

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHNSON HEALTH TECH CO., LTD.
et al.,

Case No. 3:22-cv-00606-JDP

Plaintiffs,

JURY TRIAL DEMANDED

v.

PELOTON INTERACTIVE, INC.,
Defendant.

PLAINTIFFS' PRELIMINARY INFRINGEMENT CONTENTIONS

Pursuant to the Court's Preliminary Pretrial Conference Order (Dkt. 24), Plaintiffs Johnson Health Tech Co., Ltd. and Johnson Health Tech North America, Inc. (collectively, "JHT") provide their preliminary infringement contentions to Defendant Peloton Interactive, Inc. ("Peloton"). JHT makes this disclosure based on information presently available to it, without the benefit of full discovery, or the production of any documents from Peloton. Peloton has identified the Tread and Tread+ products as "Accused Products" in Peloton's Objections and Responses to Plaintiffs' First Set of Interrogatories. Peloton, however, has not produced any documents showing the structure or operation of the Accused Products. JHT reserves the right to supplement or modify this disclosure at any time, including but not limited to the right to assert infringement of additional products, additional patents, and/or additional claims of direct or indirect infringement, either literally or under the doctrine of equivalents. This disclosure is without any concession, agreement, admission, or waiver of any ultimate

determination of relevance, admissibility, or discoverability of particular information for any purpose, and without waiver of any attorney-client, work product, or other privilege or immunity.

JHT presently asserts the Accused Products infringe claims 1, 3, 5, 6, 10, 11, 14, 16, 18, 19, and 20 of U.S. Patent No. 10,032,227 (“the ‘227 Patent”) directly and/or indirectly, either literally or under the doctrine of equivalents. Attached as Exhibit A is a chart identifying where each element of each of claims 1, 3, 4, 5, 6, 10, 11, 14, 16, 17, 18, 19, and 20 of the ‘227 patent is found in the Accused Products.

JHT also asserts the Accused Products infringe claims 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, and 20 of U.S. Patent No. 10,796,375 (“the ‘375 patent”) directly and/or indirectly, either literally or under the doctrine of equivalents. Attached as Exhibit B is a chart identifying where each element of each of claims 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, and 20 of the ‘375 patent.

JHT also asserts the Accused Products infringe claims 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14, 16, 18, 19, and 20 of U.S. Patent No. 11,227,340 (“the ‘340 patent”) directly and/or indirectly, either literally or under the doctrine of equivalents. Attached as Exhibit C is a chart identifying where each element of each of claims 1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, and 20 of the ‘340 patent.

Dated: June 9, 2023

Respectfully submitted,

MICHAEL BEST AND FRIEDRICH LLP

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CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2023, I caused a true and correct copy of the foregoing document to be served on the following counsel of record by email addressed to the following:

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EXHIBIT B

Exhibit B
Infringement of U.S. Patent No. 10,796,375

JHT presently asserts the Accused Products infringe claims 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, and 20 of the '227 Patent directly and/or indirectly, either literally or under the doctrine of equivalents. JHT reserves the right to amend the following contentions as additional information becomes available.

'375 Patent	Peloton's Accused Products
1. An exercise apparatus comprising:	<p>The Accused Products are exercise apparatuses.</p>  <p>https://www.onepeloton.com/tread/specs</p>
a motor;	<p>The Accused Products utilize a "3 HP DC" motor.</p> <p>PERFORMANCE</p> <hr/> <p>Speed: 0 to 12.5 mph with 0.1 mph increments</p> <p>Incline: 0 to 12.5% grade with 0.5% increments</p> <p>Motor: 3 HP DC</p> <p>Screen adjustment: 0 - 50 deg vertical tilt, does not rotate horizontally</p> <p>Power rating: 120Vac, 60Hz, 12A</p> <p>https://www.onepeloton.com/tread/specs</p>

'375 Patent	Peloton's Accused Products
<p>an operating member driven by the motor;</p>	<p>The Accused Products include an operating unit/member (i.e., a belt). <i>See Peloton's Response to Request for Admission No. 1.</i></p> <div data-bbox="662 394 1237 890" data-label="Image"> </div> <p>https://www.onepeloton.com/tread/specs</p> <p>The operating member is driven by the motor to simulate running speeds from 0 to 12.5 mph.</p> <p>PERFORMANCE</p> <hr/> <p>Speed: 0 to 12.5 mph with 0.1 mph increments</p> <p>Incline: 0 to 12.5% grade with 0.5% increments</p> <p>Motor: 3 HP DC</p> <p>Screen adjustment: 0 - 50 deg vertical tilt, does not rotate horizontally</p> <p>Power rating: 120Vac, 60Hz, 12A</p> <p>https://www.onepeloton.com/tread/specs</p>

a sensor operable to detect engagement of a user with the operating member;

“The Accused Products utilize current sensors” to detect user engagement with the operating member. *See Peloton’s Response to Interrogatory No. 10.*

Additionally, Peloton’s website states that “the belt on [the Accused Product] will come to a stop if it has been set to a speed above 0 mph and it does not detect a person running.”

Please note that even if you are in a class, the belt on your Peloton Tread or Peloton Tread+ will come to a stop if it has been set to a speed above 0 mph and it does not detect a person running.

<https://support.onepeloton.com/hc/en-us/articles/360060884531-Tread-Lock>

Based on testing, the Accused Products utilize software that (1) turns on a light around the stop button after a user has stepped off the operating unit (about 5 seconds after stepping off), and (2) displays a notification on the screen stating either: “Looks like you’re off the Tread. Belt will stop in 11 seconds” or “Your metrics are paused because you’re off the tread. Belt will stop in 10 seconds.”

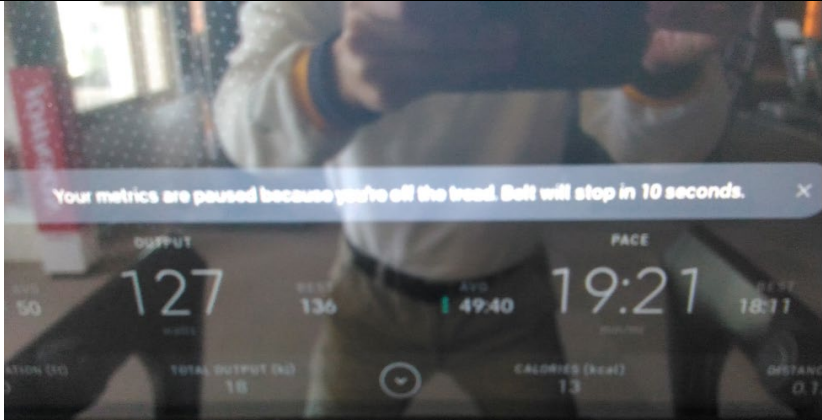


light before stepping off the Accused Products



light after stepping off the Accused Products



'375 Patent	Peloton's Accused Products
	 <p>As such, the Accused Products have a sensor that is operable to detect engagement of a user with the operating member.</p>
a controller in communication with the operating member and the sensor; and	<p>The Accused Products utilize a controller. <i>See Peloton's Response to Request for Admission No. 9.</i></p> <p>The Accused Products' controller is capable of communicating with a current sensor and the operating unit. <i>See Peloton's Response to Request for Admission Nos. 11 and 13.</i></p>

the controller configured to generate exercise use data when the operating member is driven by the motor; and

The Accused Products’ controller generates exercise use data (i.e., in-workout metrics or real-time metrics) when the operating member is driven by the motor. As shown in the images below, the Accused Products generate exercise use data, including pace, speed, mileage, elevation gain, output, and heart rate when the operating member is driven by the motor.

On-screen metrics

Track performance in class and over time with a range of connected metrics.

REAL-TIME METRICS

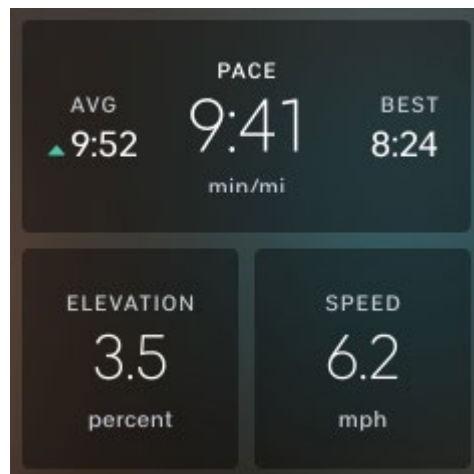
See in-class metrics like pace, incline, output, mileage, heart rate, and more.

