

PATENT

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

Patent No.: 6,778,074

Filed: March 18, 2002

Issued: August 17, 2004

Inventors: Giuseppe A. Cuzzo

Title: Speed Limit Indicator and Method for Displaying Speed and
the Relevant Speed Limit

Docket No.: CUO0001-RE

PATENT OWNER'S MOTION TO AMEND

Cuzzo Speed Technologies LLC ("Patent Owner") hereby moves pursuant to the Board's March 4 Order, Paper 27, and 37 C.F.R. § 42.121 to cancel claims 10, 14 and 17 of U.S. Patent No. 6,778,074 (the "'074 Patent") and submit proposed

substitute claims 21-23 in their place. Substitute claims 21-23 are fully supported by the '074 Patent and are patentable over the references at issue.

In addition, should the Board confirm the patentability of claims 10, 14 and 17, Patent Owner respectfully submits that good cause exists for entry of proposed claims 21-23, because such claims are necessary to further define the invention.

I. BACKGROUND

On September 16, 2012, Garmin International, Inc., *et al.* ("Petitioner") filed a Petition for *Inter Partes* Review under 37 C.F.R. § 42.100 ("Petition"), requesting *inter partes* review of claims 1-20 of the '074 Patent. On January 9, 2013, the Patent Trial and Appeal Board (the "Board") issued a Decision to Initiate Trial for *Inter Partes* Review ("Order") solely as to claims 10, 14 and 17 of the '074 Patent under 35 U.S.C. § 103(a) in view of (1) U.S. Patent No. 6,633,811 ("Aumayer"), U.S. Patent No. 3,980,041 ("Evans"), and U.S. Patent No. 2,711,153 ("Wendt"), and DE 19755470 A1 ("Tegethoff"), U.S. Patent No. 6,515,596 ("Awada"), Evans, and Wendt. Paper 15 at 26.

II. SUMMARY OF MOTION TO AMEND

By this motion to amend, Patent Owner requests to cancel claims 10, 14 and 17, and replace these cancelled claims with proposed substitute claims 21-23. Proposed substitute claim 21 incorporates all of the limitations of claims 10, 12 and 18. Proposed substitute claims 22 and 23 depend from proposed claim 21 and

further define the invention. As explained below, the subject matters of proposed substitute claims 21-23 are supported by the original disclosure of the '074 Patent and are patentable in view of the references cited in the Order.

This motion responds to the alleged grounds of unpatentability set forth in the Order and does not seek to enlarge the scope of the claims of the '074 Patent or introduce new subject matter. Because none of the references at issue in this proceeding disclose or suggest, either alone or in combination, the subject matter of proposed substitute claims 21-23, Patent Owner respectfully requests that the Board confirm the patentability of proposed substitute claims 21-23.

III. CLAIM LISTING

10. (Replaced by proposed substitute claim 21)
14. (Replaced by proposed substitute claim 22)
17. (Replaced by proposed substitute claim 23)
21. (Proposed substitute for original claim 10): A speed limit indicator comprising:

a global positioning system receiver determining a vehicle's present location, a vehicle's present speed and a speed limit at the vehicle's present location;

a display controller connected to said global positioning system receiver, wherein said display controller adjusts a colored display in response to signals

indicative of the speed limit at the vehicle's present location from said global positioning system receiver to continuously update the delineation of which speed readings determined by the global positioning system receiver are in violation of the speed limit at [[a]] the vehicle's present location; and

a speedometer integrally attached to said colored display,
wherein the speedometer comprises a liquid crystal display, and
wherein the colored display is the liquid crystal display.

22. (Proposed substitute for original claim 14): The speed limit indicator as defined in claim 21, wherein said global positioning system receiver compares the vehicle's present speed and the speed limit.

23. (Proposed substitute for original claim 17): The speed limit indicator as defined in claim 21, wherein the display controller continuously adjusts the liquid crystal display to show speed readings in a first color or colored region when the vehicle's present speed exceeds the speed limit at the vehicle's present location and a color or colored region different from the first color when the vehicle's present speed is less than the speed limit at the vehicle's present location.

IV. DISCUSSION OF PROPOSED SUBSTITUTE CLAIMS

Proposed substitute claim 21 includes all of the limitations of claim 10, and the limitations of claims 12 and 18 (underlined above) and additional features of the invention (underlined above). Such additional features require that the global

positioning system receiver determines a vehicle's present location, a vehicle's present speed and a speed limit at the vehicle's present location. The additional features further require that the display controller adjusts a colored display in response to signals indicative of the speed limit at the vehicle's present location from said global positioning system receiver to continuously update the delineation of which speed readings determined by the global positioning system receiver are in violation of the speed limit at the vehicle's present location.

Proposed substitute claim 22 further defines the invention of proposed new claim 21 by requiring that the global positioning system receiver performs a comparison of the vehicle's present speed and the speed limit.

Proposed substitute claim 23 further defines the invention of proposed new claim 21 by requiring that the display controller continuously adjusts the liquid crystal display to show speed readings in a first color or colored region when the vehicle's present speed exceeds the speed limit at the vehicle's present location and a color or colored region different from the first color when the vehicle's present speed is less than the speed limit at the vehicle's present location.

V. SUPPORT FOR CLAIMED SUBJECT MATTER

A. Support for Subject Matter of Proposed Substitute Claim 21.

Proposed substitute claim 21 is based on original claim 10. The added, underlined limitation requiring "a global positioning system receiver determining a

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