

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GARMIN INTERNATIONAL, INC.,
Petitioner,

v.

WISCONSIN ARCHERY PRODUCTS, LLC,
Patent Owner.

Case IPR2018-01137
Patent 8,316,551 B2

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

PARVIS, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

Garmin International, Inc., (“Petitioner”) filed a Petition pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1, 2, 4, 5, 7–9, 12, 13, and 20–26 of U.S. Patent No. 8,316,551 B2 (“the ’551 Patent”). Paper 1 (“Pet.”). Wisconsin Archery Products, LLC (“Patent Owner”) filed a Preliminary Response. Paper 10 (“Prelim. Resp.”). Upon consideration of the parties’ contentions and supporting evidence, we instituted an *inter partes* review pursuant to 35 U.S.C. § 314, as to the challenged claims of the ’551 Patent. Paper 11 (“Inst. Dec.”).

After institution, Patent Owner filed a Patent Owner Response (Paper 21, “PO Resp.”); Petitioner filed a Reply (Paper 24, “Pet. Reply”); and Patent Owner filed a Sur-reply (Paper 25, “PO Sur-reply”). A transcript of the hearing held on September 6, 2019, has been entered into the record as Paper 30 (“Tr.”).

This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a). For the reasons that follow, we determine that Petitioner has demonstrated by a preponderance of evidence that the challenged claims of the ’551 Patent are unpatentable.

II. BACKGROUND

A. *Real Parties-in-Interest*

Petitioner names Garmin International, Inc., Garmin USA, Inc., and Garmin Switzerland GmbH as the real parties-in-interest. Pet. 65. Patent Owner names Wisconsin Archery Products, LLC and Burriss Company, Inc. as the real parties-in-interest. Paper 4, 2.

B. Related Matters

As required by 37 C.F.R. § 42.8(b)(2), each party identifies a judicial matter that would affect, or be affected by, a decision in this proceeding. In particular, the parties inform us that the '551 Patent is asserted in *Burris Co. v. Garmin Int'l, Inc.*, Case No. 6:18-cv-00700 (D. Or.) (“the Related District Court Proceeding”). Pet. 65; Paper 4, 2.

C. The '551 Patent

The '551 Patent is directed to bow sighting devices for establishing aiming positions while using a bow. Ex. 1001, 1:15–17. Figure 1 of the '551 Patent is reproduced below.

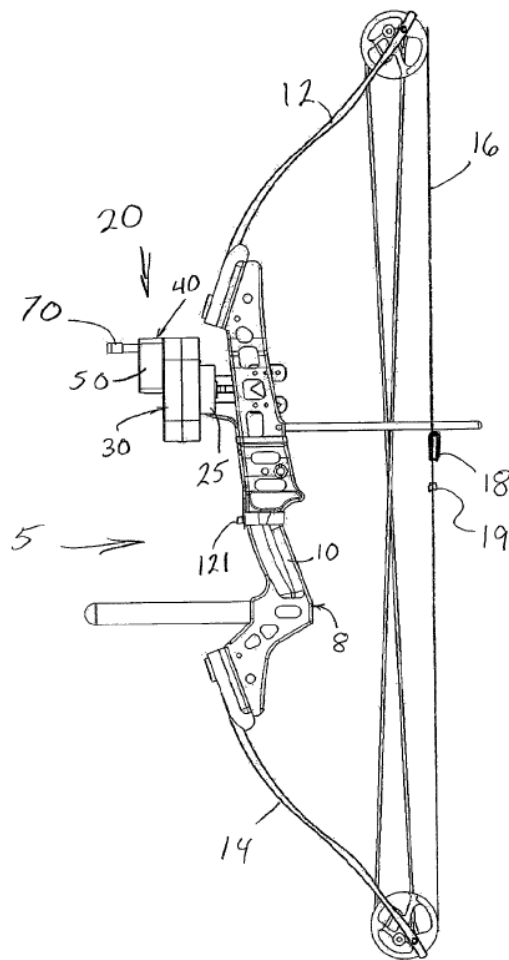


Figure 1 of the '551 Patent, above, illustrates automatically correcting bow sight 20 on bow 5. *Id.* at 6:2–3.

Bow 5 has riser 8 that serves as a main central body portion with integral handle 10 for holding bow 5. *Id.* at 6:13–15. Bow 5 also has upper and lower limbs 12 and 14 extending from upper and lower portions of riser 8, respectively. *Id.* at 6:16–18. Bow sight 20 includes base 25, sight array 30, and sensor system 40. *Id.* at 6:29–36.