TRACK PROGRESS OVER TIME

Check workout streaks, personal bests, goals achieved, and more.

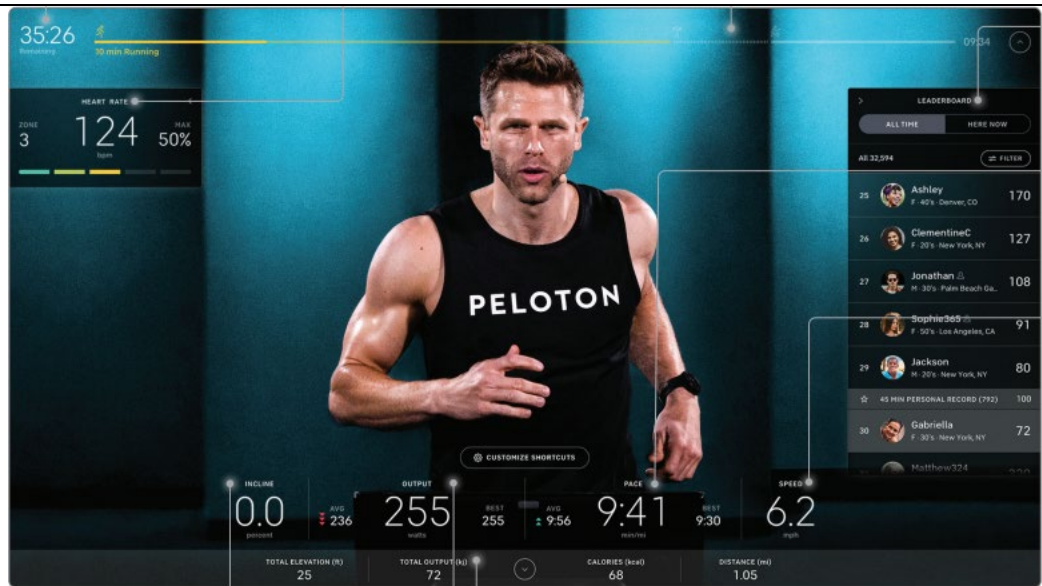
LEADERBOARD

See who’s in class, give out high-fives, and chase others up the Leaderboard for some friendly competition.



'375 Patent

Peloton's Accused Products



<https://www.onepeloton.com/tread>

[https://support.onepeloton.com/hc/en-](https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf)

[us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf](https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf)

and

a communication interface in communication with the controller,

The Accused Products have several communication interfaces, including a touchscreen. <https://www.onepeloton.com/tread/specs>



The Accused Products also utilize a communication interface in the form of internet connectivity options. Such options include “WiFi 802.11 a/b/g/n/ac – 2.4 GHz & 5GHz,” “ANT+ wireless,” and “100 Mbps (USB-C to Ethernet adapter only)” as shown in the image below.

CONNECTION

WiFi 802.11 a/b/g/n/ac - 2.4GHz & 5GHz

ANT+™ wireless

100 Mbps (USB-C to Ethernet adapter only, not included)

<https://www.onepeloton.com/tread/specs>

The Accused Products’ controller communicates with the current sensor and operating unit to gather exercise use data, including pace, incline, output, and mileage. The Accused Products’ controller then communicates the exercise use data to the communication interface to facilitate the user working out virtually alongside other members who can see at least some of the user’s exercise data, as well as tracking milestones, streaks, and badge awards, via Peloton’s Leaderboard. As such, the Accused Products have a communication interface that is in communication with the controller.

'375 Patent	Peloton's Accused Products
	<p data-bbox="410 243 513 264">FEATURES</p> <hr data-bbox="410 283 1079 287"/> <p data-bbox="410 323 935 344">Access to live classes and thousands more on demand</p> <p data-bbox="410 373 1023 394">Individual profiles for household access (see user requirements)</p> <p data-bbox="410 424 883 445">Tread Lock helps prevent unauthorized access ⓘ</p> <p data-bbox="410 474 1058 495">In-workout metrics like speed, mileage, elevation gain and heart rate</p> <p data-bbox="410 525 891 546">Leaderboard to workout alongside other Members</p> <p data-bbox="410 575 735 596">Training programs and challenges</p> <p data-bbox="410 625 1003 646">Workout history, milestone achievements, streaks and badges</p> <p data-bbox="410 676 672 697">Special event programming</p> <p data-bbox="386 726 1008 810"> https://www.onepeloton.com/tread https://www.onepeloton.com/tread/specs </p> <p data-bbox="1458 737 1515 758">and</p>

wherein the controller is configured determine whether the user is engaged with the operating member in response to movement of the operating member and the sensor detecting engagement of the user with the operating member,

“The Accused Products utilize current sensors” to detect user engagement with the operating unit. *See* Peloton’s Response to Interrogatory No. 10.

Additionally, Peloton’s website states that “the belt on [the Accused Products] will come to a stop if it has been set to a speed above 0 mph and it does not detect a person running.”

Please note that even if you are in a class, the belt on your Peloton Tread or Peloton Tread+ will come to a stop if it has been set to a speed above 0 mph and it does not detect a person running.

<https://support.onepeloton.com/hc/en-us/articles/360060884531-Tread-Lock>

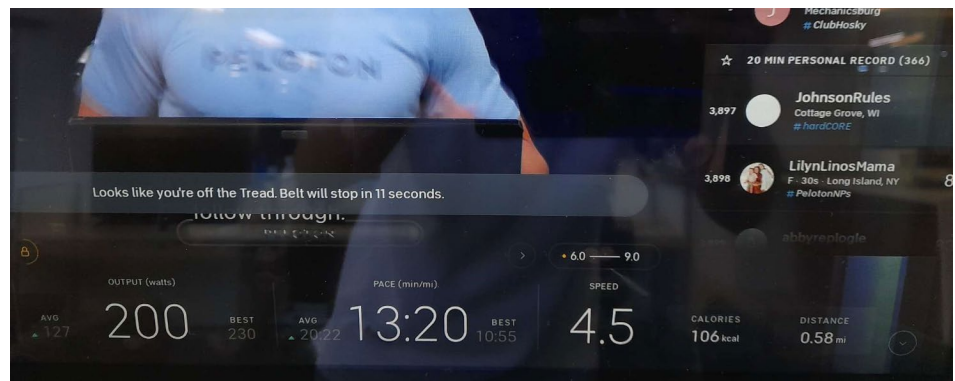
Based on testing, the Accused Products utilize software that (1) turns on a light around the stop button after a user has stepped off the operating unit (about 5 seconds after stepping off), and (2) displays a notification on the screen stating either: “Looks like you’re off the Tread. Belt will stop in 11 seconds” or “Your metrics are paused because you’re off the tread. Belt will stop in 10 seconds.”



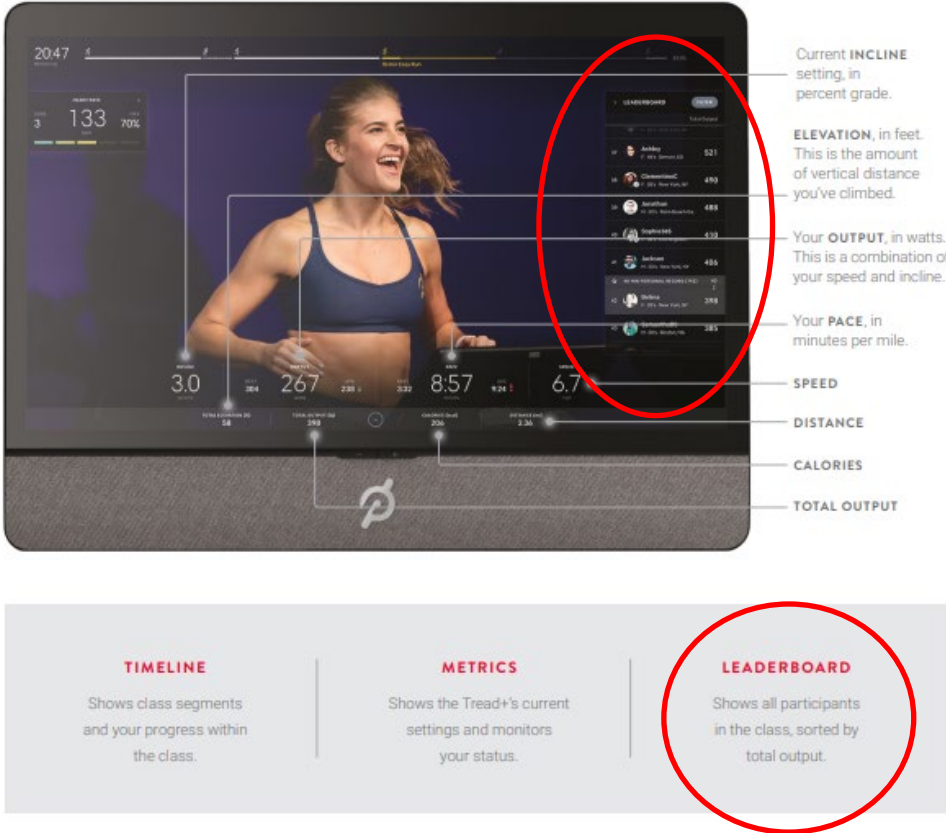
light before stepping off the Accused Products



