

**PATENT**

**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. Cuzzo

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

Docket No.: CUO0001-RE

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**PATENT OWNER'S RESPONSE TO DECISION TO INITIATE TRIAL  
FOR *INTER PARTES* REVIEW**

Cuozzo Speed Technologies LLC (the "Patent Owner") hereby responds to the Decision to Initiate Trial for *Inter Partes* Review of claims 10, 14, and 17 of U.S. Patent No. 6,778,074 (the "'074 Patent").

## **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) the combination of 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

(2) the combination of DE 19755470 A1 ("Tegethoff"), U.S. Patent No. 6,515,596 ("Awada"), Evans and Wendt.

Paper 15 at 26. The Board denied the Petition as to every other allegation of unpatentability asserted by Petitioner as to claims 1-9, 11-13, 15-16 and 18-20.

## **SUMMARY OF ARGUMENTS**

By this response, Patent Owner respectfully submits the following arguments and supporting evidence:

- A. The proper construction of “integrally attached” is “Joined or Combined to Work as a Complete Unit.”
- B. The '074 patent antedates the Aumayer and Awada references because Inventor Giuseppe Cuzzo conceived the subject matter of claim 10 and diligently reduced his invention to practice from before October 19, 2000, as detailed in his declaration under 37 CFR 1.131 (attached hereto as Exhibit 3001).
- C. Claim 10 is patentable over the combinations of alleged prior art references to Aumayer, Evans, Wendt, Tegethoff, and Awada.

## **ARGUMENTS**

- A. **The Proper Construction of “Integrally Attached” is “Joined or Combined to Work as a Complete Unit.”**

In the Order initiating trial, the Board construed the term “integrally attached” in claim 10 to mean “discrete parts physically joined together as a unit without each part losing its own separate identity.” Paper 15 at 8. Though the

Board has not modified its construction, the Board noted in a subsequent order that this construction is a “non-final interpretation.” Paper 26 at 2.<sup>1</sup>

For the reasons set forth below, the Board should modify its construction of “integrally attached” to mean “joined or combined to work as a complete unit,” which is consistent the plain and ordinary meaning of the term, the intrinsic evidence and the understanding of one of skill in the art at the time of the invention.

1. Patent Owner's Construction Reflects the Ordinary Meaning of “Integrally Attached.”

The exemplary embodiments described in the specification support Patent Owner's proposed construction of “integrally attached.” In describing an embodiment of the invention, the specification states, “Speedometer 12 **has**...a colored display 18....” '074 Patent, col. 5, lines 8-10 (emphasis added). The colored display 18 is, like the speed denoting markings 16 and the needle 20, a component of the speedometer 12. Thus, the colored display 18 is joined or combined with the speedometer 12 to work as a unit, i.e., a speed limit indicator that provides an integrated display for the driver. Professor Morris opined that the “integrated display” describes the resultant combination of the speedometer and

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<sup>1</sup> To the extent the Board's decision on the patentability of claim 10 is not based upon the meaning of “integrally attached,” Patent Owner respectfully requests that the Board either (1) find Patent Owner's proposed construction is correct and enter its finding in its Order, or (2) withdraw its preliminary construction provided in the Order.

colored display that displays the speed and speed limit in the same location. Morris Decl., (Exhibit 2002 to Paper 21), at ¶¶ 30-31.

The Board's construction would seemingly exclude the embodiment in which the colored display 18 is a component of the speedometer 12. The Board states that the "colored display 18 is a separate item from the backplate 14 and from speed denoting marking 16 on backplate 14," and the specification describes "speedometer backplate 14 and speed denoting marking 16 painted on backplate 14 as separate and discrete elements from the colored display 18." Paper 15 at 8.

First, the portion of the specification cited by the Board is a description of one exemplary embodiment of the invention, and the Board does not address the other exemplary embodiments in which the speedometer comprises a liquid crystal display and the colored display is a liquid crystal display. Prof. Morris explained how these disclosures, in his opinion, would teach one of skill in the art "to combine the speedometer readout with the speed limit information on the LCD." Morris Decl., Exhibit 2002 to Paper 21, at ¶¶ 27-29. The resulting electronic embodiment would have a common LCD component shared by the speedometer and colored display. *Id* at 32.

Second, the items cited by the Board – the backplate 14, the speed denoting markings 16, and the colored display 18 – are all components of the speedometer 12. Claim 10 requires that the "speedometer" (not the "backplate" or "speed

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