

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ZEPP LABS, INC.,  
Petitioner,

v.

BLAST MOTION, INC.,  
Patent Owner.

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Case IPR2016-00675  
Patent 8,941,723 B2

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Before MICHAEL W. KIM, RAMA G. ELLURU, and  
MIRIAM L. QUINN, *Administrative Patent Judges*.

ELLURU, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a) and 37 C.F.R. § 42.73*

## I. INTRODUCTION

### A. *Background*

Zepp Labs, Inc. (“Petitioner”) filed a Petition to institute an *inter partes* review of claims 1–4, 6, 7, 13, 14, 19–22, 25, and 32 of U.S. Patent No. 8,941,723 B2 (Ex. 1001, the “’723 patent”). Paper 1, 1 (“Pet.”). Blast Motion, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 7 (“Prelim. Resp.”).

On August 29, 2016, we instituted an *inter partes* review of claims 1, 7, 13, 14, 19–22, and 32 on certain grounds of unpatentability set forth in the Petition. Paper 10, 26 (“Dec.”). Subsequent to institution of trial, Patent Owner filed a Patent Owner’s Response (Paper 23, “PO Resp.”) and Petitioner filed a Reply (Paper 27, “Pet. Reply”). Petitioner relies on the Declaration of Dr. Steven M. Nesbit (Ex. 1003). Patent Owner relies on the Declaration of Dr. Roozbeh Jafari (Ex. 2001). An oral hearing was held on May 8, 2017, and a transcript of the hearing is included in the record. Paper 37 (“Tr.”).

The Board has jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has failed to show by a preponderance of the evidence that claims 1, 7, 13, 14, 19–22, and 32 of the ’723 patent are unpatentable.

### B. *Related Proceedings*

Petitioner and Patent Owner identify the following district court proceeding concerning the ’723 patent: *Blast Motion, Inc. v. Zepp Labs, Inc.*, No 3:15-cv-00700 (S.D. Cal.). Pet. 2; Paper 5, 2.

Petitioner and Patent Owner identify further the following related patents, for each of which Petitioner has filed a respective petition for *inter partes* review: U.S. Patent No. 8,905,855 (IPR2016-00676, trial instituted); U.S. Patent No. 8,944,928 (IPR2016-00677, trial instituted); U.S. Patent No. 8,903,521 (IPR2016-00672, institution denied); U.S. Patent No. 9,039,527 (IPR2016-00674, institution denied). *Id.*

*C. The '723 Patent (Ex. 1001)*

According to the '723 patent, an exemplary field of the invention is directed to portable wireless mobile device computer systems, radio frequency identification, and optionally motion capture elements, such as visual markers and sensors utilized in the capture of motion data. Ex. 1001, 1:18–23.

A user may perform motion capture and/or display with a software application that, for example, executes on a mobile device having a visual display and an optional camera, and is capable of obtaining data from at least one motion capture element, such as a visual marker and/or a wireless sensor. *Id.* at 2:41–46. The system enables a user to analyze and display the motion capture data in a variety of ways that provide immediate, easy-to-understand graphical information associated with the motion capture data. *Id.* at 2:48–51.

*D. Illustrative Claim*

We instituted trial for claims 1, 7, 13, 14, 19–22, and 32. Claim 1, the only independent claim at issue, is reproduced below:

1. A portable wireless mobile device motion capture and analysis system comprising:

at least one motion capture element configured to couple with a user or piece of equipment, wherein said at least one motion capture element comprises

a memory;

a sensor configured to capture any combination of values associated with an orientation, a position, a velocity, and an acceleration of said at least one motion capture element;

a radio;

a microcontroller coupled with said memory, said sensor and said radio, wherein said microcontroller is configured to

collect data that comprises sensor values from said sensor;

store said data in said memory;

transmit said data via said radio;

an application configured to execute on a mobile device, wherein said mobile device comprises

a computer;

a display; and,

a wireless communication interface configured to

communicate with said radio to obtain said data, and

communicate with a remote database that is remote to said mobile device;

wherein said computer is coupled with said display and said wireless communication interface, and

wherein said computer is configured to execute said application to configure said computer to

recognize said at least one motion capture element associated with said user or said piece of equipment and associate said at least one motion capture element with assigned locations on said user or said piece of equipment based on movement of each of said at least one motion capture element respectively;

receive said data associated with said at least one motion capture element via said wireless communication interface;

analyze said data to form motion analysis data;

display said motion analysis data on said display; and,

store said data, or said motion analysis data, or both said data and said motion analysis data in said remote database.

*E. Grounds of Unpatentability Instituted for Trial*

We instituted review of claims 1, 7, 13, 14, 19–22, and 32 based on the following grounds and items of prior art:

References	Basis	Claims Challenged
Mahajan, <sup>1</sup> Otto, <sup>2</sup> and Lee <sup>3</sup>	§ 103(a)	1, 7, 21, 22, and 32
Mahajan, Otto, and Edis <sup>4</sup>	§ 103(a)	13, 14, 19, and 20

Dec. 26.

II. ANALYSIS

A. Claim Interpretation

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the

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<sup>1</sup> U.S. Patent Application Publication No. 2006/0025229 A1, pub. Feb. 2, 2006 (Ex. 1005, “Mahajan”).

<sup>2</sup> Chris Otto et al., *System Architecture of a Wireless Body Area Sensor Network for Ubiquitous Health Monitoring*, JOURNAL OF MOBILE MULTIMEDIA, VOL. 1, NO. 4 (2006) (Ex. 1012).

<sup>3</sup> U.S. Patent No. 6,224,493 B1, issued May 1, 2001 (Ex. 1006, “Lee”), is incorporated by reference in Mahajan. Pet. 3.

<sup>4</sup> U.S. Patent Application Publication No. 2010/0144414 A1, pub. June 10, 2010 (Ex. 1007, “Edis”).

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