, running, etc.

Sutton (Ex. 1005), [0084], Fig. 10

Figure 5



[0063] FIG. **5** illustrates a trace map of a user activity, according to one embodiment. User **101** may edit the traced

Sutton (Ex. 1005), [0063], Fig. 5

Claim 19

’220 Patent, Claim 19

19. The apparatus of claim **11**, wherein the apparatus is further caused to generate a social network message on the network page based on a location at which the athletic activity was performed by the user.

’220 Patent (Ex. 1001), 68:58-61

Sutton Teaches "generating a social network message . . . based on a location"

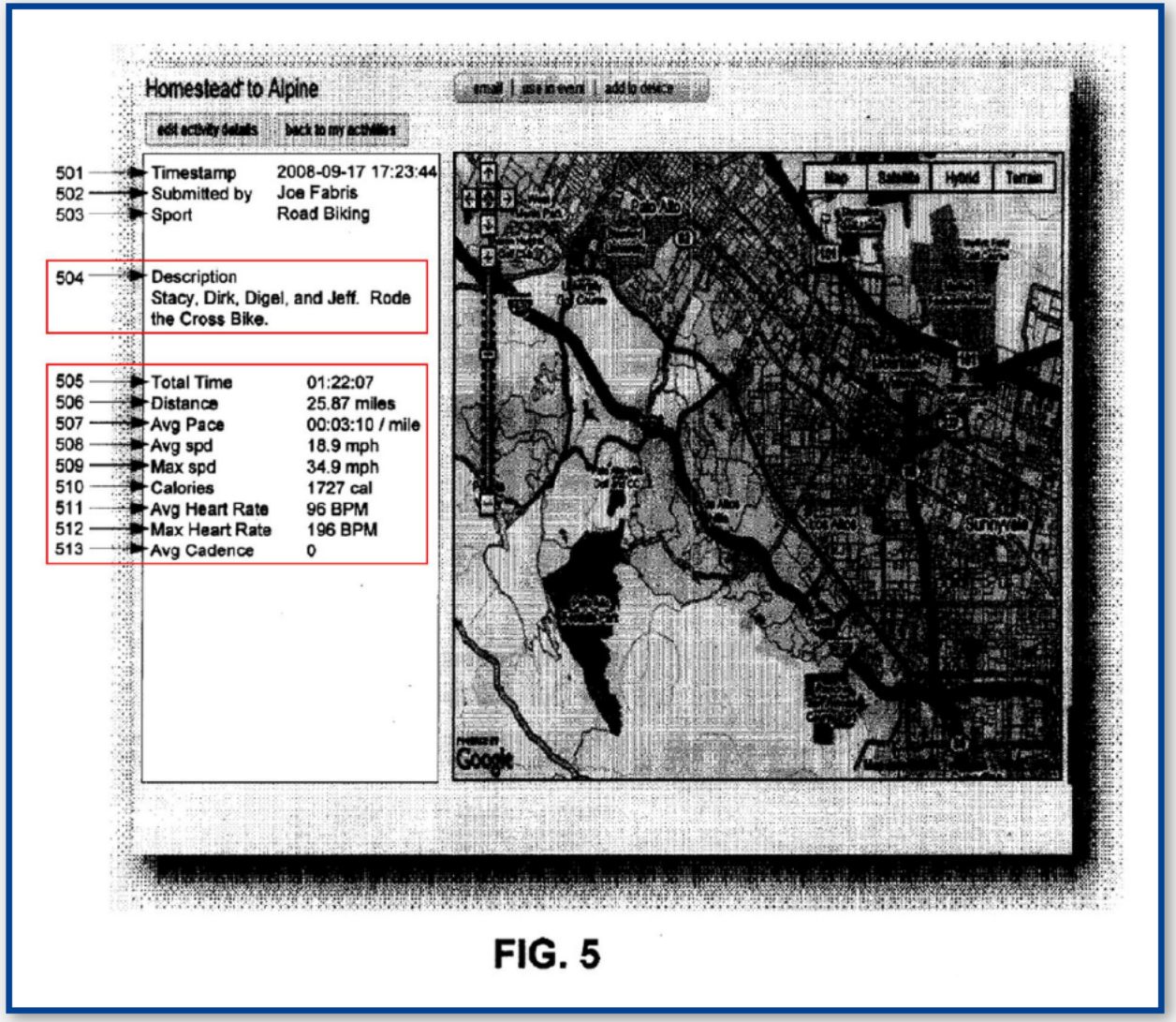


FIG. 5

Sutton (Ex. 1005), Fig. 5

Sutton's Hand-Traced Map is Part of a "Social Network Message"

Sutton discloses that system 110 transmits workout information associated with the recorded activity. Sutton illustrates "a block diagram for exemplary data transfer methods" in its Figure 3, shown below. (Ex. 1005, ¶ 60.) It explains that "user-provided data is stored in database 115 …" in step 305 (blue). (*Id.*) Then,

Petition (Paper 2), 49

Sutton discloses each additional limitation in claim 19. Sutton discloses a social network message in the form of a hand-traced map. (Ex. 1005, ¶ 60, Figs. 3, 5.) The map reflects "user activity," i.e., where the user exercised. (*Id.*, ¶ 63.) The map is part of the user's "activity data," (*id.*, ¶ 60), which system 110

Petition (Paper 2), 55

Claim 20

’220 Patent, Claim 20

20. The apparatus of claim **19**, wherein transmitting the workout information includes modifying the social network message based on a received user edit.

’220 Patent (Ex. 1001), 68:62-64

’220 Patent, Claims 19 and 20

19. The apparatus of claim **11**, wherein the apparatus is further caused to generate a social network message on the network page based on a location at which the athletic activity was performed by the user.

’220 Patent (Ex. 1001), 68:58-61

20. The apparatus of claim **19**, wherein transmitting the workout information includes modifying the social network message based on a received user edit.

’220 Patent (Ex. 1001), 68:62-64

Plus 3

Sutton and Plus 3

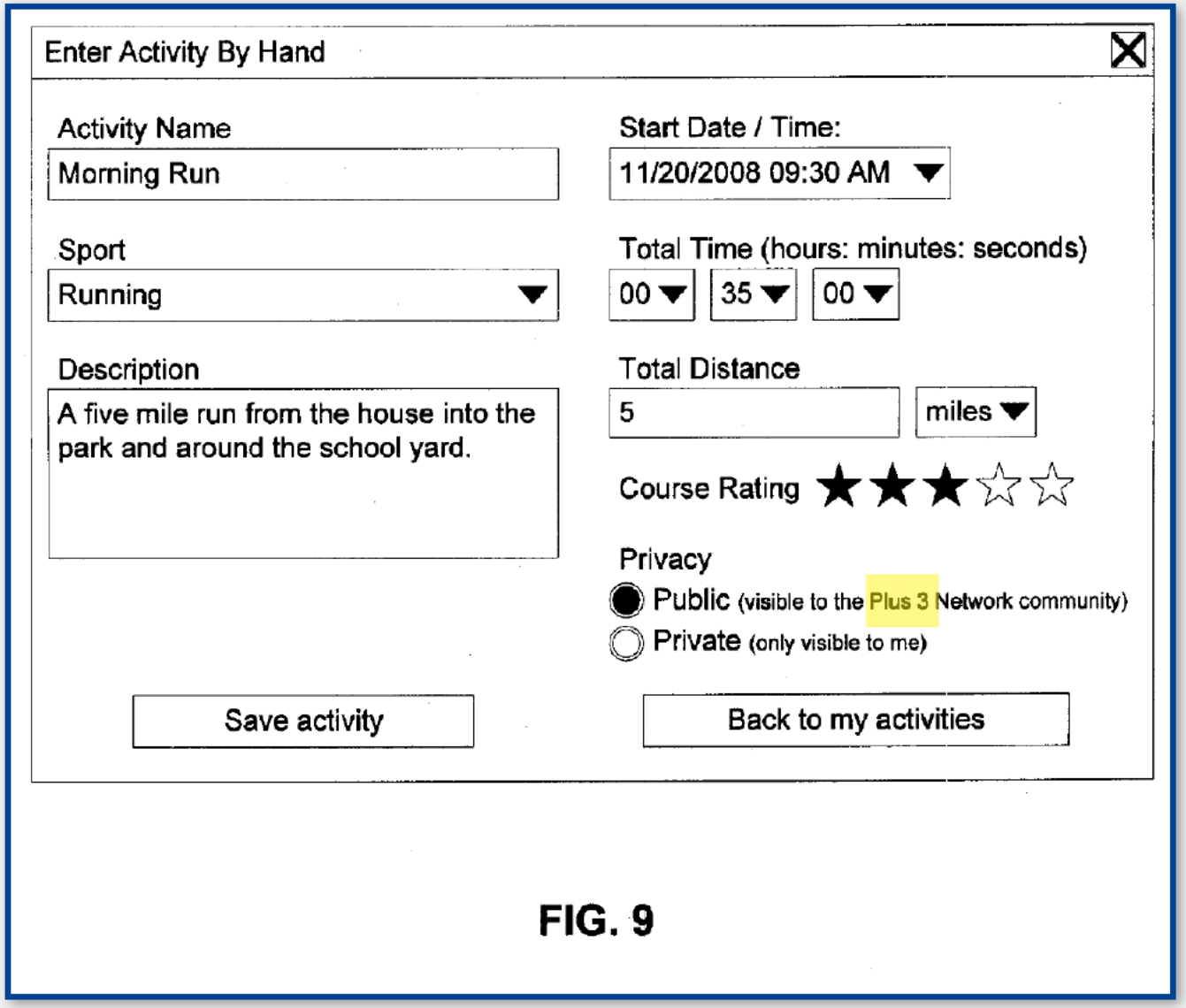
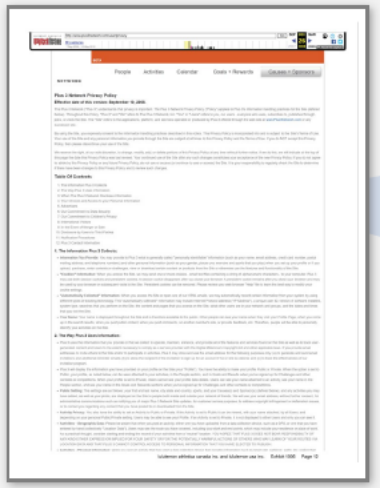