light after stepping off the Accused Products



'375 Patent	Peloton's Accused Products
	<div data-bbox="540 226 1352 646" data-label="Image"> </div> <p data-bbox="386 667 1511 821">The current sensor is operably connected to the motor and is configured to detect an input current into the motor while the operating unit is running. Additionally, the Accused Products' controller analyzes the input current detected by the current sensor to detect engagement of the user with the operating unit.</p> <p data-bbox="386 842 1511 957">As a result, the controller is configured to determine whether the user is engaged with the operating member in response to movement of the operating member and the sensor detecting engagement of the user with the operating member.</p>

'375 Patent	Peloton's Accused Products
wherein in response to the controller determining that the user is engaged with the operating member, the controller is configured to report the exercise use data to the communication interface,	<p>The Accused Products' controller communicates exercise use data (e.g., "Total Output (kJ)", "Distance (mi)") to the communication interface.</p> <p>As shown in the image below, the Accused Products display Peloton's Leaderboard on the right-hand side of the screen. The Leaderboard (circled below in red) shows all participants in a class and ranks the participants by Total Output (kJ). The Leaderboard also allows users to see where their Total Output (kJ) ranks among all users that have taken the class. Ranking users by Total Output (kJ) on the Leaderboard is only possible because each user's Accused Product transmits the exercise use data (Total Output (kJ)) to a communication interface (i.e., internet connectivity options) for transmission to a remote server for subsequent communication to others' exercise devices.</p>  <p>Current INCLINE setting, in percent grade.</p> <p>ELEVATION, in feet. This is the amount of vertical distance you've climbed.</p> <p>Your OUTPUT, in watts. This is a combination of your speed and incline.</p> <p>Your PACE, in minutes per mile.</p> <p>SPEED</p> <p>DISTANCE</p> <p>CALORIES</p> <p>TOTAL OUTPUT</p> <p>TIMELINE Shows class segments and your progress within the class.</p> <p>METRICS Shows the Tread+'s current settings and monitors your status.</p> <p>LEADERBOARD Shows all participants in the class, sorted by total output.</p> <p>https://support.onepeloton.com/hc/en-us/article_attachments/4401927651860/Peloton_Tread_Plus_User_Manual.pdf</p>

wherein in response to the controller determining that the user is not engaged with the operating member, the controller is configured to stop reporting the exercise use data to the communication interface, and

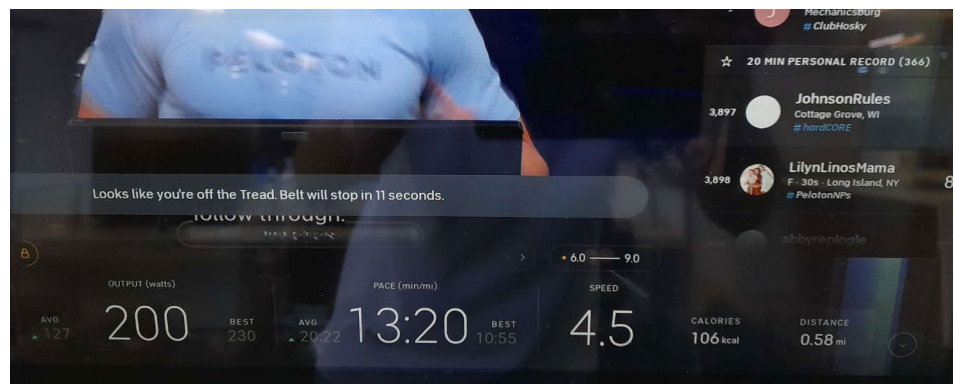
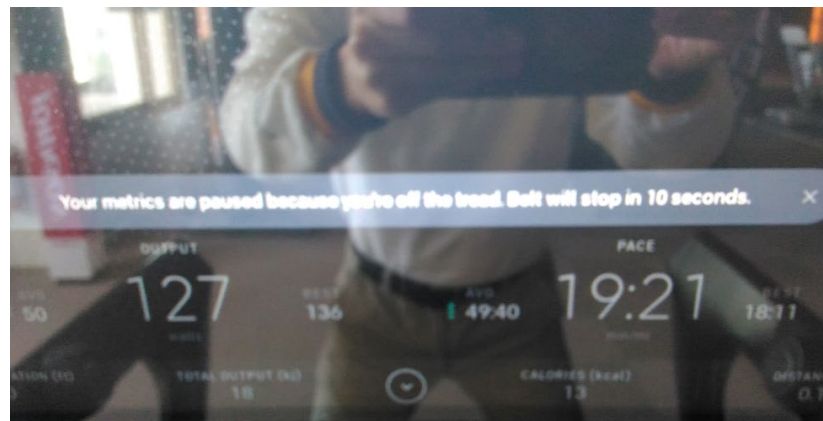
Based on testing, the Accused Products utilize software that (1) turns on a light around the stop button after a user has stepped off the operating unit (about 5 seconds after stepping off), and (2) displays a notification on the screen stating either: "Looks like you're off the Tread. Belt will stop in 11 seconds" or "Your metrics are paused because you're off the tread. Belt will stop in 10 seconds."



light before stepping off the Accused Products



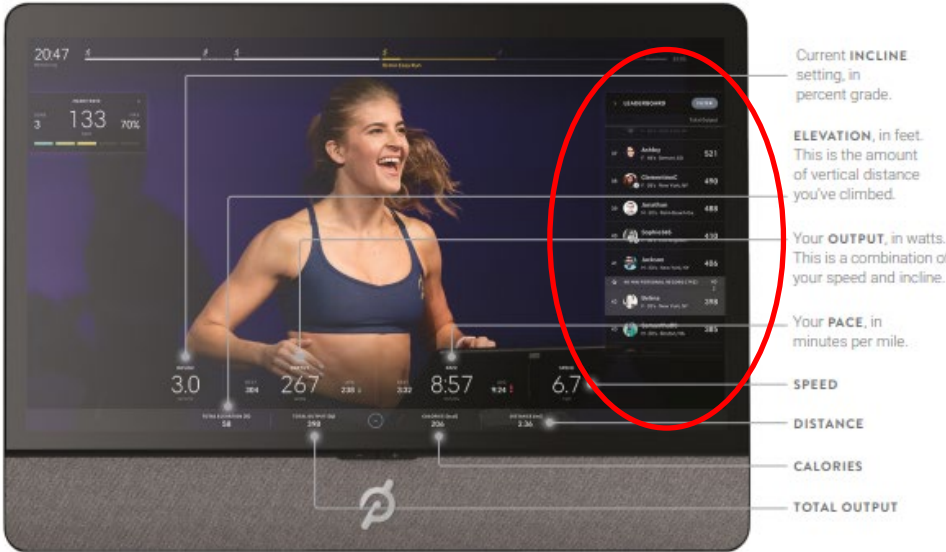
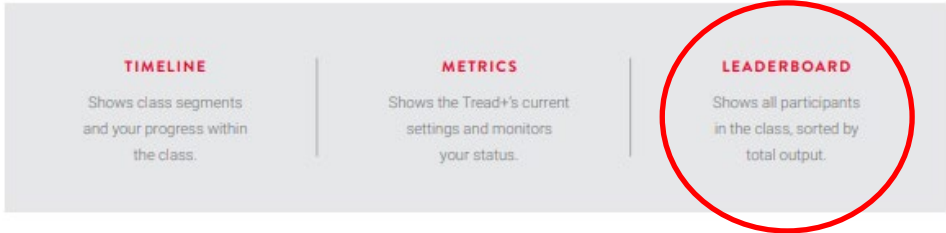
light after stepping off the Accused Products



Additionally, once a user steps off the operating member and the user is no longer detected as being engaged with the operating member, the controller stops reporting exercise use data to the communication interface.

