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Paper 15
Date: January 9, 2013

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GARMIN INTERNATIONAL, INC. ET AL.
Petitioner

v.

Patent of CUOZZO SPEED TECHNOLOGIES LLC
Patent Owner

Case IPR2012-00001 (JL)
Patent 6,778,074

Before MICHAEL P. TIERNEY, *Lead Administrative Patent Judge*, JAMESON LEE and JOSIAH COCKS, *Administrative Patent Judges.*

LEE, *Administrative Patent Judge.*

DECISION TO INITIATE TRIAL FOR INTER PARTES REVIEW

BACKGROUND

Petitioner Garmin International Inc. et al. requests inter partes review of claims 1-20 of US Patent 6,778,074 ('074 Patent) pursuant to 35 U.S.C. §§ 311 et seq. The Patent Owner, Cuozzo Speed Technologies LLC., has waived its right to

file a preliminary response under 37 C.F.R. § 42.107(b). (Paper 10). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting inter partes review is set forth in 35 U.S.C. § 314(a) which provides:

> THRESHOLD -- The Director may not authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Petitioner challenges the patentability of claims 1-20 on the basis of the following items of prior art:

US 6,633,811 (**Aumayer**)	October 14, 2003	Ex. 1001
US 6,515,596 (**Awada**)	February 4, 2003	Ex. 1010
German DE 19755470 A1 (**Tegethoff**) English Translation of Tegethoff	September 24, 1998	Ex. 1002 Ex. 1003
JP H07-182598 (**Hamamura**) English Translation of Hamamura	July 21, 1995	Ex. 1006 Ex. 1007
US 5,375,043 (**Tokunaga**)	December 20, 1994	Ex. 1005
US 3,980,041 (**Evans**)	September 14, 1976	Ex. 1009
US 2,711,153 (**Wendt**)	June 21, 1955	Ex. 1011

In this opinion, citations to Tegethoff and Hamamura are made with respect to their respective English translations noted above.

Petitioner expressly asserts these grounds of unpatentability:

1. Claims 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, and 20 are unpatentable under 35 U.S.C. § 102(e) as anticipated by Aumayer.

2. Claims 1, 2, 6, and 7 are unpatentable under 35 U.S.C. § 102(b) as anticipated by Tegethoff.

3. Claim 1 is unpatentable under 35 U.S.C. § 102(b) as anticipated by Tokunaga.

4. Claims 3, 4, 5, 14, 15, and 16 are unpatentable under 35 U.S.C. § 103 as obvious over Aumayer and Evans.

5. Claim 17 is unpatentable under 35 U.S.C. § 103 as obvious over Aumayer, Evans, and Wendt.

6. Claims 3, 4, and 5 are unpatentable under 35 U.S.C. § 103 as obvious over Tegethoff and Evans.

7. Claims 8, 9, 10, 11, 12, 13, 18, 19, and 20 are unpatentable under 35 U.S.C. § 103 as obvious over Tegethoff and Awada.

8. Claims 14, 15, and 16 are unpatentable under 35 U.S.C. § 103 as obvious over Tegethoff, Awada, and Evans.

9. Claim 17 is unpatentable under 35 U.S.C. § 103 as obvious over Tegethoff, Awada, Evans, and Wendt.

10. Claims 10 and 20 are unpatentable under 35 U.S.C. § 103 as obvious over Tokunaga and Hamamura.

DISCUSSION

Our decision hinges on the meaning of "integrally attached" in independent claims 1 and 10.

Claim Construction

Consistent with the statute and the legislative history of the AIA, the Board interprets claim terms by applying the broadest reasonable construction in the context of the specification in which the claims reside. 37 C.F.R. § 42.100(b); *see* Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48766 (Aug. 14, 2012).