FIG. 9

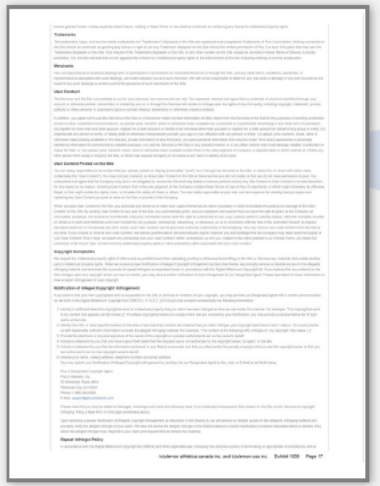
Sutton (Ex. 1005), Fig. 9

Plus 3 is a Social Networking Site for Sharing Workout Information



"**Activity Privacy**: You also have the ability to set an Activity to Public or Private. If the Activity is set to Public it can be viewed …"

Plus 3 (Ex. 1006), 12



"You may remove your User Content from the Site at any time."

Plus 3 (Ex. 1006), 17

Claim 14

’220 Patent, Claim 14

14. The apparatus of claim **11**, wherein the apparatus is further caused to:

receive a request to deactivate sharing of the workout information; and

transmit a modification request to remove the workout information from the social networking site.

’220 Patent (Ex. 1001), 68:38-43

Dr. Houh Explained that the "apparatus" "receive[s]" and "transmit[s]"

user uploaded their data in the first place. The user could then select "delete" using that device, the device would transmit the delete request to the web server 111, and web server 111 would remove the deleted activity and all linked activity such as comments from the user's profile page.

Houh Op. Decl. (Ex. 1003), ¶130

Johnson

Johnson (Ex. 1004)

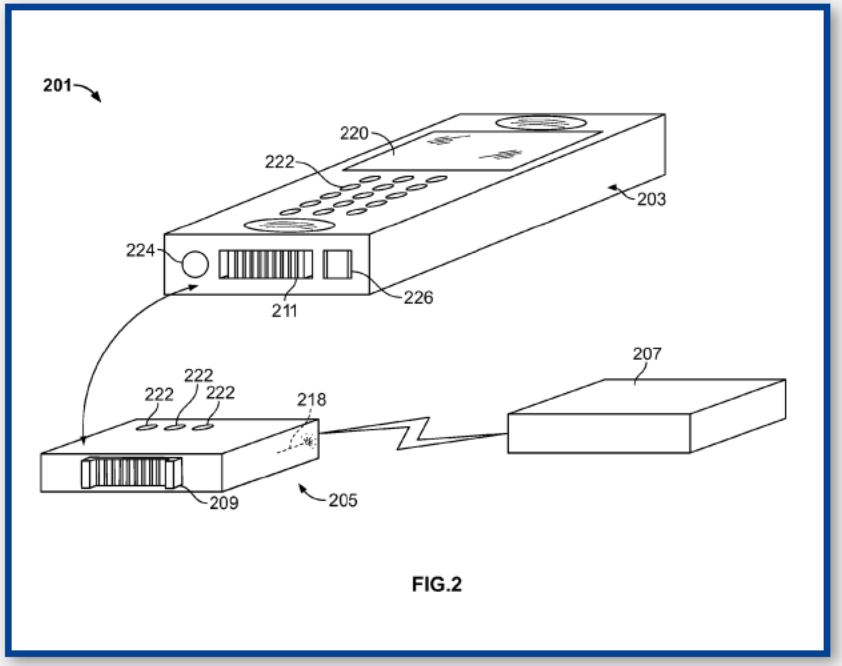


FIG.2

priate exercise program for reaching their desired goal. Further, some people find it difficult to maintain an exercise regimen without some entertainment such as music to keep them motivated through the exercise program.

Johnson (Ex. 1004), [0003]

mation must first be obtained from an individual person. With various implementations of the invention, one or more different athletic information monitoring devices may be used to measure and record athletic data corresponding to athletic activity performed by a person. Typically, an athletic infor-

Johnson (Ex. 1004), [0057]

Johnson (Ex. 1004)

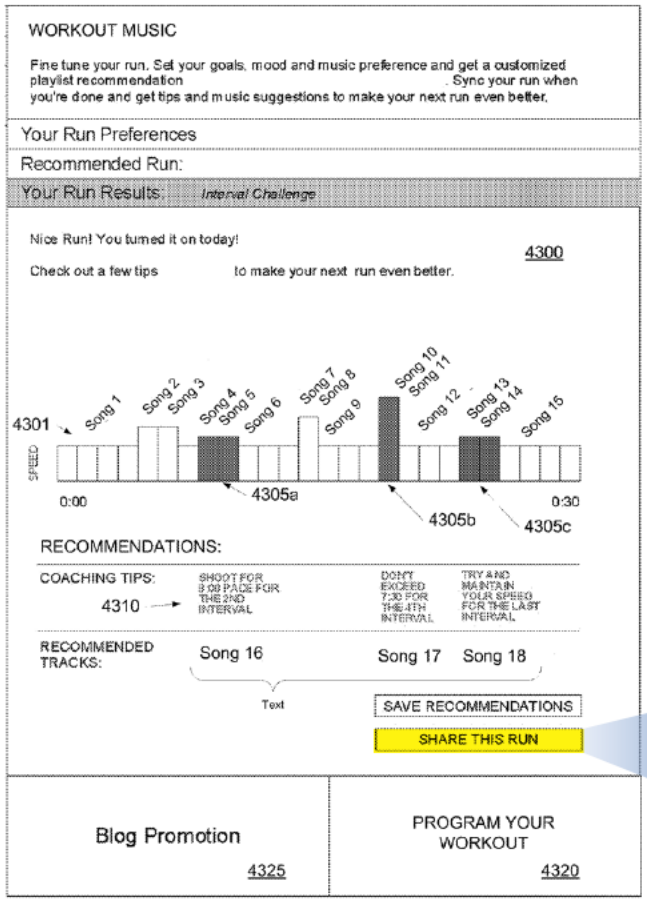


Fig. 43

607 or to an affiliated athletic data storage. For example, the participating users may be only those users who agree in advance to have their data shared with other users, or those users who do not specifically indicate that they wish for their athletic data to be private. Of course, still other criteria may be

Johnson (Ex. 1004), [0135]

SHARE THIS RUN

Johnson's Devices 201, 501, and 601

US 20100273610A1

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Johnson

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(43) **Pub. Date: Oct. 28, 2010**

(54) TRAINING PROGRAM AND MUSIC PLAYLIST GENERATION FOR ATHLETIC TRAINING

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(21) Appl. No.: **12/768,168**

(22) Filed:

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A63B 71/00 (2006.01)

(52) U.S. Cl. 482/8

(57) ABSTRACT

Systems and techniques for generating an athletic training program and selecting music for playing during the training program are described. Based on specified parameters, a training program module may generate a customized training program intended to help an athlete reach a goal. In conjunction therewith or independently thereof, a music selection module may generate a music playlist for playing during a

(73) Assignee: **NIKE, INC.**, Beaverton, OR (US)