This is shown in the pictures below. The first picture shows the "Distance (mi)" after the sensor does not detect engagement of the user with the operating unit.

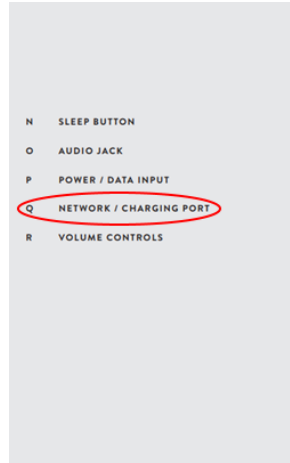
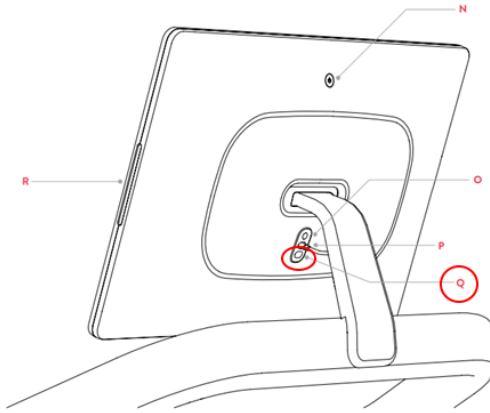
'375 Patent	<p>Peloton's Accused Products</p> <p>The second picture shows how the "Distance (mi)" remain the same (.87 miles) on the screen despite the user not being on the operating unit. The second picture was taken approximately 9 seconds after the user stepped off the operating unit.</p> <div></div> <p>As such, the Accused Products' controller is configured to stop reporting the exercise use data to the communication interface in response to the controller determining that the user is not engaged with the operating member.</p>
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'375 Patent	Peloton's Accused Products
wherein the communication interface is configured to communicate the reported exercise use data to a third party.	<p>The Accused Products' communication interface uses its internet interface to communicate the reported exercise use data (e.g., Total Output (kJ)) to the Leaderboard for third parties (other users) to view and to facilitate working out virtually alongside other members. The Leaderboard (circled below in red) shows all participants in a class and ranks the participants by Total Output (kJ). The Leaderboard also allows users to see where their Total Output (kJ) ranks among all users that have taken the class. Ranking users by Total Output (kJ) on the Leaderboard is only possible because each user's Accused Product transmits the reported exercise use data (Total Output (kJ)) to a communication interface (i.e., internet connectivity options) for transmission to third parties.</p>  <p>Current INCLINE setting, in percent grade.</p> <p>ELEVATION, in feet. This is the amount of vertical distance you've climbed.</p> <p>Your OUTPUT, in watts. This is a combination of your speed and incline.</p> <p>Your PACE, in minutes per mile.</p> <p>SPEED</p> <p>DISTANCE</p> <p>CALORIES</p> <p>TOTAL OUTPUT</p>  <p>TIMELINE Shows class segments and your progress within the class.</p> <p>METRICS Shows the Tread+'s current settings and monitors your status.</p> <p>LEADERBOARD Shows all participants in the class, sorted by total output.</p> <p>As a result, the Accused Products' communication interface is configured to communicate the reported exercise use data to a third party.</p>

'375 Patent	Peloton's Accused Products
<p>2. The exercise apparatus of claim 1, wherein the exercise use data includes a distance traveled by the user while the user is detected as engaged with the operating member.</p>	<p>The controller generates exercise use data, including "Distance (mi)," when the sensor detects engagement of the user with the operating unit.</p> <p>In the first image below, the user has just started using the Accused Products. In the second image, the user has been on the operating unit for 18 seconds. As shown in the images, the "Distance (mi)" (red circle in the second picture) increased from .83 miles to .86 miles because the sensor detected the user running on the operating unit. As such, the exercise use data includes a distance traveled by the user while the sensor detects engagement of the user with the operating unit.</p> 
<p>6. The exercise apparatus of claim 1, wherein the controller compares data from the sensor to a known data parameter that is indicative of a user not engaging the operating member in order to detect whether the user is engaging the operating member.</p>	<p>"The Accused Products utilize current sensors." <i>See Peloton's Response to Interrogatory No. 10.</i></p> <p>The current sensor is operably connected to the motor and detects an input current into the motor while the operating unit is running. This input current signal is transmitted from the current sensor to the controller and serves as the data parameter indicative of a user not engaging the operating member. When a user steps on the operating member during operation of the operating unit, the motor draws more current. The current sensor detects whether or not a user is engaging the motor-driven operating member by detecting the change in input current caused by the user footfall. The current sensor then transmits the current signal proportional to the input current to the controller so that the controller can determine whether a user is engaging the operating member.</p> <p>As a result, the Accused Products' controller compares data from the sensor to a known data parameter that is indicative of a user not engaging the operating member in order to detect whether a user is engaging the operating member.</p>

10. The exercise apparatus of claim 1, wherein the communication interface is an internet interface.

The Accused Products' communication interface includes an internet interface in the form of, among other things, a network/charging port for internet connectively (identified as "Q Network/Charging Port" and circled in red in the image below).



https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf

The Accused Products also include other internet connectivity options, including Wi-Fi and wireless, as shown in the image below.

CONNECTION

WiFi 802.11 a/b/g/n/ac - 2.4GHz & 5GHz

ANT+™ wireless

100 Mbps (USB-C to Ethernet adapter only, not included)

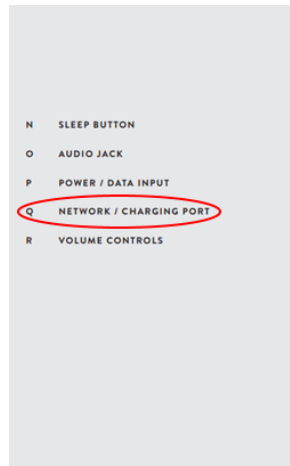
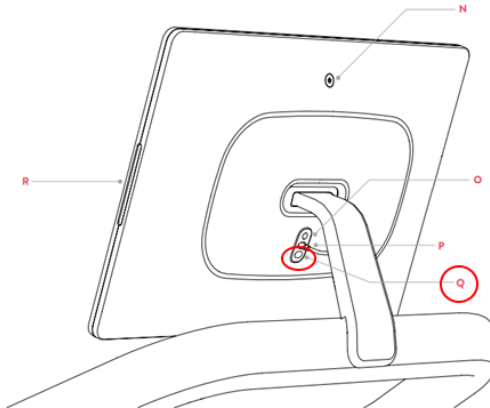
<https://www.onepeloton.com/tread/specs>

'375 Patent	Peloton's Accused Products
	<div><p>CONNECTING TO THE INTERNET</p><ul style="list-style-type: none">• Select your Wi-Fi® network and enter the password. Tap Connect.• If a Wi-Fi network is not available, you can connect to a wired network. Use an adapter to connect an Ethernet cable to the network port on the back of the touchscreen. The Tread will connect to the network automatically.• To turn off Wi-Fi, tap the upper right corner of the touchscreen and select Wi-Fi. On the Wi-Fi screen, toggle the radio button at the upper right.<p>⚠ CAUTION: Ethernet cable must not pass underneath the Tread or touch the running surface.</p><div><div>PELOTONOFFICE</div><div>PELOTONPOS</div><div>PELOTONBIKES</div><div>PELOTON S1</div><div>PELOTON S2</div><div>PELOTON S3</div><div>Don't Have Wireless?</div></div></div> <p>https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf</p> <p>Therefore, the Accused Products' communication interface is an internet interface.</p>

'375 Patent	Peloton's Accused Products
<p>11. The exercise apparatus of claim 10, wherein the internet interface is configured to transmit the exercise use data to a website storage device.</p>	<p>The Accused Products' communication interface uses its internet interface to transmit exercise use data (e.g., Total Output (kJ)) to Amazon Redshift, Amazon's petabyte-scale cloud data warehouse (https://aws.amazon.com/blogs/big-data/peloton-embraces-amazon-redshift-to-unlock-the-power-of-data-during-changing-times/). As shown below, other users' exercise use data (Total Output (kJ)) is then transmitted back to the Accused Products and is displayed on the Leaderboard to facilitate working out virtually alongside other members by ranking the members according to their total output.</p>  <p>https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf</p> <p>As a result, the Accused Products' internet interface is configured to transmit the exercise use data to a website storage device.</p>
<p>12. The exercise apparatus of claim 11, wherein the website storage device is a web based database.</p>	<p>The website storage device Amazon Redshift is a web based database. As a result, the Accused Products' website storage device is a web based database.</p>

13. The exercise apparatus of claim 11, wherein the exercise use data is transmitted to the website storage device via a communication link.

