

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GARMIN INTERNATIONAL, INC.,  
Petitioner,

v.

WISCONSIN ARCHERY PRODUCTS, LLC,  
Patent Owner.

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Case IPR2018-01137  
Patent 8,316,551 B2

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Record of Oral Hearing  
Held: September 6, 2019

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Before BARBARA A. PARVIS, STACEY G. WHITE, and  
MONICA S. ULLAGADDI, *Administrative Patent Judges*.

Case IPR2018-01137  
Patent 8,316,551 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JENNIFER C. BAILEY, ESQUIRE  
Erise IP, P.A.  
7015 College Blvd.  
Suite 700  
Overland Park, KS 66211

ON BEHALF OF THE PATENT OWNER:

MICHAEL T. GRIGGS, ESQUIRE  
Boyle Frederickson  
840 North Plankinton Avenue  
Milwaukee, WI 53203

The above-entitled matter came on for hearing on Friday, September 6, 2019, commencing at 12:59 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia, before Donna Jenkins, Notary Public.

P R O C E E D I N G S

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2 JUDGE PARVIS: Please be seated. Welcome to the  
3 Board. This is an oral argument in IPR2018-01137. The  
4 challenged patent is U.S. patent No. 8,316,551 B2. Petitioner is  
5 Garmin International, Incorporated. Patent Owner is Wisconsin  
6 Archery Products. I'm Administrative Judge Parvis. Judge  
7 White is appearing remotely from the Dallas office and Judge  
8 Ullagaddi is here with me. At this time we'd like counsel to  
9 introduce yourselves, your partners and your guests starting with  
10 Petitioner. Please use the microphone.

11 MS. BAILEY: Thank you, Your Honor. Jennifer  
12 Bailey from Erise IP for Petitioner, Garmin International. With  
13 me is in-house IP counsel at Garmin, David Ayres and Sam  
14 Korte.

15 JUDGE PARVIS: And Patent Owner.

16 MR. GRIGGS: Good afternoon. My name is Michael  
17 Griggs. I'm from the Boyle Frederickson firm in Milwaukee.  
18 With me is my partner, Tim Newholm, and we represent the  
19 Patent Owner Wisconsin Archery Products.

20 JUDGE PARVIS: Thank you. Before we begin we  
21 want to remind the parties that guidance for this hearing was  
22 provided in our Oral Hearing Order of August 21, 2019 which  
23 was paper No. 28. As you know from our Oral Hearing Order,  
24 each side has been given 60 minutes total time for oral argument.

1 Petitioner will proceed first and present its case as to the  
2 challenged claims of the challenged patent. Absent special  
3 circumstances, Petitioner may reserve no more than half of its  
4 time for rebuttal. Thereafter Patent Owner will argue its  
5 opposition to Petitioner's case. Patent Owner may reserve time  
6 for a brief surrebuttal to respond to Petitioner's rebuttal. After  
7 that Petitioner will make use of the rest of its time for its  
8 rebuttal. Finally, the Patent Owner may present its surrebuttal.

9           We have a few other reminders. This hearing is open  
10 to the public and a full transcript of it will become part of the  
11 record. Also please remember to speak into the microphone at  
12 the podium so that all judges, including the remote judge, can  
13 hear you. Additionally, please speak into the microphone  
14 information to identify any demonstratives and any document  
15 projected on the screen as what is projected on the screen will  
16 not be viewable by anyone reading the transcript or the judge  
17 appearing remotely. So any time counsel for Petitioner, you may  
18 proceed.

19           MS. BAILEY: Thank you, Your Honor. I would like  
20 to reserve 20 minutes for rebuttal. May it please the Board. The  
21 proposed ground of obviousness for the independent claims of  
22 the 551 patent is Hargrove in view of Williams. Hargrove is  
23 strikingly similar to the 551 patent. Hargrove teaches a bow  
24 sight that properly positions a sighting element based off

1 environmental conditions such as the distance to the target and  
2 the angle of inclination of the bow.

3           In view of these overwhelming similarities between  
4 the 551 patent and Hargrove, Patent Owner WAP has developed  
5 what it calls two critical distinctions between the 551 patent and  
6 Hargrove. Importantly, neither one of these alleged critical  
7 distinctions is recited in the claims.

8           The first critical distinction that WAP addresses is  
9 that Hargrove purportedly discloses a continuous scan mode  
10 while the 551 patent is purportedly directed to a snapshot mode,  
11 and I refer to the Patent Owner response paper 21 at pages 13  
12 through 14 where this is laid out. We're going to discuss this  
13 continuous scan mode more today but the continuous scan mode  
14 that is purported in Hargrove is a non-starter. There is no  
15 discussion in Hargrove of a continuous scan mode and such a  
16 mode would be impractical, undesirable and nonsensical for an  
17 archer using an electronic bow sight.

18           WAP's second critical distinction is that Hargrove  
19 does not disclose aligning the laser range finder with a target to  
20 establish a default sighted in position, and I refer to paper 21 at  
21 page 17. We disagree with this contention and there's plenty of  
22 evidence in the record to the contrary that we'll discuss today.  
23 But more importantly, this is another purported critical  
24 distinction that is not recited in any of the challenged claims.

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