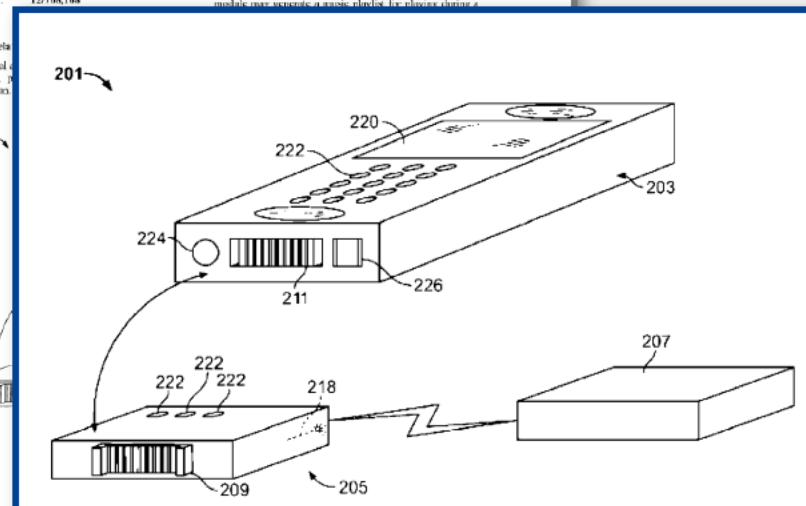


FIG.2

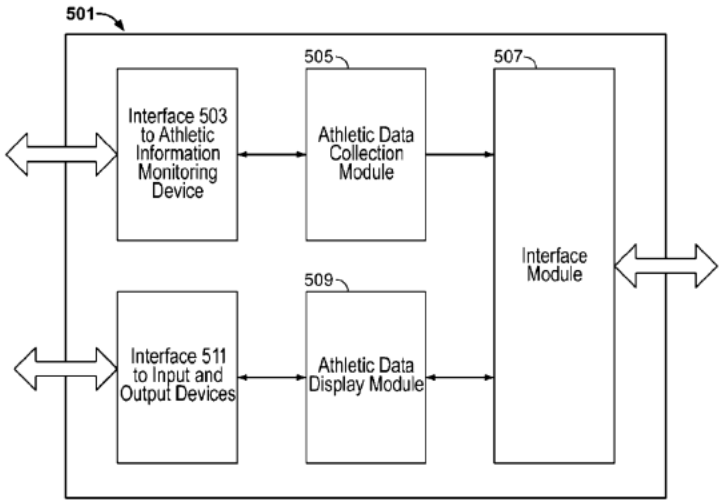


FIG. 5

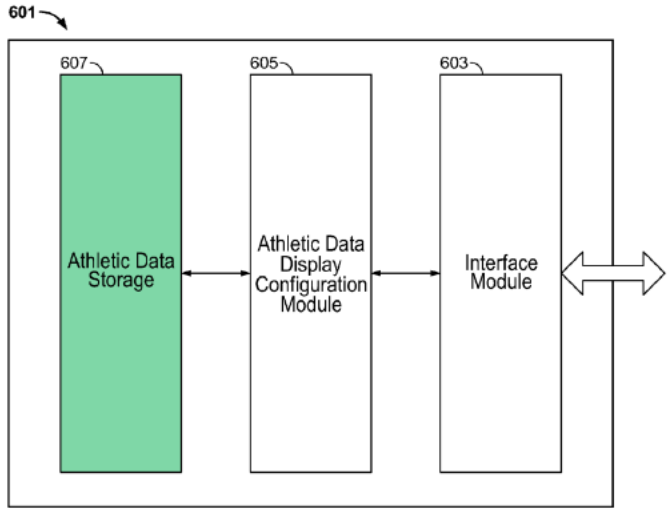
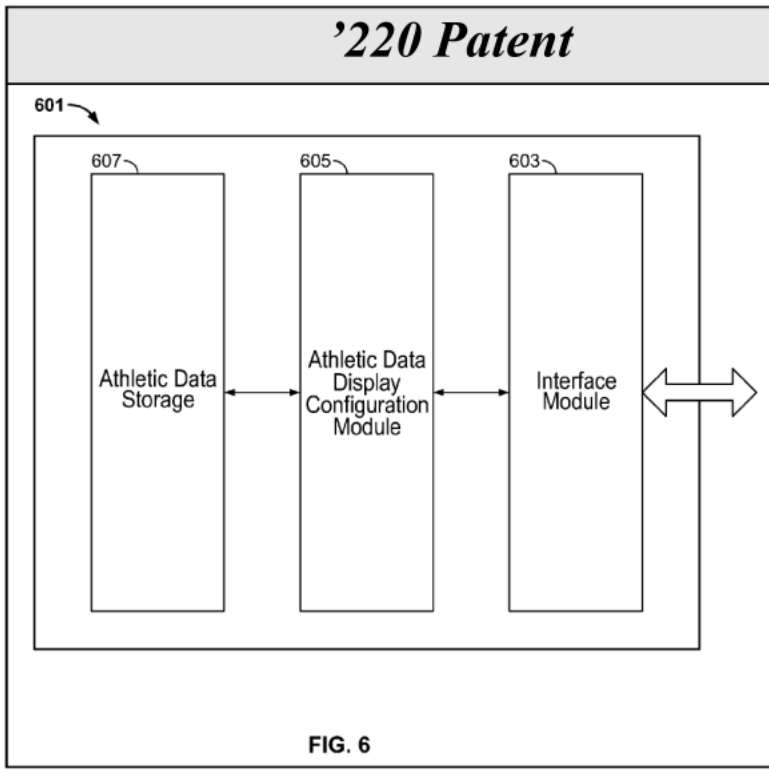
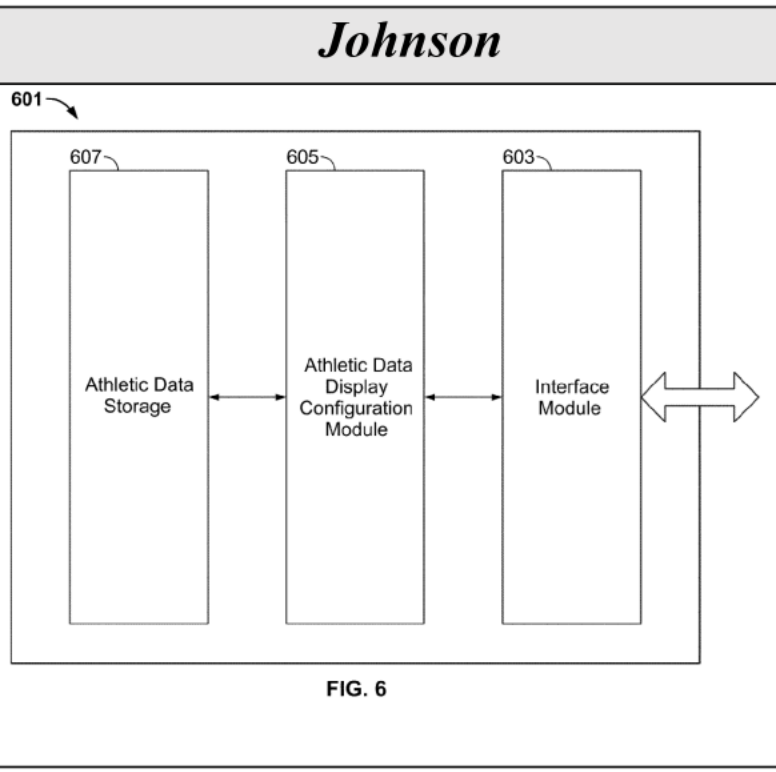