The Accused Products' communication interface includes an internet interface for transmitting the exercise use data to the website storage device via a communication link in the form of a network/charging port for internet connectively (identified as "Q Network/Charging Port" and circled in red in the image below).



https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf

The Accused Products also contain a communication link for transmitting exercise use data to the website storage device in the form of 100 Mbps (USB-C to Ethernet) connection.

CONNECTION

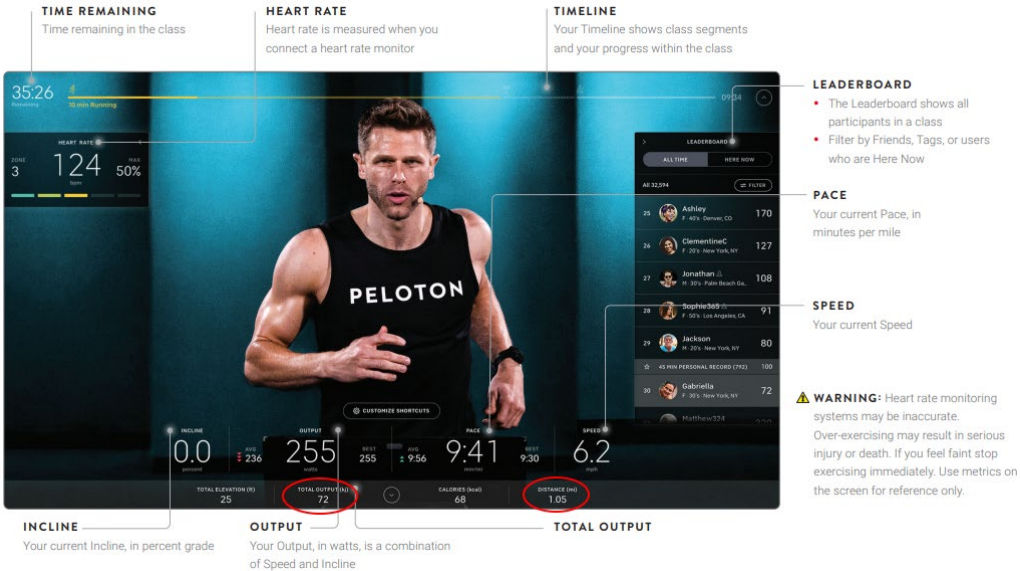
WiFi 802.11 a/b/g/n/ac - 2.4GHz & 5GHz

ANT+™ wireless

100 Mbps (USB-C to Ethernet adapter only, not included)

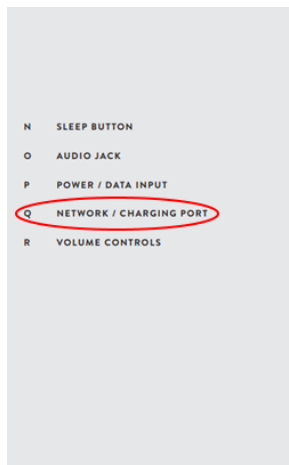
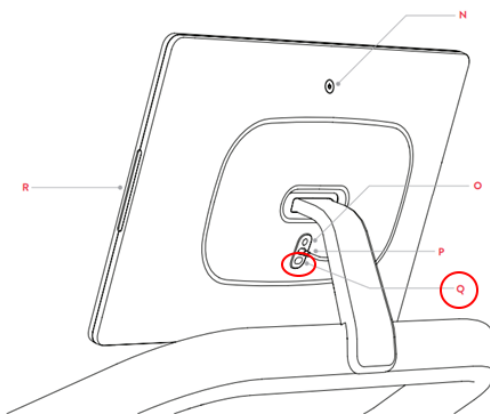
<https://www.onepeloton.com/tread/specs>

'375 Patent	Peloton's Accused Products
	<div><p>CONNECTING TO THE INTERNET</p><ul style="list-style-type: none">• Select your Wi-Fi® network and enter the password. Tap Connect.• If a Wi-Fi network is not available, you can connect to a wired network. Use an adapter to connect an Ethernet cable to the network port on the back of the touchscreen. The Tread will connect to the network automatically.• To turn off Wi-Fi, tap the upper right corner of the touchscreen and select Wi-Fi. On the Wi-Fi screen, toggle the radio button at the upper right.<p>⚠ CAUTION: Ethernet cable must not pass underneath the Tread or touch the running surface.</p><div><div>PELOTONOFFICE</div><div>PELOTONPOS</div><div>PELOTONBIKES</div><div>PELOTON S1</div><div>PELOTON S2</div><div>PELOTON S3</div><div>Don't Have Wireless?</div></div></div> <p>https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf</p> <p>As a result, the exercise use data is transmitted to the website storage device via a communication link.</p>

'375 Patent	Peloton's Accused Products
14. The exercise apparatus of claim 1, wherein the communication interface is a display device for directly showing the exercise use data to the user.	<p>The Accused Products' communication interface includes a display device, which Peloton refers to as a touchscreen.</p>  <p>https://www.onepeloton.com/tread/specs</p> <p>As shown in the image below, the communication interface directly shows the exercise use data (e.g., "Total Output (kJ)", "Distance (mi)" circled in red) to the user.</p>  <p>https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf</p> <p>Accordingly, the Accused Products' communication interface is a display device for directly showing the exercise use data to the user.</p>

15. The exercise apparatus of claim 1, wherein the communication interface communicates the exercise use data to the third party via an internet connection.

The Accused Products' communication interface includes an internet interface in the form of, among other things, a network/charging port for internet connectively (identified as "Q Network/Charging Port" and circled in red in the image below).



https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf

The Accused Products also include other internet connectivity options, including Wi-Fi and wireless, as shown in the image below.

