UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GARMIN INTERNATIONAL, INC. ET AL.
Petitioner

v.

Patent of CUOZZO SPEED TECHNOLOGIES LLC
Patent Owner

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Case:	IPR2012-00001
Patent No.:	6,778,074
Filed:	March 18, 2002
Issued:	August 17, 2004
Inventors:	Giuseppe A. Cuozzo
Title:	Speed Limit Indicator and Method for Displaying Speed and the Relevant Speed Limit
Docket No.:	CUO0001-RE

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DECLARATION OF JAMES H. MORRIS PURSUANT TO 37 C.F.R. § 1.132

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-145

Dear Sir:

I, James H. Morris, declare as follows:

1. I have been retained as a technical expert on behalf of Cuozzo Speed Technologies LLC (hereinafter the "Patent Owner") for the above-captioned Inter Partes Review (hereinafter the "IPR"). I understand that this IPR involves U.S. Patent No. 6,778,074 (hereinafter the "'074 patent"), which resulted from Application No. 10/100,378 (hereinafter the "'378 application"), filed on March 18, 2002 on behalf of Giuseppe A. Cuozzo. I further understand that the '074 patent is assigned to the Patent Owner.

2. I have studied human computer interaction extensively. I was the Herbert A. Simon Professor of Human Computer Interaction at Carnegie Mellon University from 1997 to 2000, and I was the Principal Investigator for a DARPA grant on Human Computer Interaction from 1993 to 1996. I founded MAYA Design, Inc., a nationally recognized consulting firm specializing in man machine interaction since 1990. There I analyzed, improved, and invented several products. I founded the Human Computer Interaction Institute at Carnegie Mellon University where I continue to participate in research on the same topic.

3. I have reviewed the Decision to Initiate Trial for Inter Partes Review (hereinafter the "Order") dated January 9, 2013. I understand that only

claims 10, 14, and 17 are subject to the IPR. Claim 10 is the only independent claim.

4. I have reviewed the '074 patent. I have also reviewed the substitute amendment (hereinafter the "Amendment") filed on January 9, 2004 during the prosecution of the '378 application that describes why the word "integrally" was added to claim 10.

5. I have reviewed U.S. Patent No. 6,515,596 (hereinafter the "'596 patent"), issued on February 4, 2003 to Faisal M Awada.

6. I am familiar with the rules of claim interpretation.

7. I have been asked to provide my opinion regarding whether there is a reasonable basis to interpret "integrally attached" to cover the case of a single electronic display that itself operates both as a speedometer and a colored display.   For the reasons set forth below, it is my opinion that there is a reasonable basis to broaden the interpretation of "integrally attached" in claim 10 to cover the case of a single electronic display that itself operates both as a speedometer and a colored display.

I. QUALIFICATIONS

8. I earned a Bachelor of Science degree in Mathematics in 1963 from Carnegie Institute of Technology and a Master of Science degree in

Management in 1966 from MIT. I then earned a doctoral degree in Computer Science in 1969 from MIT.

9. I am currently a Professor in the Computer Science Department of Carnegie Mellon University. I have been on the CMU faculty since 1988. From 2004-2009 I was Dean of the Silicon Valley Campus, from 1999-2004 I was Dean of the School of Computer Science, and from 1992-1999 I was the Computer Science Department Head.

10. From 1982 to 1987 I was the Director of the Information Technology Center at CMU, where I built and ran a 40-person organization that implemented the Andrew system.

11. From 1989 to 1992 I was also president of MAYA Design Group, Inc., a consulting company specializing in the design of computing systems for general use.

12. From 1974 to 1982 I was employed by Xerox's Palo Alto Research Center in a variety of positions including Member of the Research Staff, Principle Scientist and Research Fellow.

13. From 1969 to 1974 I was a member of the faculty at the University of California at Berkeley. I was an Assistant Professor in the Computer Science Department.

14. I am being compensated for my work on this declaration and my participation in this IPR. My compensation is not dependent on the outcome of this IPR.

II. My Understanding of Claim Interpretation:

15. I am familiar with the following rules of claim construction set forth by the Board. I understand that:

> 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).

> [the Board gives] 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).

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