FIG. 6

Johnson (Ex. 1004), Figs. 2, 5, 6

’220 Patent’s Device 601 is Identical to Johnson’s Device 601

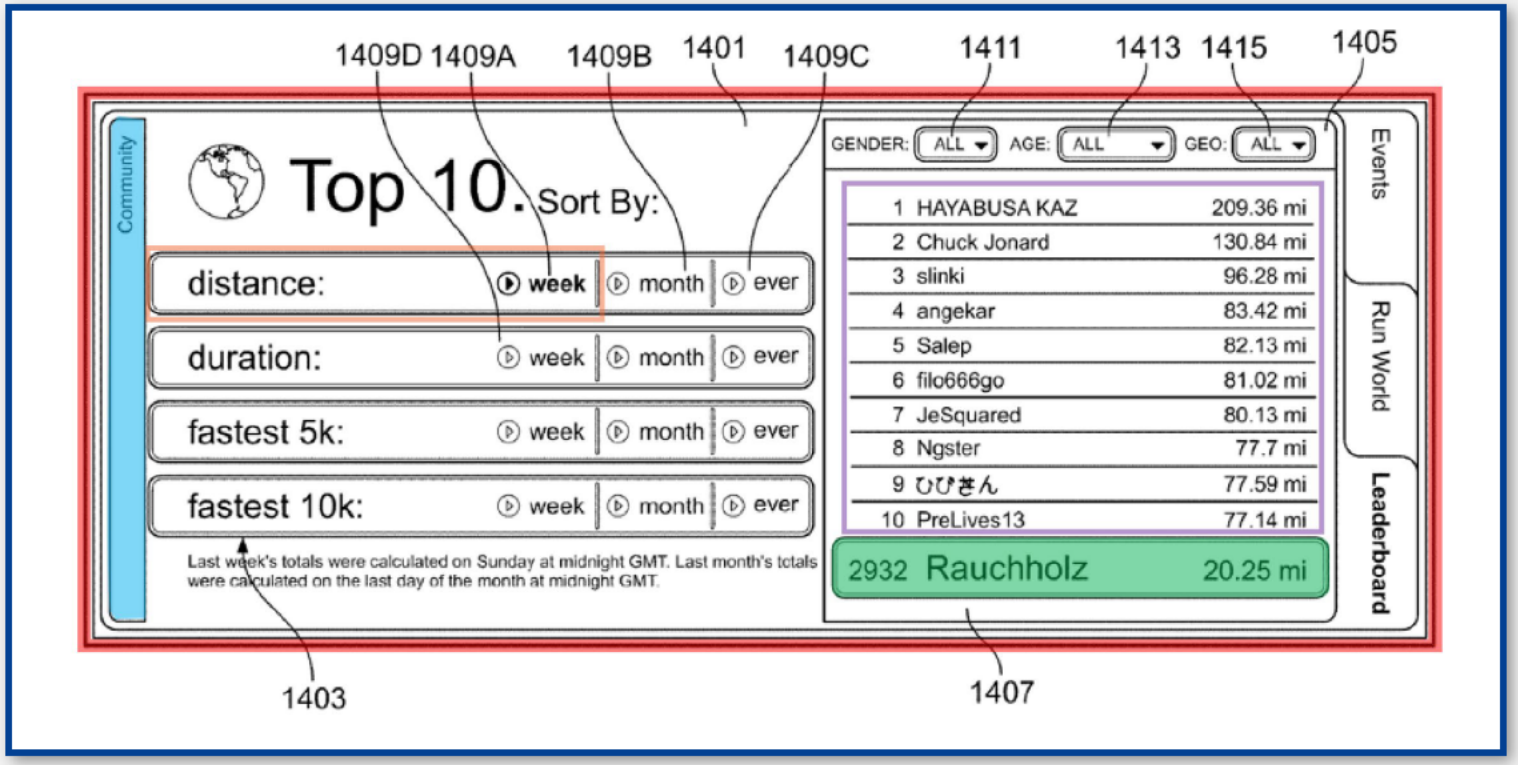
’220 Patent	Johnson
	
Ex. 1001, Figs. 1-6, 8:43-18:67	Ex. 1004, Figs. 1-6, [0057]-[0092]

Petition (Paper 2), 5, 7

Johnson's Sharing Option Selections

1. Leaderboard (Figure 14A)
2. Brag to Friends (Figure 21)
3. Share this Run (Figure 43)
4. Blog Promotion (Figures 29 and 43)

Johnson's Leaderboard



Petition (Paper 2), 36

[0131] As well as interactive comparisons of a user's athletic data with other users, such as the goals and challenges described in detail above, some implementations of the inven-

Johnson (Ex. 1004), [0131]

Petition (Paper 2), 36; Reply (Paper 22), 20; Houh Reply Decl. (Ex. 1017), ¶ 44

Johnson's Brag to Friends

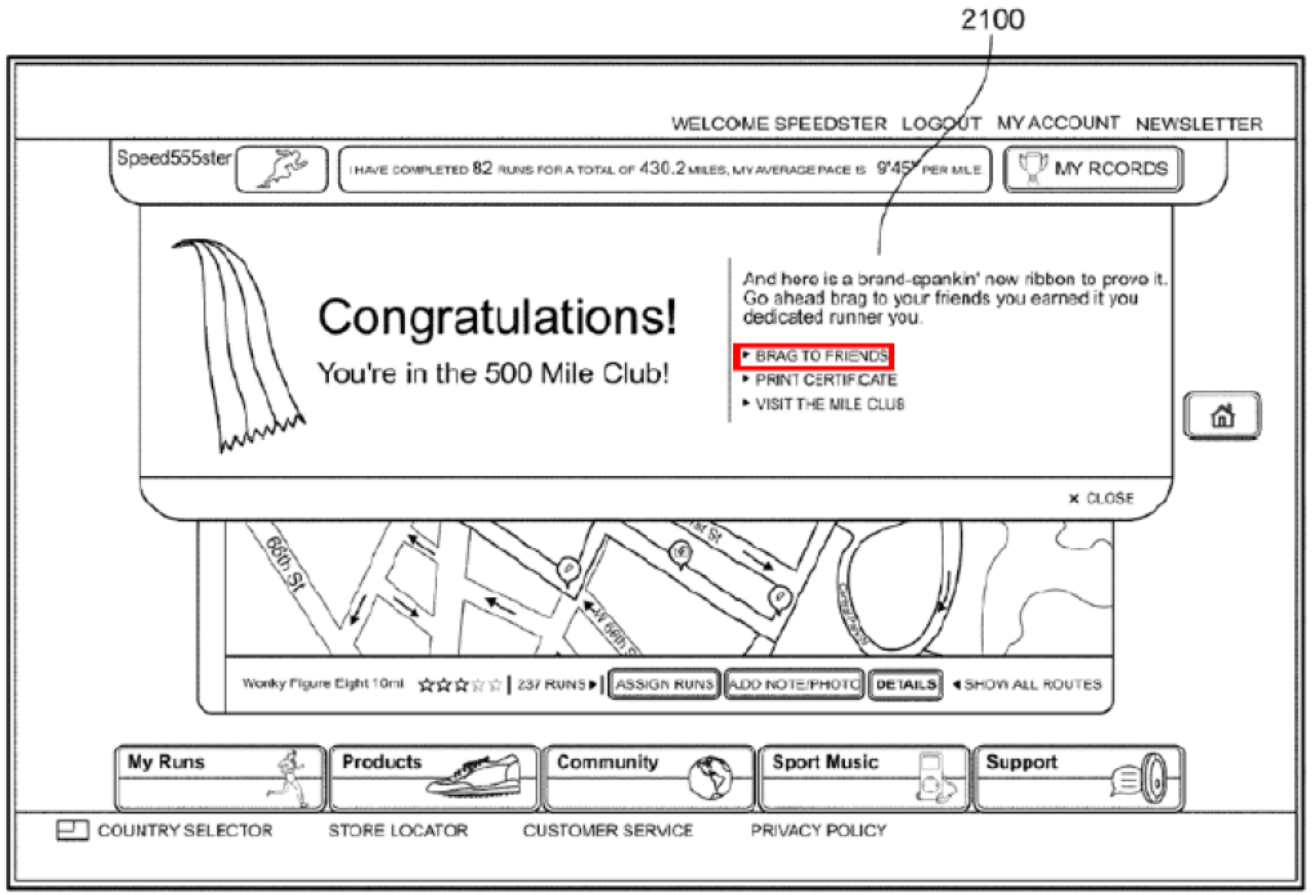
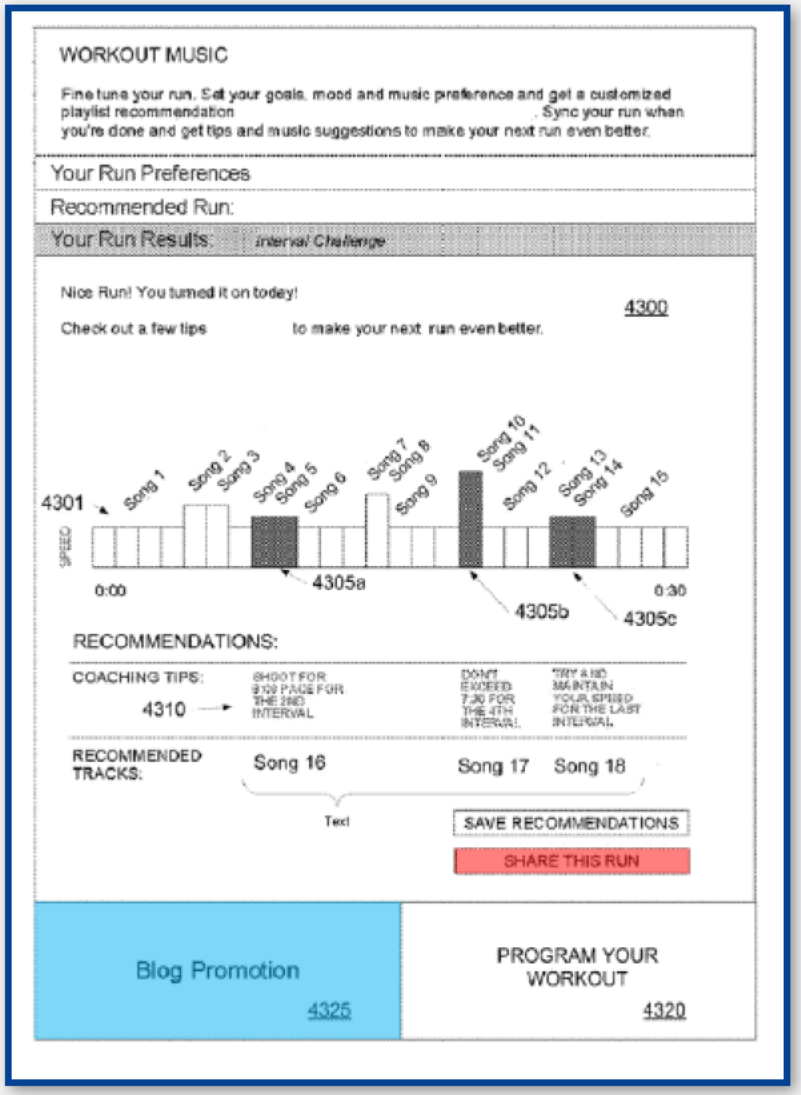