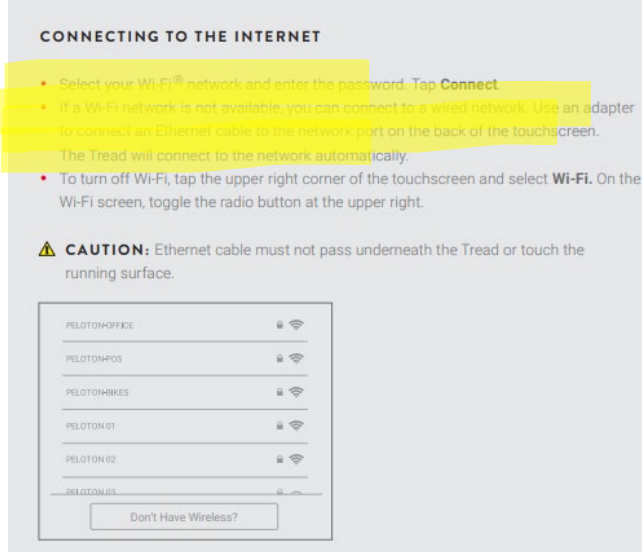
CONNECTION

WiFi 802.11 a/b/g/n/ac - 2.4GHz & 5GHz

ANT+™ wireless

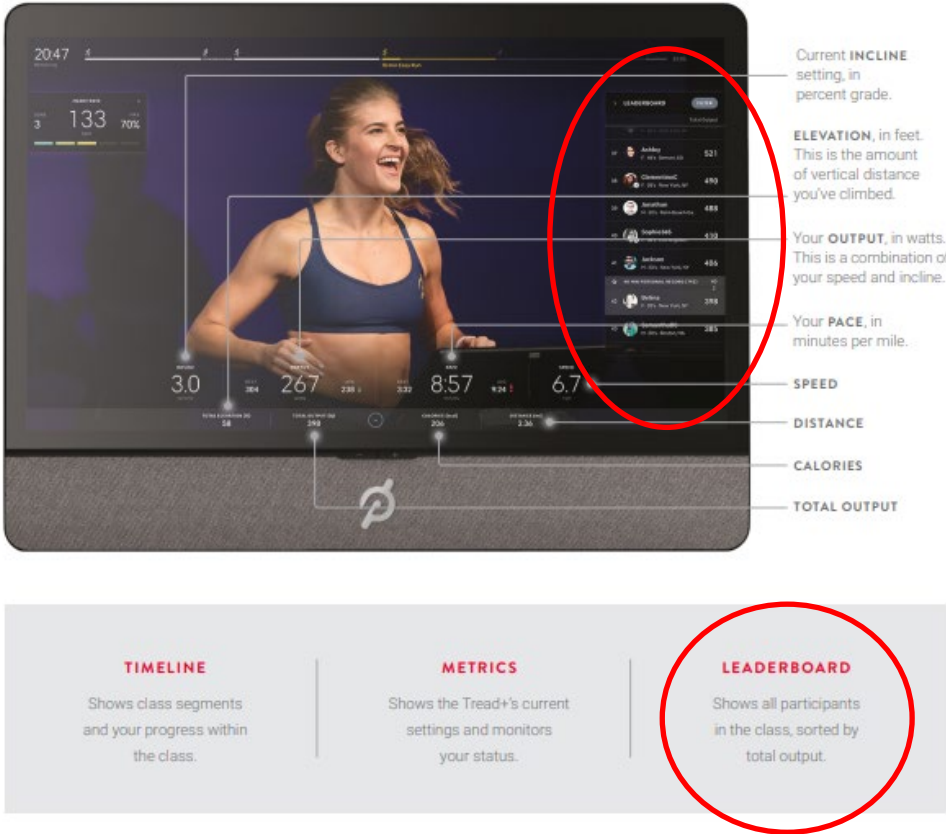
100 Mbps (USB-C to Ethernet adapter only, not included)

<https://www.onepeloton.com/tread/specs>



https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf

The Accused Products' communication interface uses its internet interface to communicate the reported exercise use data (e.g., Total Output (kJ)) to the Leaderboard for third parties (other users) to view and to facilitate working out virtually alongside other members. The Leaderboard (circled below in red) shows all participants in a class and ranks the participants by Total Output (kJ). The Leaderboard also allows users to see where their Total Output (kJ) ranks among all users that have taken the class. Ranking users by Total Output (kJ) on the Leaderboard is only possible because each user's Accused Product transmits the reported exercise use data (Total Output (kJ)) to a communication interface (i.e., internet connectivity options) for transmission to third parties.

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	<div data-bbox="399 247 1339 1075"><p>Current INCLINE setting, in percent grade.</p><p>ELEVATION, in feet. This is the amount of vertical distance you've climbed.</p><p>Your OUTPUT, in watts. This is a combination of your speed and incline.</p><p>Your PACE, in minutes per mile.</p><p>SPEED</p><p>DISTANCE</p><p>CALORIES</p><p>TOTAL OUTPUT</p><p>TIMELINE Shows class segments and your progress within the class.</p><p>METRICS Shows the Tread+'s current settings and monitors your status.</p><p>LEADERBOARD Shows all participants in the class, sorted by total output.</p></div> <p>As a result, the Accused Products' communication interface communicates the exercise use data to the third party via an internet connection.</p>
16. A method of verifying the use of an exercise apparatus comprising:	<p>The Accused Products include a method for verifying the use of an exercise apparatus.</p> <div data-bbox="724 1281 1175 1669"></div> <p>https://www.onepeloton.com/tread/specs</p>

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operating a motor-driven operating member;	<p>The Accused Products' method of verifying the use of an exercise apparatus includes an operating unit/member. <i>See Peloton's Response to Request for Admission No. 1.</i></p> <div data-bbox="662 380 1235 873" data-label="Image"> </div> <p>https://www.onepeloton.com/tread/specs</p> <p>The operating member is driven by the motor to simulate running speeds from 0 to 12.5 mph.</p> <p>PERFORMANCE</p> <hr/> <p>Speed: 0 to 12.5 mph with 0.1 mph increments</p> <p>Incline: 0 to 12.5% grade with 0.5% increments</p> <p>Motor: 3 HP DC</p> <p>Screen adjustment: 0 - 50 deg vertical tilt, does not rotate horizontally</p> <p>Power rating: 120Vac, 60Hz, 12A</p> <p>https://www.onepeloton.com/tread/specs</p> <p>Therefore, the Accused Products' method includes operating a motor-driven operating member.</p>

in response to operating the motor-driven operating member, generating exercise use data;

The Accused Products' method of verifying use of an exercise apparatus includes generating exercise use data in response to operating the motor-driven operating member. That is, the Accused Products' controller generates exercise use data (i.e., in-workout metrics or real-time metrics) when the operating member is driven by the motor. As shown in the images below, the Accused Products generate exercise use data, including pace, speed, mileage, elevation gain, output, and heart rate when the operating member is driven by the motor.

On-screen metrics

Track performance in class and over time with a range of connected metrics.

REAL-TIME METRICS

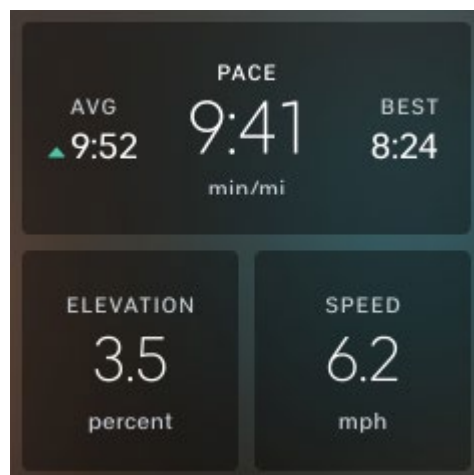
See in-class metrics like pace, incline, output, mileage, heart rate, and more.

TRACK PROGRESS OVER TIME

Check workout streaks, personal bests, goals achieved, and more.

LEADERBOARD

See who's in class, give out high-fives, and chase others up the Leaderboard for some friendly competition.



'375 Patent	Peloton's Accused Products
	 <p>https://www.onepeloton.com/tread and</p> <p>https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf</p>
receiving, at a controller, sensor data from a sensor;	<p>The Accused Products' method for verifying the use of an exercise apparatus includes receiving, at a controller, sensor data from a sensor.</p> <p>"The Accused Products utilize current sensors" to detect user engagement with the Accused Products' operating member. <i>See Peloton's Response to Interrogatory No. 10.</i></p> <p>The Accused Products utilize a controller, which is capable of communicating with a current sensor and the operating unit. <i>See Peloton's Response to Request for Admission Nos. 9, 11, and 13.</i></p>

'375 Patent	Peloton's Accused Products
<p>comparing, at the controller, the received sensor data with a known data parameter that is indicative of a user not engaging the motor-driven operating member;</p>	<p>"The Accused Products utilize current sensors" to detect user engagement with the Accused Products' operating member. <i>See Peloton's Response to Interrogatory No. 10.</i></p> <p>The current sensor is operably connected to the motor and detects an input current into the motor while the operating unit is running. This input current signal is transmitted from the current sensor to the controller and serves as the data parameter indicative of a user not engaging the operating member. When a user steps on the operating member during operation of the operating unit, the motor draws more current. The current sensor detects whether or not a user is engaging the motor-driven operating member by detecting the change in input current caused by the user footfall. The current sensor then transmits the current signal proportional to the input current to the controller so that the controller can determine whether a user is engaging the operating member.</p> <p>As a result, the Accused Products' method for verifying use of an exercise apparatus includes a controller comparing the received sensor data with a known data parameter indicative of a user not engaging the motor-driven operating member.</p>

in response to the comparison step indicating that the user is engaged with the motor-driven operating member, reporting the exercise use data to a communication interface;

The Accused Products' controller reports exercise use data (e.g., total output (kJ), distance (mi)) to the communication interface via its internet connectivity options (e.g., Wi-Fi, wireless, and ethernet) as shown in the image below.