Bow sight 20 is illustrated in more detail with respect to Figure 2 of the '551 Patent, reproduced below. *Id.* at 5:25–26.

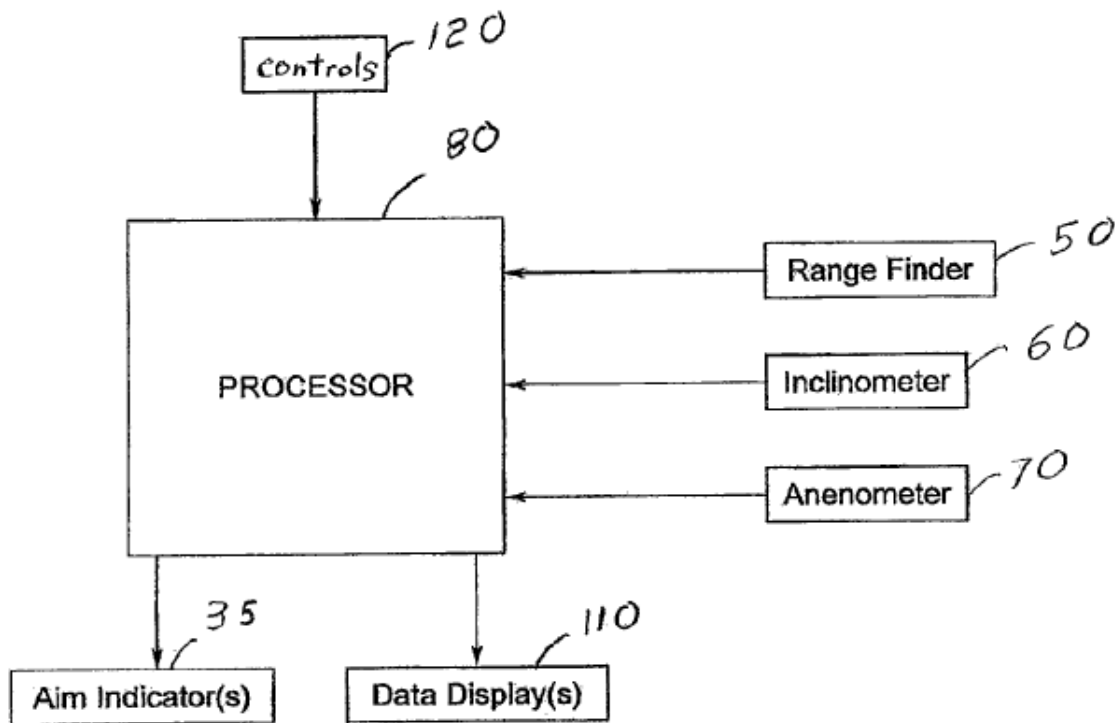


FIG. 2

Id. at Fig. 2. Figure 2 illustrates a schematic of electronic components of bow sight 20 including sensor system 40. *Id.* at 5:25–26, 6:29–30.

Sensor system 40 includes processor 80 connected to each of range finder 50, inclinometer 60, and anemometer 70. *Id.* at 8:66–9:2, Fig. 2. Processor 80 dynamically receives signals transmitted from range finder 50, inclinometer 60, and anemometer 70 and determines whether aim indicator 35 should be corrected. *Id.* at 9:49–51. Display 110 is connected to processor 80 and receives information to display data such as shooting distance, shooting angle, and wind speed and direction. *Id.* at 9:61–10:5, Fig. 2.

D. Illustrative Claim

Petitioner challenges claims 1, 2, 4, 5, 7–9, 12, 13, and 20–26 of the '551 Patent. Pet. 1. Claims 1, 13, and 23 are independent claims. Claims 2, 4, 5, 7–9, 12, 20–22, and 24–26 depend, directly or indirectly, from claim 1, 13, or 23. Independent claim 1, reproduced below, is illustrative of the claimed subject matter:

1. An auto-correcting bow sight, comprising:
 - [a]¹ a range finder supported on a bow incorporating the auto-correcting bow sight, the range finder determining a range to a target;
 - [b] an inclinometer supported on the bow and determining an angle of inclination of the bow;
 - [c] a processor supported on the bow and receiving information from the range finder and the inclinometer relating to the range to target and the angle of inclination of the bow, respectively;

¹ Petitioner refers to the elements recited in claim 1 as “1a” (Pet. 13), “1b” (*id.* at 15), “1c” (*id.* at 17), “1d” (*id.* at 18, 21), and “1e” (*id.* at 23, 28). We use Petitioner’s designations to reference those elements herein.

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