FIG. 21

Johnson (Ex. 1004), Fig. 21

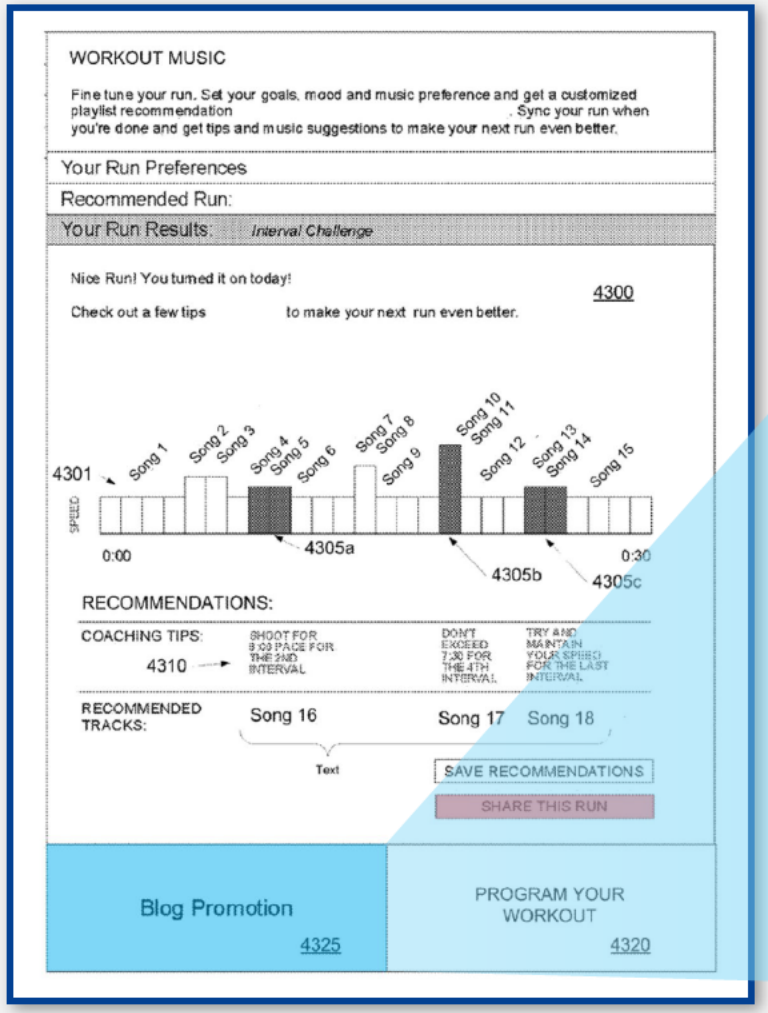
Johnson's Share this Run and Blog Promotion



Johnson (Ex. 1004), Fig. 43

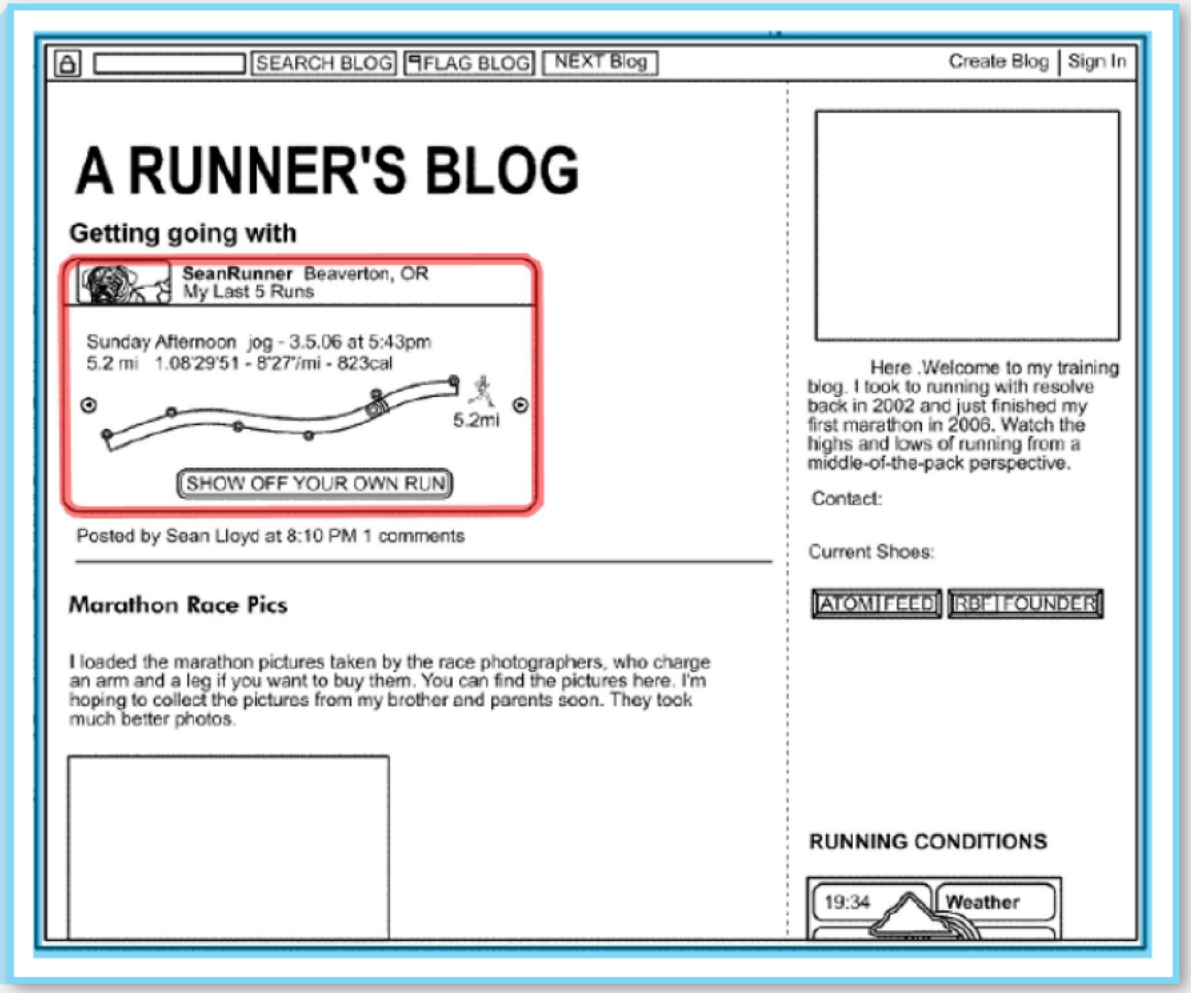
Johnson's Blog

Figure 43



Johnson (Ex. 1004), Fig. 43

Figure 29



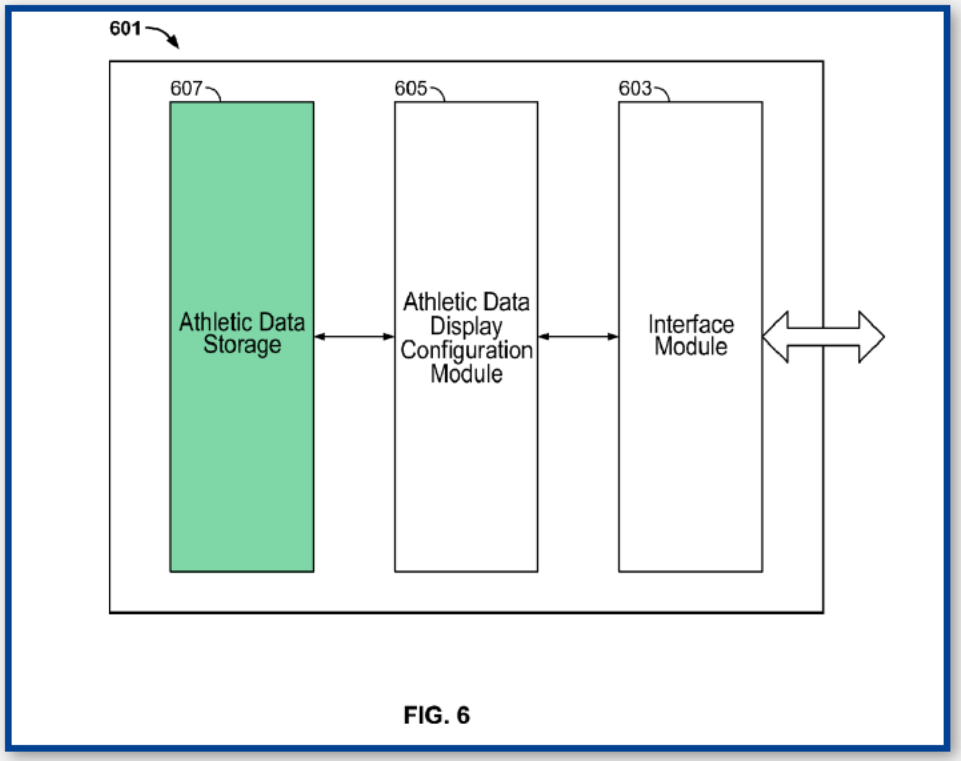
Johnson (Ex. 1004), Fig. 29

’220 Patent, Claim 11

11. An apparatus comprising:
a processor; and
a non-transitory, computer-readable medium storing computer-readable instructions that, when executed, cause the apparatus to:
[11C] record athletic activity performed by a user;
receive a sharing option selection configured to allow the recorded athletic activity to be shared; and
in response to receiving the sharing option selection, transmitting workout information associated with the recorded athletic activity to a network page of a social networking site viewable by one or more other users.