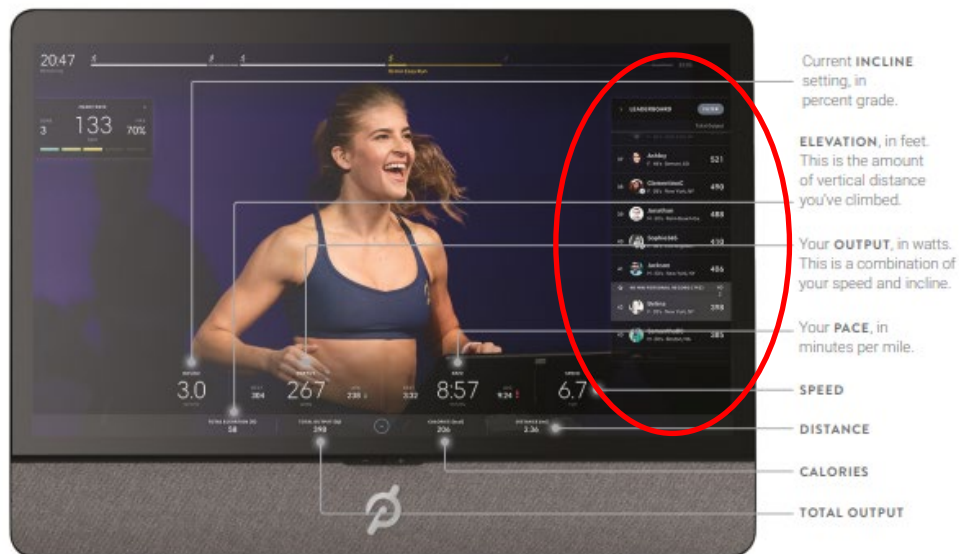
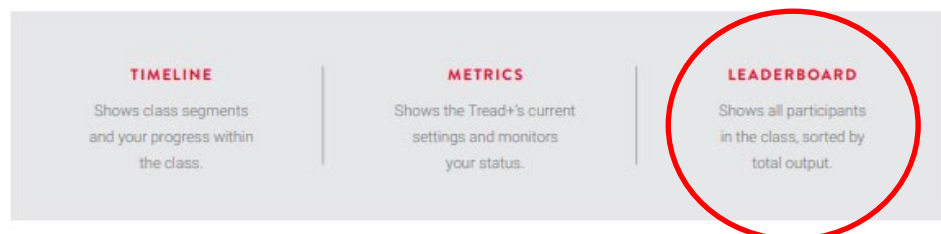
CONNECTION

WiFi 802.11 a/b/g/n/ac - 2.4GHz & 5GHz

ANT+™ wireless

100 Mbps (USB-C to Ethernet adapter only, not included)

The Accused Products' communication interface uses its internet interface to communicate the reported exercise use data (e.g., Total Output (kJ)) to the Leaderboard for third parties (other users) to view and to facilitate working out virtually alongside other members. The Leaderboard (circled below in red) shows all participants in a class and ranks the participants by Total Output (kJ). The Leaderboard also allows users to see where their Total Output (kJ) ranks among all users that have taken the class. Ranking users by Total Output (kJ) on the Leaderboard is only possible because each user's Accused Product transmits the reported exercise use data (Total Output (kJ)) to a communication interface (i.e., internet connectivity options) for transmission to third parties.



'375 Patent	Peloton's Accused Products
	https://support.onepeloton.com/hc/en-us/article_attachments/4401927651860/Peloton_Tread_Plus_User_Manual.pdf As a result, the Accused Products' communication interface communicates the exercise use data to the third party via an internet connection.

in response to the comparison step indicating that the user is not engaged with the motor-driven operating member, ceasing to report the exercise use data to a communication interface; and

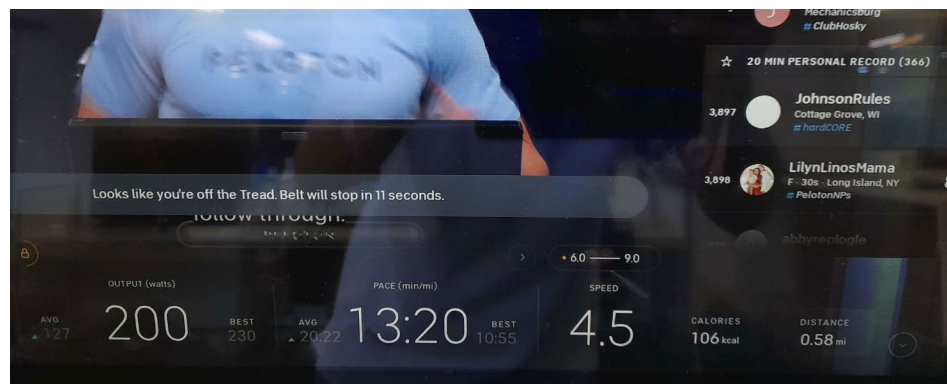
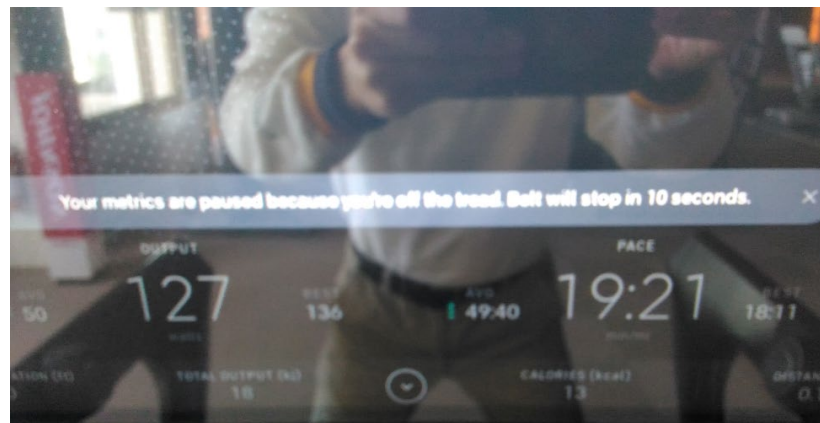
Based on testing, the Accused Products utilize software that (1) turns on a light around the stop button after a user has stepped off the operating unit (about 5 seconds after stepping off), and (2) displays a notification on the screen stating either: "Looks like you're off the Tread. Belt will stop in 11 seconds" or "Your metrics are paused because you're off the tread. Belt will stop in 10 seconds."



