

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GARMIN INTERNATIONAL, INC. and
GARMIN USA, INC.
Petitioner

v.

CUOZZO SPEED TECHNOLOGIES LLC
Patent Owner

Case IPR2012-00001
Patent 6,778,074

Before JAMESON LEE, MICHAEL P. TIERNEY, and JOSIAH C. COCKS,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

BACKGROUND

A. Introduction

Petitioner, Garmin International Inc. and Garmin USA, Inc. (“Garmin”), filed a petition on September 16, 2012, for *inter partes* review of claims 1-20 of Patent 6,778,074 (“the ’074 Patent”) pursuant to 35 U.S.C. §§ 311 et seq. On January 9, 2013, the Board denied the petition as to claims 1-9, 11-13, 15, 16, and 18-20, and instituted trial for claims 10, 14, and 17, on two grounds of unpatentability. Paper 15.

After institution of trial, Cuozzo Speed Technologies LLC, (“Cuozzo”) filed a Patent Owner Response (“PO Resp.”). Paper 31. Cuozzo also filed a Motion to Amend Claims by substituting proposed new claims 21-23 for claims 10, 14, and 17. Paper 32. Garmin filed a Reply (Paper 40) to the Patent Owner Response, and also its Opposition (Paper 39) to Cuozzo’s Motion to Amend Claims. Cuozzo then filed a Reply (Paper 44) to Garmin’s Opposition to Cuozzo’s Motion to Amend Claims.

Oral hearing was held on August 16, 2013.¹

The Board has jurisdiction under 35 U.S.C. § 6(c). This final written decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

Garmin has shown that claims 10, 14, and 17 are unpatentable.

Cuozzo’s Motion to Amend Claims is *denied*.

B. The Invention of the ’074 Patent²

The disclosed invention of the ’074 Patent relates to a speed limit indicator and method for displaying speed and the relevant speed limit for use in connection

¹ A transcript of the oral hearing is included in the record as Exhibit 3005.

² The Board has added a copy of the ’074 patent as Exhibit 3006.

with vehicles. Ex. 3006, 1:9-11. Specifically, the speed limit indicator and the method for displaying speed and the relevant speed limit have particular utility in connection with displaying the current speed of a vehicle and how it relates to the legal speed limit at the current location of a vehicle. Ex. 3006, 1:11-16. The invention eliminates the need for the driver to take his or her eyes off the road to look for speed limit signs, and resolves any confusion that might exist as to what is the current legal speed limit. Ex. 3006, 1:22-25. The specification states that by allowing the driver to keep his or her eyes on the road more, the speed limit indicator reduces the chance of an accident. Ex. 3006, 1:27-29.

Only one embodiment is described in the specification of the '074 Patent with a meaningful degree of specificity. It is a mechanical embodiment that does not make use of a liquid crystal display for displaying speed or how the current speed relates to the speed limit for the current location of the vehicle.

Figure 1 is reproduced below:

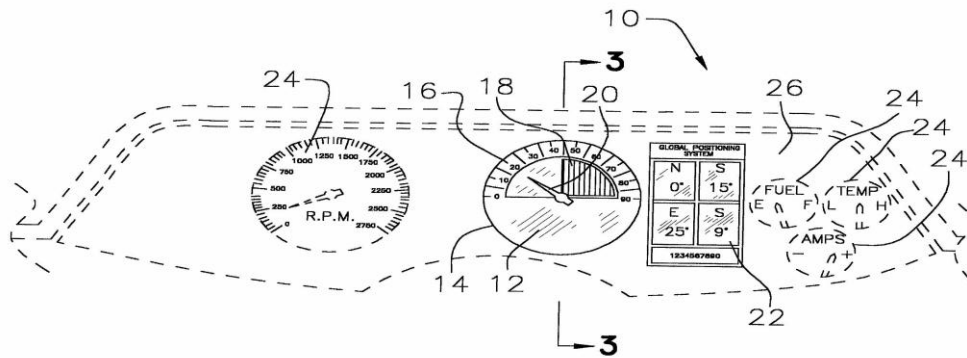


FIG. 1

Figure 1 illustrates a specifically disclosed embodiment. In that embodiment, speedometer 12 is mounted on dashboard 26. Ex. 3006, 5:8-9. It has a backplate 14 made of plastic, speed denoting markings 16 painted on backplate

14, a colored display 18 made of a red plastic filter, and a plastic needle 20 rotatably mounted in the center of backplate 14. Ex. 3006, 5:8-11. A global positioning system receiver 22 is positioned adjacent to speedometer 12, and other gauges typically present on a vehicle dashboard 26 are also provided. Ex. 3006, 5:13-15.