’220 Patent (Ex. 1001), 68:16-28

Johnson: Device 601 "record[s]"



Johnson (Ex. 1004), Fig. 6

athletic data display configuration module **605**. The athletic data display configuration module **603** may then store the athletic data in the athletic data storage **607** for future use. As

Johnson (Ex. 1004), [0088]

’220 Patent, Claim 11

11. An apparatus comprising:
a processor; and
a non-transitory, computer-readable medium storing computer-readable instructions that, when executed, cause the apparatus to:
record athletic activity performed by a user;
receive a sharing option selection configured to allow the recorded athletic activity to be shared; and
[11E] in response to receiving the sharing option selection, transmitting workout information associated with the recorded athletic activity to a network page of a social networking site viewable by one or more other users.

’220 Patent (Ex. 1001), 68:16-28

Johnson Teaches Element [11E]

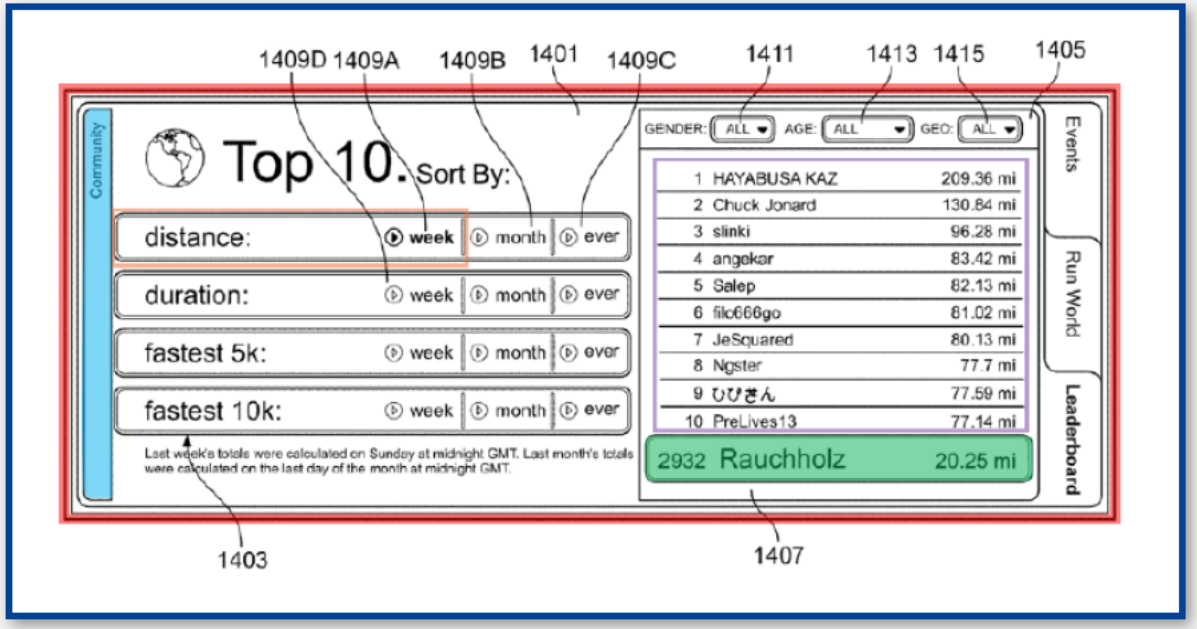
1. **Leaderboard (Figure 14A)**
   - "sharing option selection"
   - social networking site "viewable by one or more other users"

2. Brag to Friends (Figure 21)

3. Share this Run (Figure 43)

4. Blog Promotion (Figure 43) and Blog (Figure 29)

Johnson's Leaderboard

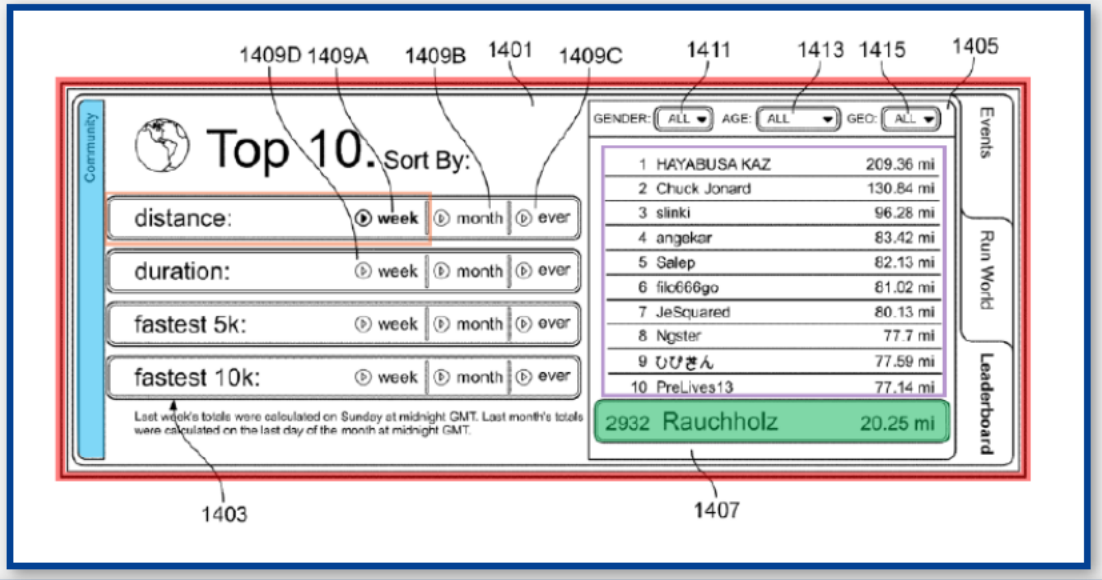


Johnson (Ex. 1004), Fig. 14A

607 or to an affiliated athletic data storage. For example, the participating users may be only those users who agree in advance to have their data shared with other users, or those users who do not specifically indicate that they wish for their athletic data to be private. Of course, still other criteria may be

Johnson (Ex. 1004), [0135]

Johnson's Leaderboard



Johnson (Ex. 1004), Fig. 14A

607 or to an affiliated athletic data storage. For example, the participating users may be only those users who agree in advance to have their data shared with other users, or those users who do not specifically indicate that they wish for their athletic data to be private. Of course, still other criteria may be

* * *

the preceding week. Thus, in the illustrated example, the user "Rauchholz" has a ranking of 2932 relative to other participating users.

Johnson (Ex. 1004), [0134] – [0135]

Johnson Teaches Element [11E]

1. Leaderboard (Figure 14A)

2. **Brag to Friends (Figure 21)**
   - Petition's showing of "sharing option selection"
   - "social networking site"

3. **Share this Run (Figure 43)**
   - Petition's showing of "sharing option selection"
   - "social networking site"

4. Blog Promotion (Figure 43) and Blog (Figure 29)

"Brag to Friends" and "Share this Run" are Sharing Option Selections

Petition:

5. Element 11[D]

receive a sharing option selection configured to allow the recorded athletic activity to be shared; and

Johnson discloses four sharing options configured to allow the recorded athletic activity to be shared. First, users have the option to share their recorded

* * *

Second, users can share that they recorded running 500 miles by clicking on "BRAG TO FRIENDS" in interface 1700, shown below. (*Id.*, ¶ 159.)

* * *

Third and fourth, users can share athletic activity after each workout and/or promote it on their blogs by clicking "SHARE THIS RUN" (red) or "Blog

Petition (Paper 2), 29-30

a. Device 601 Performs the Steps in Element 11[E] in Response to All Four Sharing Option Selections

Petition (Paper 2), 33

"Brag to Friends" and "Share this Run" Transmit to Social Networking Sites

Petition

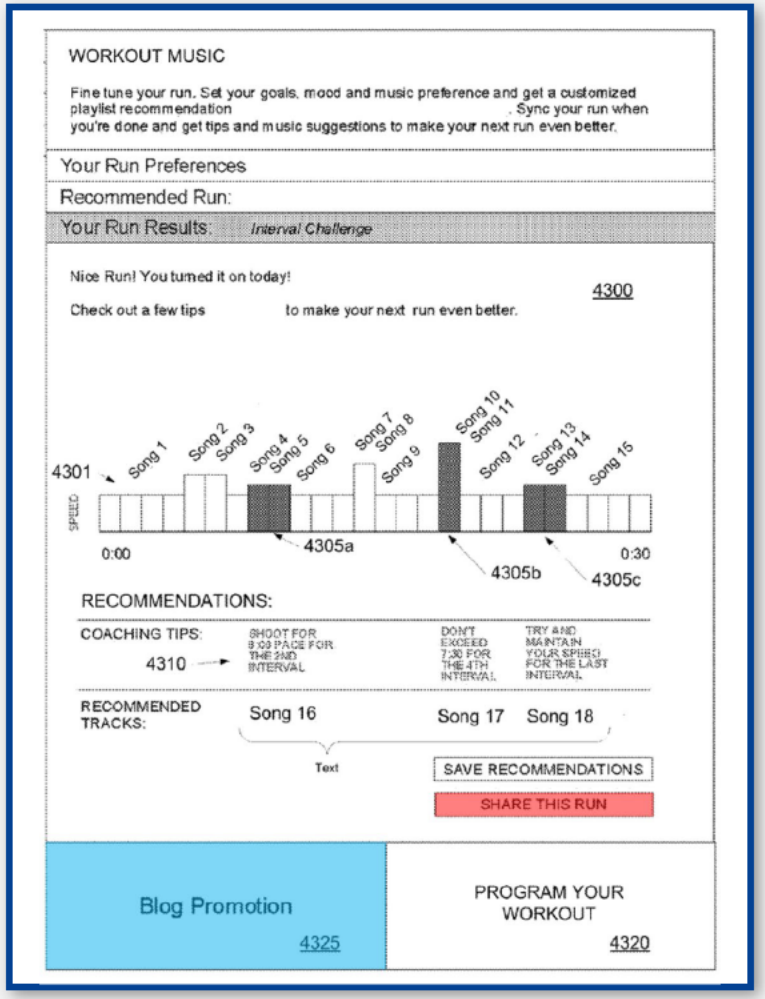
a. Device 601 Performs the Steps in Element 11[E] in Response to All Four Sharing Option Selections

