

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY,
Petitioner,

v.

CUOZZO SPEED TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-01393
Patent 6,778,074 B1

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

I. INTRODUCTION

On August 27, 2014, Petitioner (“Ford”) filed a Petition requesting an *inter partes* review of claims 1–20 of U.S. Patent No. 6,778,074 B1 (Ex. 1001, “the ’074 patent”). A corrected Petition (“Pet.”) was filed on September 3, 2014. Paper 4. Patent Owner (“Cuozzo”) filed a Preliminary Response (Paper 8, “Prelim. Resp.”) on November 28, 2014. 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 the Preliminary Response, we determine that there is a reasonable likelihood that Ford would prevail with respect to claims 1–6 and 9–20 of the ’074 patent. Accordingly, pursuant to 35 U.S.C. § 314, we institute an *inter partes* review on claims 1–6 and 9–20, of the ’074 patent.

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

A. Related Proceedings

Ford indicates that the ’074 patent is involved in multiple patent infringement lawsuits brought by Cuozzo. Those lawsuits are identified on pages 45–46 of the Corrected Petition (Paper 4). The ’074 patent also is the subject of two other *inter partes* review proceedings: (1) IPR2012-00001,

on a petition filed by Garmin International, Inc. and Garmin USA, Inc., which resulted in a final written decision on November 13, 2013 (holding claims 10, 14, and 17 unpatentable), that was affirmed by the U.S. Court of Appeals for the Federal Circuit in *In re Cuozzo Speed Technologies LLC*, Case No. 14-1301 (Fed. Cir. Feb. 4, 2015); and (2) IPR2013-00373, also on a petition filed by Garmin International, Inc. and Garmin USA, Inc., which was terminated by settlement on February 12, 2014.

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. 1001, 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. 1001, 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. 1001, 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. 1001, 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:

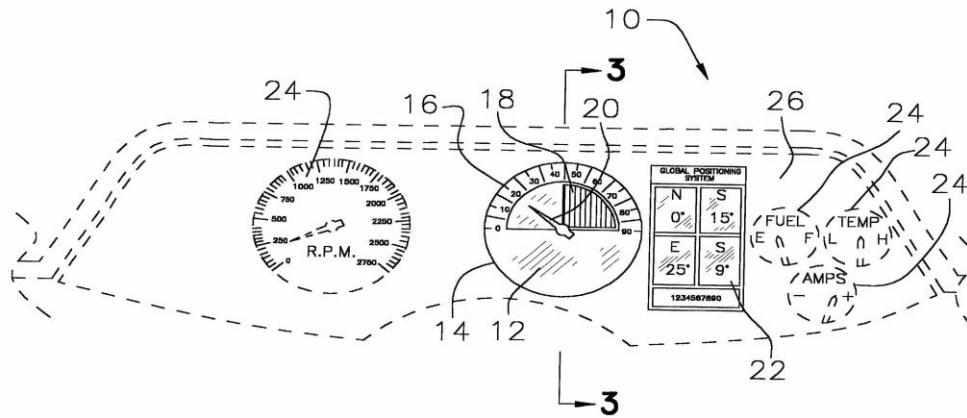


FIG. 1

Figure 1 illustrates a specifically disclosed embodiment. In that embodiment, speedometer 12 is mounted on dashboard 26. Ex. 1001, 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. 1001, 5:8–11. Global positioning receiver 22 is positioned adjacent to speedometer 12, and other gauges typically present on vehicle dashboard 26 also are provided. Ex. 1001, 5:13–17. Figure 2 is reproduced below:

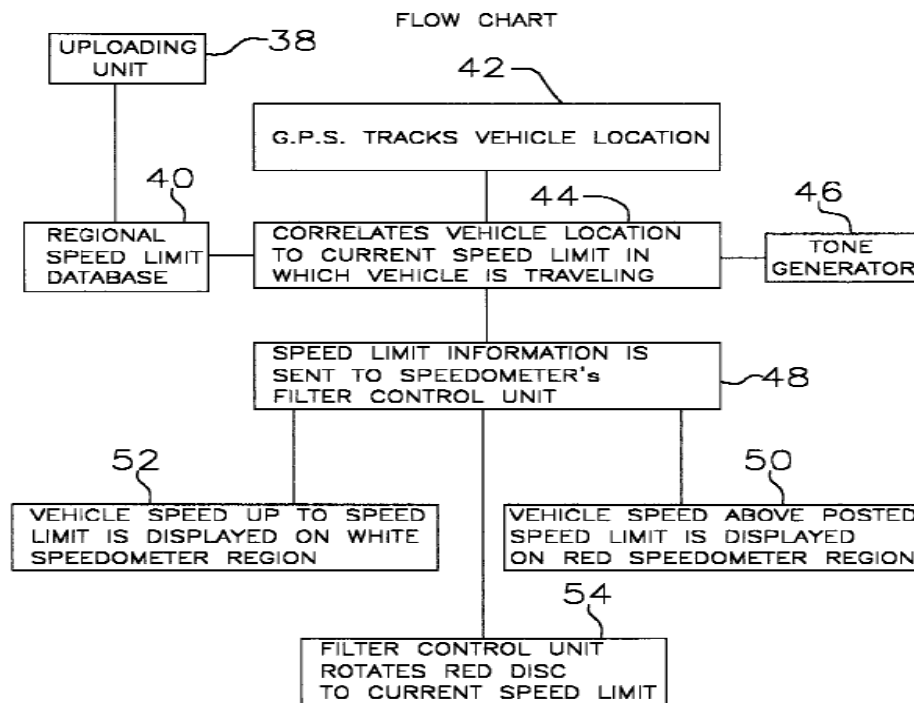


FIG. 2

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. 1001, 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. 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



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