Figure 2 is reproduced below:

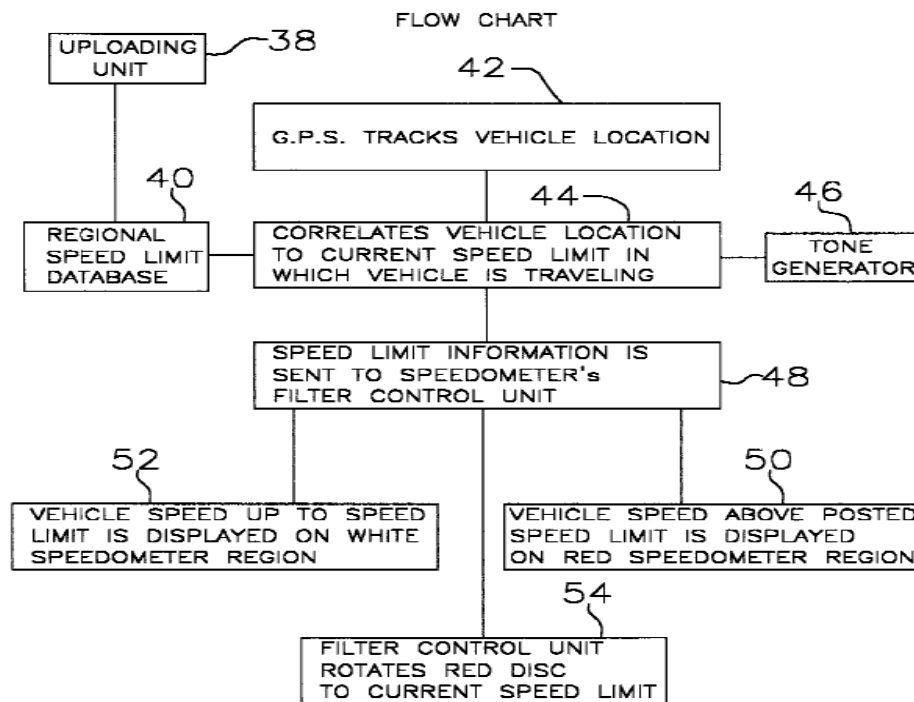


FIG. 2

Figure 2 illustrates in block diagram form the steps carried out by a speed limit indicator shown in Figure 1. Referring to the flowchart of Figure 2, the specification of the '074 Patent describes operation of the speed limit indicator as follows (Ex. 3006, 5:25-39, emphasis added):

Uploading unit **38** uploads current data to a regional speed limit database **40**. The global positioning system receiver **42** tracks the vehicle's location and speed, and identifies the relevant speed limit

from the database for that location. The global positioning system receiver compares the vehicle's speed and the relevant speed limit **44**, and uses a tone generator **46** to generate a tone in the event that the vehicle's speed exceeds the relevant speed limit. The speed limit information is sent from the global positioning system receiver to a filter control unit **48**. **The control unit adjusts the colored filter so that the speeds above the legal speed limit are displayed in red 50 while the legal speeds are displayed in white 52. This is accomplished by the control unit rotating the red filter disc 54 to the appropriate degree.**

Thus, in the step shown in block 54, a filter control unit rotates a red filter disc, which is element 18 in Figure 1, to cover portions of the speed display on speedometer 12, such that readings covered or overlapped by the red filter disc reflect speeds above the speed limit for the current location of the vehicle.

In column 6 of the '074 Patent, lines 31-34, there is brief mention of a different embodiment. It also is stated generally (Ex. 3006, 6:11-14):

And although a red filter disc has been described, it should be appreciated that the colored display herein described could also take the form of a liquid crystal display.

In that regard, claim 12, which depends on claim 10, also recites that "said colored display is a liquid crystal display." Ex. 3006, 7:15-16. The above-quoted text does not describe any specific implementation and indicates only generally that a liquid crystal display may be used in place of the red filter disc. That does not describe an embodiment in which the speed readings themselves "and" the delineation of which speeds are above the speed limit at the current location are both shown on the same liquid crystal display. As is noted by Garmin (Reply at 3, n.1), the liquid crystal display simply may provide colored lighting to a conventional mechanical speedometer needle and backplate.

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