Johnson discloses: "[I]t is to be understood that any athletic information described herein may be provided to the user, athlete, or runner as part of their personal web page or social network page." (Ex. 1004, ¶ 167.) As explained above, device 601 stores user athletic information in memory. (*Id.*, ¶ 88.) For that information to reach a user's "social network page," device 601 transmits it from memory to that page. (*See* Ex. 1003, ¶ 60; *see also* Ex. 1004, ¶ 88.) A POSITA would have understood that the "social network page[s]" were viewable by one or more other users because the point of posting information on a social network page was (and still is) to share it with other users. (Ex. 1003, ¶ 61.)

Petition (Paper 2), 33

Johnson's Share this Run and Blog Promotion

Figure 43



Petition (Paper 2), 31

Dr. Houh

Q. Okay. Do you see anything in Johnson that identifies that clicking "Blog Promotion" would lead to the specific public page of the social networking site shown in Figure 29?

* * *

And -- and what I'm saying is that, by clicking either of those buttons, the run is shared and that there's -- the -- for "Share This Run" and that there's a blog promotion in this context by clicking on appropriate buttons there and that the -- that, by clicking on either button, device 601 would transmit the user's data from memory to a public page of the social networking site.

8/1/2023 Houh Tr. (Ex. 2002), 200:18-202:3

Johnson Teaches Element [11E]

1. Leaderboard (Figure 14A)

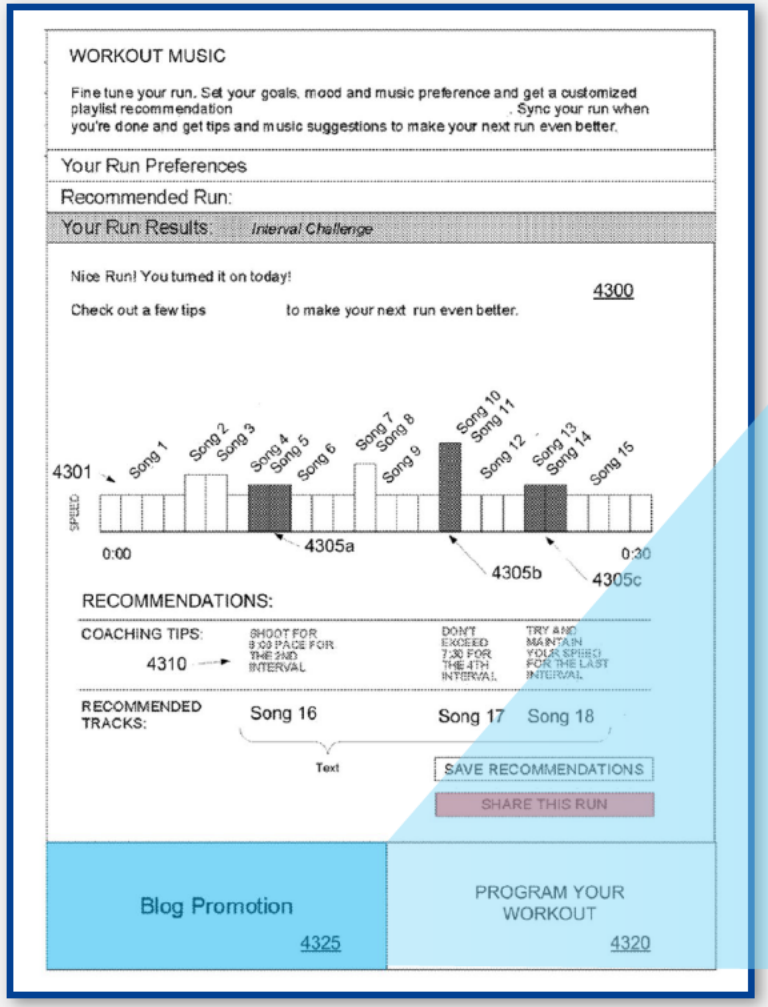
2. Brag to Friends (Figure 21)

3. Share this Run (Figure 43)

4. **Blog Promotion (Figure 43) and Blog (Figure 29)**
   - Same embodiment

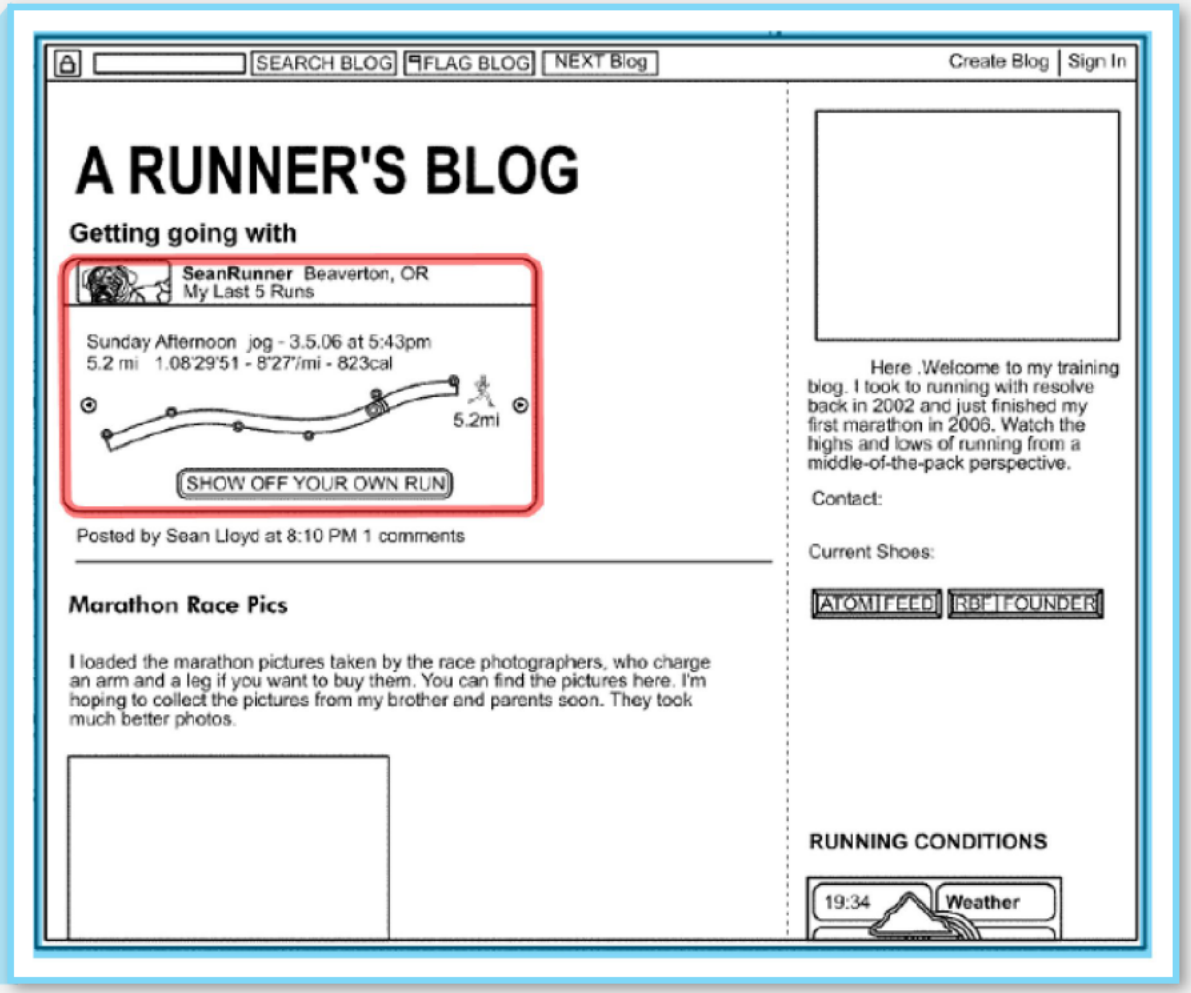
"Blog Promotion" Transmits to the Figure 29 Blog