Also, we give claim terms their ordinary and accustomed meaning as would be understood by one of ordinary skill in the art. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1326 (Fed. Cir. 2005)(en banc). That ordinary and accustomed meaning applies unless the inventor as a lexicographer has set forth a special meaning for a term. *Multiform Desiccants, Inc. v. Medzam, Ltd.*, 133 F.3d 1473, 1477 (Fed. Cir. 1998); *York Prods., Inc. v. Central Tractor Farm & Family Ctr.*, 99 F.3d 1568, 1572 (Fed. Cir. 1996). When an inventor acts as a lexicographer, the definition must be set forth with reasonable clarity, deliberateness, and precision. *Renishaw PLC v. Marposs Societa per Azioni*, 158 F.3d 1243, 1249 (Fed. Cir. 1998).

If we need not rely on a feature to give meaning to what the inventor means by a claim term, that feature would be "extraneous" and should not be read into the claim. *Renishaw PLC*, 158 F.3d at 1249. The construction that stays true to the claim language and most naturally aligns with the inventor's description is likely the correct interpretation. *See Id.*, 158 F.3d at 1254.

In some cases, the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words. *Phillips v. AWH Corp.*, 415 F.3d at 1314. In this case, Petitioner sets forth no claim construction that is purportedly different between that from the perspective of one with ordinary skill in the art on the one hand and that of lay persons on the other. We have no basis to think differently and to conclude otherwise. So for purposes of this decision we proceed on the basis that the plain and ordinary meaning of words in their common usage applies, albeit taken in the context of the disclosure of the '074 Patent.

The Invention of the '074 Patent

The disclosed invention of the '074 Patent is directed to a speed limit indicator and method for displaying speed and the relevant speed limit for use in connection with vehicles. (Spec. 1:9-11). Specifically, the speed indicator displays the current speed of a vehicle and how it relates to the legal speed limit for the current location in which the vehicle is traveling. (Spec. 1:13-16). It provides the benefit of eliminating the need for the driver to take eyes off the road to look for speed limit signs and to resolve any confusion that might exist as to what is the current legal speed limit. (Spec. 1:22-25).

Figure 1 illustrates the specifically disclosed embodiment:

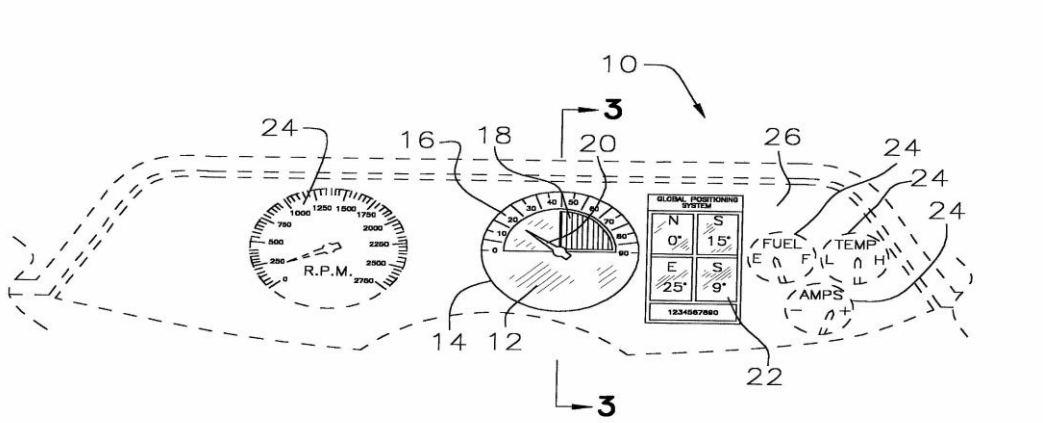

FIG. 1

Figure 1 illustrates a specifically disclosed embodiment

Speedometer 12 is mounted on dashboard 26. (Spec. 5:8-9). Speedometer 12 has a backplate 14 made of plastic, speed denoting markings 16 painted on backplate 14, a colored display 18 made of red plastic filter, and a plastic needle 20 rotatably mounted in the center of backplate 14. (Spec. 8-11). A global positioning receiver 22 is positioned adjacent to speedometer 12 and other gauges typically present on a vehicle dashboard 26 are included. (Spec. 5:13-15).

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