

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 6,778,074

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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Rules

MPEP § 2138.066
MPEP § 2145(X)(D)(1) 10, 13, 14

I. The Board Properly Construed the Term “Integrally Attached”

The Board should reject Cuozzo’s request to broaden the construction of “integrally attached.” Cuozzo’s proposed construction reads out the “attached” limitation required by the plain language of the claims, it attempts to encompass subject matter not disclosed or supported in the specification, and it is contrary to Cuozzo’s reliance on the ’074 Patent’s mechanical (*i.e.*, non-graphical) speedometer to support its amendment during prosecution.

First, Cuozzo’s construction is contrary to the plain language of the claims. Claim 10 does not merely recite an “integrated” speedometer and colored display, as Cuozzo’s construction proposes. Rather, claim 10 recites a speedometer “integrally attached” to a colored display, meaning that each of these two components has a separate identity. Cuozzo’s construction reads out the requirement that the components be “attached.” Further, if they were merged into a single, indivisible electronic display, as proposed by Cuozzo, the claimed colored display being “adjusted independently of the speedometer” would be meaningless.

Second, the ’074 Patent consistently describes the colored display and speedometer as separate components that are attached. (Paper 15 at 8; ’074 Patent at 5:9–12.) Cuozzo proffers that the two components can be “integrated” because the specification discusses a speedometer that “has” a colored display. (Paper 31 at 3–4 (citing ’074 Patent at 5:8–10).) But this disclosure is entirely consistent with a

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