

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 IPR2013-00373
Patent 6,778,074

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

LEE, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

INTRODUCTION

On June 20, 2013, petitioner (“Garmin”) filed a petition requesting an *inter partes* review of claims 1-20 of U.S. Patent No. 6,778,074 (Ex. 1101, “the ’074 patent”). A corrected petition (“Pet.”) was filed on June 28, 2013. Paper 4. The patent owner (“Cuozzo”) filed a preliminary response (Paper 11, “Prelim. Resp.”) on September 25, 2013. We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a) which provides:

THRESHOLD -- The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Upon consideration of the petition and patent owner preliminary response, we determine that the information presented in the petition establishes that there is a reasonable likelihood that Garmin would prevail with respect to claims 1-6, 9, 11-13, 15, 16, and 18-20 of the ’074 patent. Accordingly, pursuant to 35 U.S.C. § 314, we institute an *inter partes* review on claims 1-6, 9, 11-13, 15, 16, and 18-20, of the ’074 patent.

Because claims 10, 14, and 17 of the ’074 patent have been cancelled by order of the Board in the Final Written Decision in IPR2012-00001 (Paper 59), we decline to institute a second review on those claims.

Garmin has not shown a reasonable likelihood that it would prevail with respect to claims 7 and 8 of the ’074 patent.

A. Related Proceedings

Garmin indicates that the '074 patent is involved in co-pending infringement litigation brought by Cuozzo against Garmin International, Inc. and Garmin USA, Inc., captioned *Cuozzo Speed Technologies LLC v. Garmin International Inc. et al.*, Case No.: 2:12-cv-03623-CCC-JAD (D. NJ). (Pet. 1.) Garmin also indicates that three other judicial proceedings may affect, or be affected by, a decision in this proceeding: (1) *Cuozzo Speed Technologies LLC v. General Motors Company*, Case No.: 2:12-cv-03624-CCC-JAD (D. NJ); (2) *Cuozzo Speed Technologies LLC v. JVC Americas Corporation*, Case No.: 2:12-cv-03625-CCC-JAD (D. NJ); and (3) *Cuozzo Speed Technologies LLC v. TomTom, Inc. et al.*, Case No.: 2:12-cv-03626-CCC-JAD (D. NJ).

The '074 patent is also the subject of an *inter partes* review before the Patent Trial and Appeal Board in IPR2012-00001, the Final Written Decision of which was rendered on November 13, 2013 (Paper 59).

B. The '074 Patent

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 with vehicles. Ex. 1101, 1:9-11. Specifically, the invention has particular utility in connection with displaying the current speed of a vehicle, and with how that speed relates to the legal speed limit at the current location of the vehicle. Ex. 1101, 1:11-16. The invention provides the benefit of eliminating the need for the driver to take his or her eyes off the road to look for speed limit signs and to resolve any confusion that might exist as to what is the current legal speed limit. Ex. 1101, 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. 1101, 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:

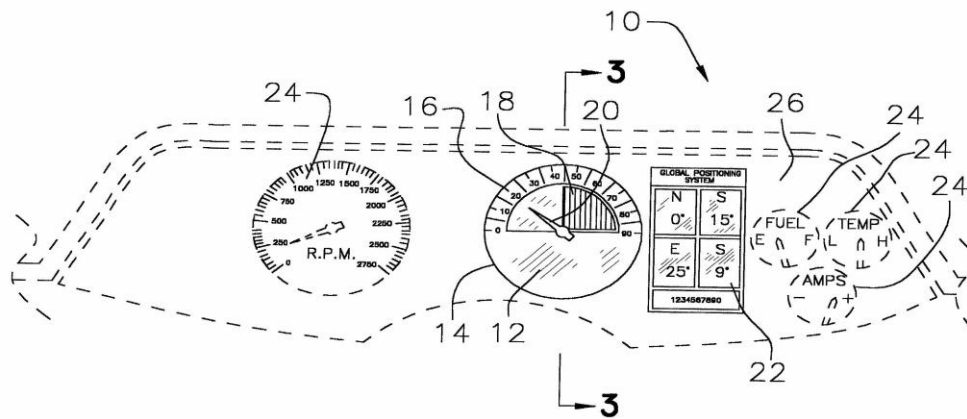


FIG. 1

Figure 1 illustrates a specifically disclosed embodiment. In that embodiment, speedometer 12 is mounted on dashboard 26. Ex. 1101, 5:8-9. It has backplate 14 made of plastic, speed denoting markings 16 painted on backplate 14, colored display 18 made of a red plastic filter, and plastic needle 20 rotatably mounted in the center of backplate 14. Ex. 1101, 5:8-11. Global positioning receiver 22 is positioned adjacent to speedometer 12, and

other gauges typically present on vehicle dashboard 26 are also provided.

Ex. 1101, 5:13-15. Figure 2 is reproduced below:

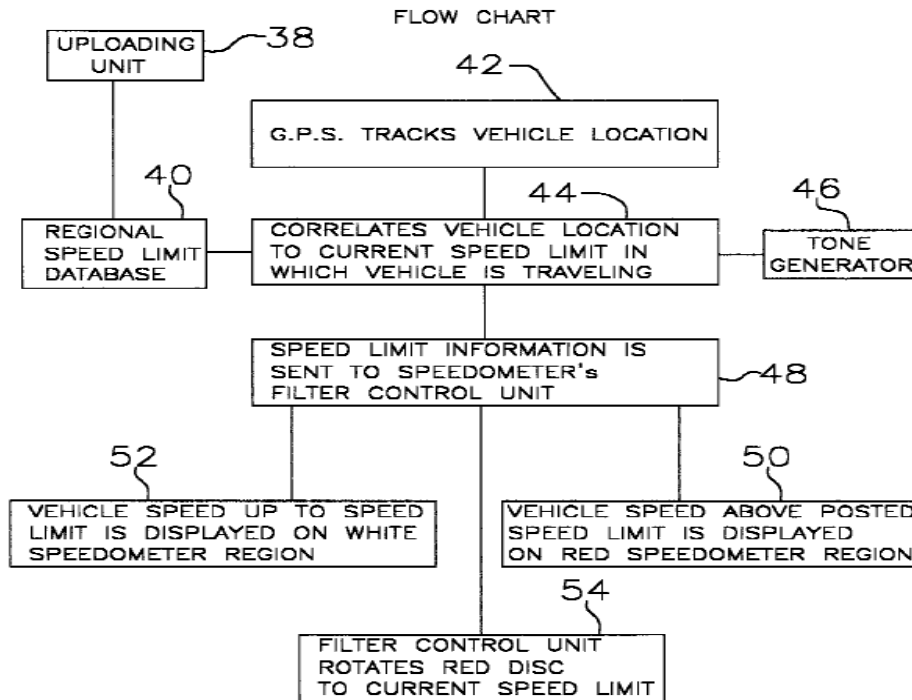


FIG. 2

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. 1101, 5:25-39):

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**.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.