

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. Cuozzo

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

Docket No.: CUO0001-RE

DECLARATION OF GIUSEPPE A. CUOZZO PURSUANT TO 37 C.F.R. § 1.131

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

Dear Sirs:

I, Giuseppe A. Cuozzo, declare as follows:

1. I am over the age of 18 and a resident of New Jersey. If called upon to do so, I could and would testify to the following facts.
2. I live at 119 Park Street, Montclair, New Jersey 07042.
3. I invented the subject matter disclosed and claimed in United States Patent No. 6,778,074 (hereinafter the “’074 patent”).
4. My attorney, Anthony Campbell, prepared and filed the patent application that led to the issuance of the ’074 patent. I reviewed and approved the application before it was filed on March 18, 2002.
5. I understand that the Patent Office is reviewing claims 10, 14, and 17 of the ’074 patent in light of several other patents including U.S. Patent No. 6,633,811 (“Aumayer”) and U.S. Patent No. 6,515,596 (“Awada”).
6. I also understand that Aumayer has a filing date of October 19, 2000, and Awada has a filing date of March 8, 2001. While these dates are before the date on which my patent application was filed, these dates are after the date on which I conceived of my invention that is described in the ’074 patent.
7. I have been asked to collect and review my records in order to show when I invented the subject matter of the ’074 patent and the events between my conception of the inventions disclosed in the ’074 patent and the March 18,

2002 filing of the patent application that issued as the '074 patent. The following information details my recollection of my activities and related documents showing that I conceived my invention before October 19, 2000, and diligently pursued obtaining patent protection for my invention until my patent application was filed.

8. I developed the initial idea for my invention while driving a 2000 Volkswagen GTI ("VW") that I purchased in July 1999. **Exhibit A** is a copy of my sales receipt. In November 1999, I was driving my VW in New York on an unfamiliar road. I did not see any speed limit signs indicating the speed limit, however, I was pulled over and ticketed by a police officer for speeding. **Exhibit B** is a copy of my driving record showing a speeding citation dated November 28, 1999 (Z32 V refers to New York).
9. While the officer was writing me a ticket, I came up with the idea of using GPS technology combined with instrumentation for displaying a speed limit and its relation to vehicle speed in a manner that would alert a driver as to whether he or she was speeding without requiring the driver to refer to roadside speed limit signs. At the time I conceived of the idea, I was working as an auto technician, so I was familiar with vehicle systems and instrumentation, as well as GPS technology, and I knew my idea was something useful that was not available.

10. In May 2000, I was involved in a car accident in which my VW GTI was totaled. **Exhibit C** is a copy of a Carfax showing the title change in June 2000. (The odometer record suggests the car was purchased from the insurance company and rebuilt or retitled by someone else.). (**Exhibit C**).

11. In the Late Summer/ Early Fall of 2000, I went to an Invention Submission Corporation (“ISC”) office in Bloomfield, New Jersey. ISC gave me information about its services, how much it would cost to file a patent application, and provided me with several documents to complete, including a Statement of Confidentiality and Non-Use, Affirmative Disclosure Statement, and Disclosures Prior to Entering Into a Contract for Invention Promotion Services. My first visit to ISC’s office was in late September or early October, and certainly before October 19, because I carefully considered the cost and scope of ISC’s services, including the cost of patenting my invention, before I returned. On October 25, 2000, I returned completed copies of these documents. (**Exhibit D**).

12. On October 30, 2000, I delivered to ISC a finalized “Disclosure to ISC and Record of Invention” (the “Disclosure”). (**Exhibit E**). In the Disclosure, I described my invention in detail. I explained in the Disclosure how speed limit information would be stored on a CD-ROM with street location information (along with “school zone and any other speed limits”) and the

GPS would be wired to the speedometer to change a colored display and show speeds in different colors depending on the speed limit at the vehicle's present location. In response to the question, "How did you develop this idea?" I responded that I was "driving one day."

13. The following is my handwritten explanation of my invention that appears in Exhibit E:

1. Describe the idea and what it actually does: *The on-board navigation system uses GPS (Global Positioning System) satellites and BMW technology to help show-and-tell-the way to your destination. This GPS navigation system runs on a CD Rom that has all the information and street names. I think if you can put the speed limit with the street and all you have to do is wire the speedometer to the GPS and buys this new CD-Rom with the information of both street name and speed limit. This also will have school zone and any other speed limits at or law or a street were a speed limit changes.*

The above handwritten explanation states:

The on-board navigation system uses GPS (Global Positioning System) satellites and BMW technology to help show-and-tell-the way to your destination. This GPS navigation system runs on a CD Rom that has all the information and street names. I think if you can put the speed limit with the street and all you have to do is wire the speedometer to the GPS and buys this new CD-Rom with the information of both street name and speed limit. This also will have school zone and any other speed limits at or law or a street were a speed limit changes.

14. Also on October 30, 2000, I completed the ISC "Basic Information Package Agreement" (the "Agreement") requesting a preliminary patentability search and opinion from a patent law firm referred by ISC. (**Exhibit F**). I noted my occupation as an auto technician on the Agreement. At the time, I could

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