Figure 43



Johnson (Ex. 1004), Fig. 43

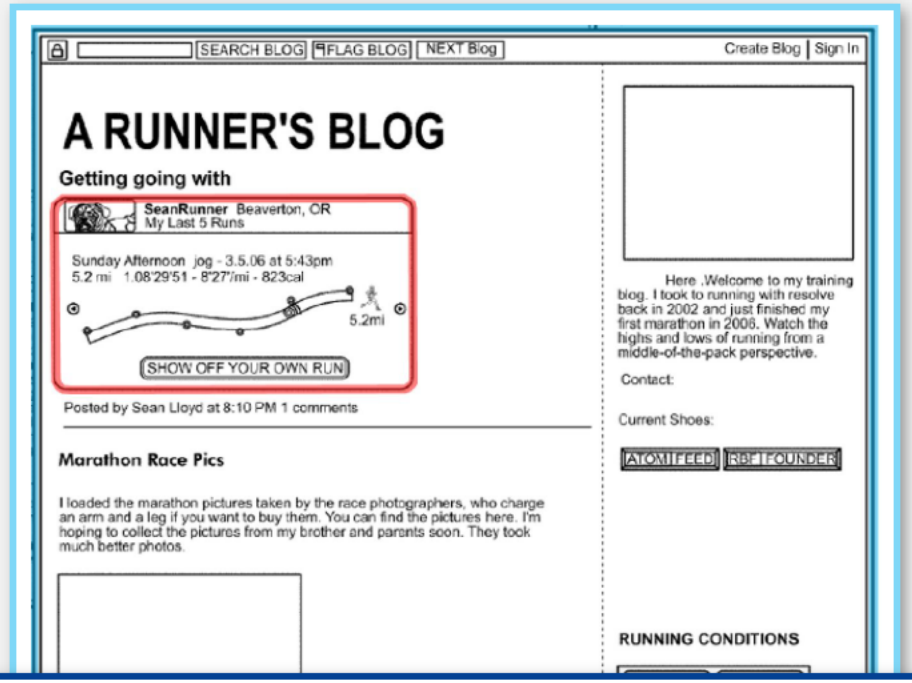
Figure 29



Johnson (Ex. 1004), Fig. 29

Figures 29 and 43 are not Distinct Embodiments

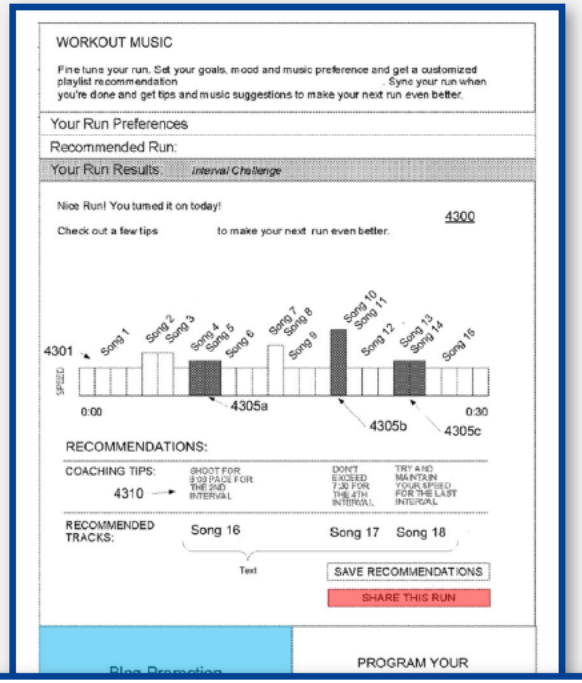
Figure 29



to post feedback. Though described with reference blog **2900**, it is to be understood that any athletic information described herein may be provided to the user, athlete, or runner as part of their personal web page or social network page.

Johnson (Ex. 1004), [0167], Fig. 29

Figure 43



lighted portions **4305**. The user may further be provided options **4320** and **4325** to program a workout (e.g., a new workout) or to post comments or a report about the completed workout, respectively.

Johnson (Ex. 1004), [0183], Fig. 43

Claim 12

’220 Patent, Claim 12

12. The apparatus of claim **11**, wherein the apparatus is further caused to tag a summary of ~~one or more metrics from~~ the recorded athletic activity with identifiers of one or more other users.

’220 Patent (Ex. 1001), 68:29-32

Johnson Teaches "tag[ging] a summary ... with identifiers" (Claim 12)

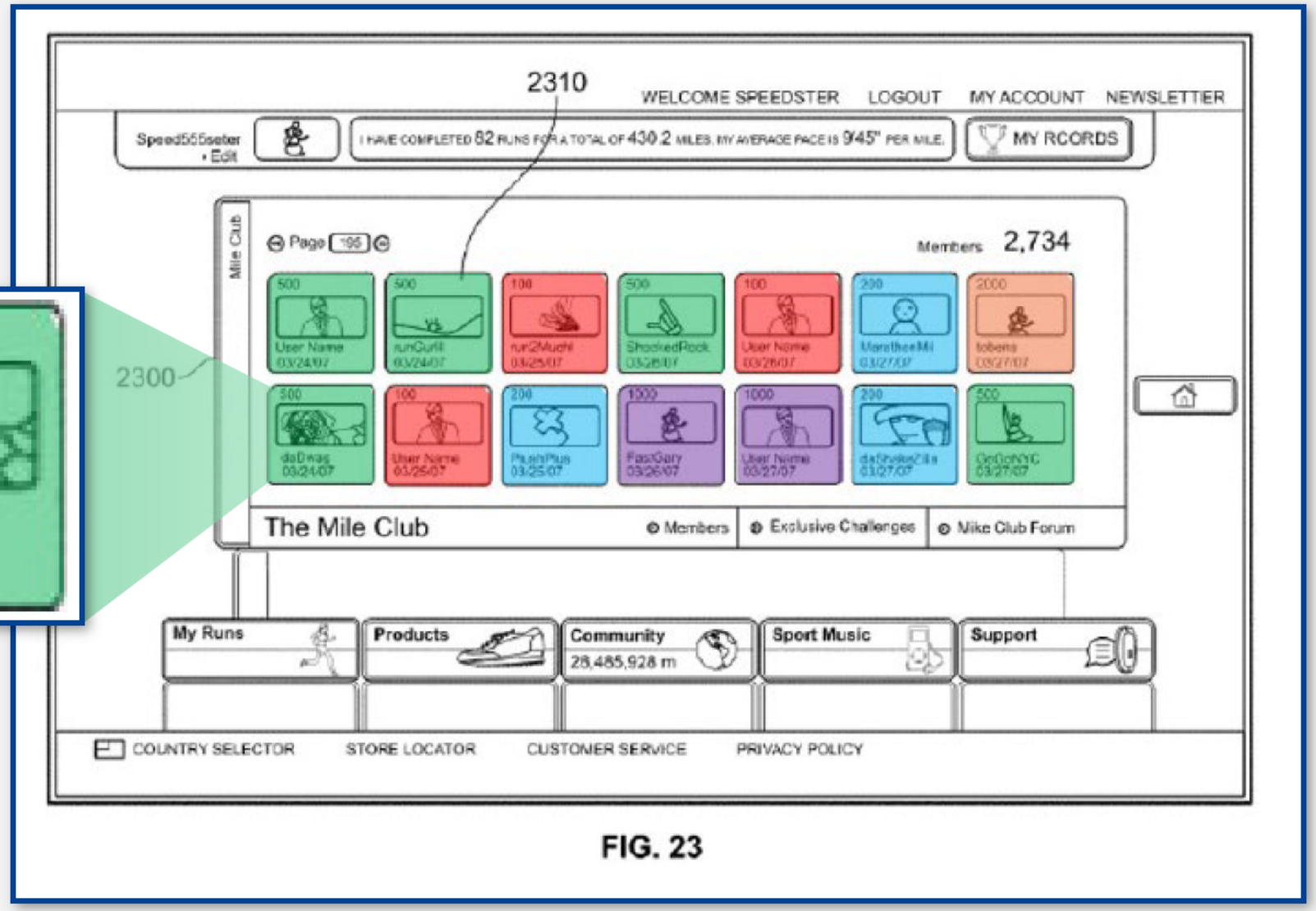


FIG. 23

Johnson (Ex. 1004), Fig. 23

Dr. Houh

Q. So, in your view, as an expert, sensors save data?

A. I don't think I said that.

* * *

In the context of the specification, a different word is used to discuss "saving" or "storing," and it – [] is what is used to describe what the sensors are for.

12/14/2023 Houh Tr. (Ex. 2004), 29:3-14

Dr. Houh

Q. So, as we sit here today, are you able to say whether the sensors, 301, in the ’220 patent save any data?

* * *

A. …But here, these passages are talking about how the sensors are for measuring and don’t discuss that the sensors save or store data or even that they’re for saving or recording or storing parameters. What the ’220 spec says, is that the sensors are for measuring parameters, and that’s what are cited, at least these six passages that talk about the sensors in that way.

12/14/2023 Houh Tr. (Ex. 2004), 29:16-30:17

Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached PETITIONER'S DEMONSTRATIVES was served as of the below date via e-mail (by agreement) to the following counsel of record for the Patent Owner:

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Dated: February 12, 2024

/s/ Jean Nguyen
Jean Nguyen