light before stepping off
the Accused Products

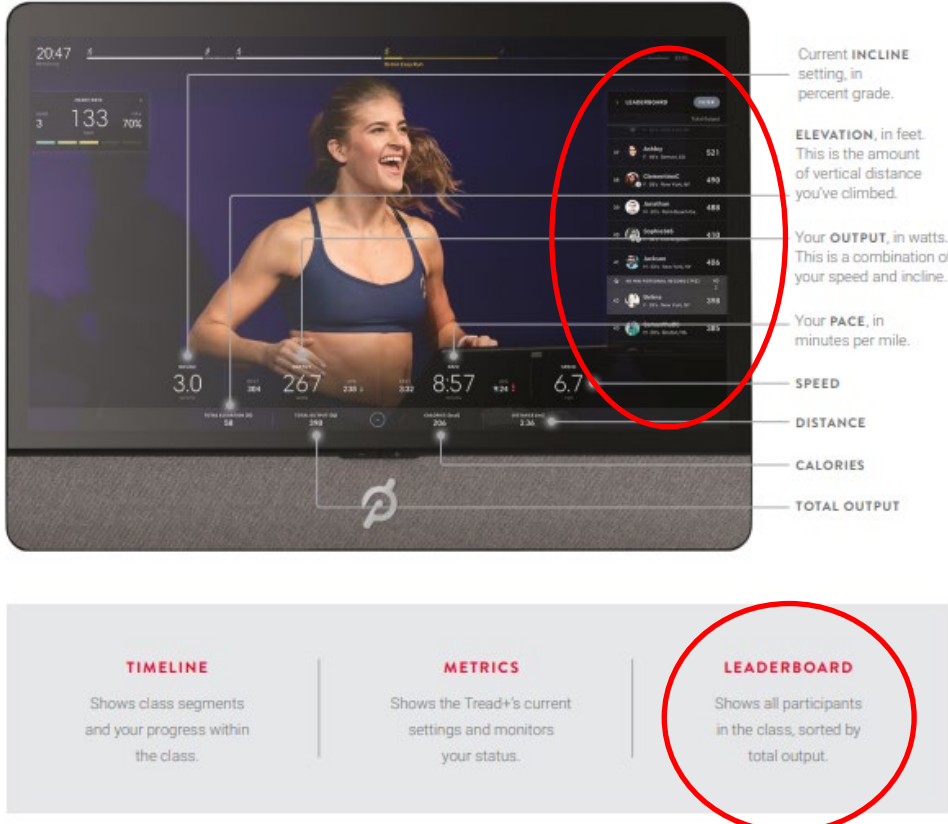


light after stepping off
the Accused Products



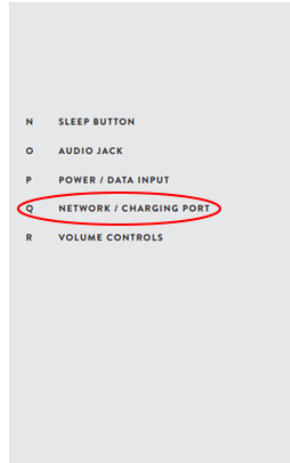
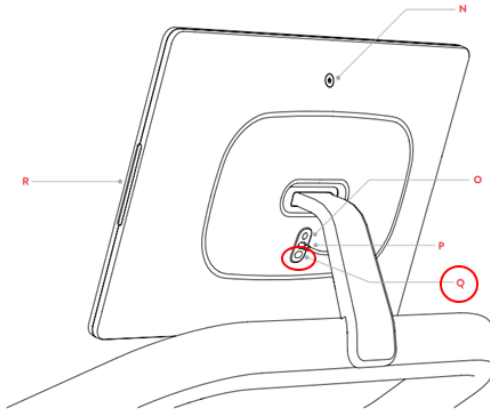
Additionally, the Accused Products' controller stops reporting the exercise use data (e.g., total output (kJ), distance (mi)) to the communication interface when the user is no longer detected as being engaged with the operating member (i.e., after about five seconds).

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	<p>This is shown in the pictures below. The first picture shows the “Distance (mi)” after the sensor does not detect engagement of the user with the operating unit. The second picture shows how the “Distance (mi)” remains the same (.87 miles) despite the operating member continuing to be driven by the motor because the user is not detected as engaged with the operating unit. The second picture was taken approximately 9 seconds after the user stepped off the operating unit.</p> <div></div> <p>As a result, the Accused Products’ method for verifying use of an exercise apparatus comprises ceasing to report the exercise use data to the communication interface in response to the comparison step indicating that the user is not engaged with the motor-driven operating member.</p>

'375 Patent	Peloton's Accused Products
<p>communicating the reported exercise use data from the communication interface to a third party.</p>	<p>The Accused Products' communication interface communicates the reported exercise use data (e.g., Total Output (kJ)) to the Leaderboard for third parties (other users) to view and to facilitate working out virtually alongside other members. The Leaderboard (circled below in red) shows all participants in a class and ranks the participants by Total Output (kJ). The Leaderboard also allows users to see where their Total Output (kJ) ranks among all users that have taken the class.</p>  <p>Current INCLINE setting, in percent grade.</p> <p>ELEVATION, in feet. This is the amount of vertical distance you've climbed.</p> <p>Your OUTPUT, in watts. This is a combination of your speed and incline.</p> <p>Your PACE, in minutes per mile.</p> <p>SPEED</p> <p>DISTANCE</p> <p>CALORIES</p> <p>TOTAL OUTPUT</p> <p>TIMELINE Shows class segments and your progress within the class.</p> <p>METRICS Shows the Tread+'s current settings and monitors your status.</p> <p>LEADERBOARD Shows all participants in the class, sorted by total output.</p> <p>As a result, the Accused Products' method of verifying the use of an exercise apparatus includes communicating the reported exercise use data from the communication interface to a third party.</p>
<p>18. The method of claim 16, wherein the receiving step includes receiving data from a current sensor.</p>	<p>As outlined above, the Accused Products' method for verifying the use of an exercise apparatus comprises receiving, at a controller, sensor data from a sensor. Additionally, "[t]he Accused Products utilize current sensors." See Peloton's Response to Interrogatory No. 10. Accordingly, the receiving step includes receiving data from a current sensor.</p>

19. The method of claim 16, wherein the communicating step includes communicating the reported exercise use data to a third party via an internet connection.

The Accused Products' communication interface includes an internet interface in the form of, among other things, a network/charging port for internet connectivity (identified as "Q Network/Charging Port" and circled in red in the image below).



[https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton Tread Manual NA.pdf](https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf)

The Accused Products also include other internet connectivity options, including Wi-Fi and wireless, as shown in the image below.

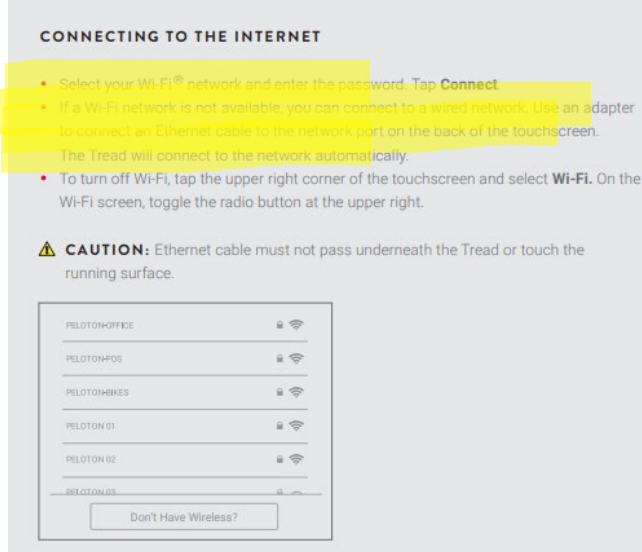
CONNECTION

WiFi 802.11 a/b/g/n/ac - 2.4GHz & 5GHz

ANT+™ wireless

100 Mbps (USB-C to Ethernet adapter only, not included)

<https://www.onepeloton.com/tread/specs>



https://support.onepeloton.com/hc/en-us/article_attachments/4406174535828/Peloton_Tread_Manual_NA.pdf

The Accused Products' communication interface uses its internet interface to communicate the reported exercise use data (e.g., Total Output (kJ)) to the Leaderboard for third parties (other users) to view and to facilitate working out virtually alongside other members. The Leaderboard (circled below in red) shows all participants in a class and ranks the participants by Total Output (kJ). The Leaderboard also allows users to see where their Total Output (kJ) ranks among all users that have taken the class. Ranking users by Total Output (kJ) on the Leaderboard is only possible because each user's Accused Product transmits the reported exercise use data (Total Output (kJ)) to a communication interface (i.e., internet connectivity options) for transmission to third parties.

'375 Patent	<p>Peloton's Accused Products</p> <p>Current INCLINE setting, in percent grade.</p> <p>ELEVATION, in feet. This is the amount of vertical distance you've climbed.</p> <p>Your OUTPUT, in watts. This is a combination of your speed and incline.</p> <p>Your PACE, in minutes per mile.</p> <p>SPEED</p> <p>DISTANCE</p> <p>CALORIES</p> <p>TOTAL OUTPUT</p> <p>TIMELINE Shows class segments and your progress within the class.</p> <p>METRICS Shows the Tread+'s current settings and monitors your status.</p> <p>LEADERBOARD Shows all participants in the class, sorted by total output.</p> <p>As a result, the Accused Products' communication interface communicates the exercise use data to the third party via an internet connection.</p>
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'375 Patent	Peloton's Accused Products
<p>20. The method of claim 16, wherein the known data parameter is preprogrammed into the controller.</p>	<p>The Accused Products' method of verifying the use of an exercise apparatus utilizes current sensors. <i>See Peloton's Response to Interrogatory No. 10.</i></p> <p>The Accused Products' current sensor is operably connected to the motor and detects an input current into the motor while the operating unit is running. This input current signal is transmitted from the current sensor to the controller and serves as the data parameter indicative of a user not engaging the operating member. The data parameter is also preprogrammed into the controller so that when the controller receives an input current equal to the preprogrammed parameter from the sensor the controller can determine a user is not engaged with the operating member.</p> <p>As shown in the images below, the Accused Products display the following message when the controller receives an input current equal to the preprogrammed parameter from the current sensor (i.e., the user is determined to not be engaged with the operating member): "Looks like you're off the Tread. Belt will stop in 15 seconds."</p>  <p>As a result, the Accused Products' method of verifying the use of an exercise apparatus comprises a known data parameter, wherein the known data parameter is preprogrammed into the controller.</p>