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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

CUOZZO SPEED TECHNOLOGIES  
LLC,

Plaintiff,

v.

GARMIN INTERNATIONAL INC.;  
GARMIN USA, INC.; and CHRYSLER  
GROUP LLC,

Defendants.

CIV. NO. 12-cv-3623 (CCC)(JAD)

CIVIL ACTION

**FIRST AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT**

Plaintiff Cuozzo Speed Technologies LLC, for its First Amended Complaint against Defendants Garmin International Inc. and Garmin USA, Inc. (collectively, “Garmin”), and Chrysler Group LLC states and alleges:

**PARTIES**

1. Plaintiff Cuozzo Speed Technologies LLC (“CST”) is a limited liability company organized under New Jersey law with a principal place of business at 14 Ver Valen St., Closter, New Jersey 07624.

2. Defendant Garmin International Inc. (“Garmin International”) is a corporation organized under Kansas law with a principal place of business at 1200 E. 151st Street, Olathe, Kansas 66062. Garmin International may be served with process through its registered agent, David Ayres, 1200 East 151<sup>st</sup> Street, Olathe, Kansas 66062.

3. Defendant Garmin USA, Inc. (“Garmin USA”) is a corporation organized under Kansas law with a principal place of business at 1200 E. 151st Street, Olathe, Kansas 66062. Garmin USA may be served with process through its registered agent, National Registered Agents, Inc. of NJ, 100 Canal Pointe Blvd., Suite 212, Princeton, New Jersey 08540.

4. Defendant Chrysler Group LLC (“Chrysler”) is a limited liability company organized under the laws of Delaware with a principal place of business at 1000 Chrysler Drive, Auburn Hills, Michigan 48326. Chrysler may be served with process through its registered agent, The Corporation Trust Company, 820 Bear Tavern Road, West Trenton, New Jersey 08628.

#### **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, including § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this District under 28 U.S.C. § 1391 (b)-(c) and § 1400 (b) because (1) Defendants regularly conduct business in this District and are subject to personal jurisdiction here; (2) a substantial part of the events giving rise to CST's claims occurred in this District; (3) Defendants have committed and continue to commit acts of infringement in this District; and (4) Defendants have harmed and continue to cause harm to CST in this District.

### **GENERAL ALLEGATIONS**

7. On August 17, 2004, the United States Patent and Trademark Office issued United States Patent No. 6,778,074 (the '074 Patent) after a full and fair examination. The '074 Patent is titled "Speed Limit Indicator and Method for Displaying Speed and the Relevant Speed Limit" and issued to the sole inventor, Giuseppe A. Cuzzo. A true and correct copy of the '074 Patent is attached as Exhibit A.

8. The '074 Patent is presumed valid and enforceable under 35 U.S.C. § 282.

9. Since the '074 Patent issued, mobile device manufacturers, software developers, and GPS navigation system manufacturers, including Defendants Garmin USA and Garmin International, and automakers, including Chrysler brands Dodge, Jeep, and FIAT, have recognized the value of Mr. Cuzzo's invention

and developed and sold products and services meeting each and every claim element or practicing each and every step of the claims of the '074 Patent.

10. Garmin International and Garmin USA manufacture, sell, offer to sell, import, and distribute GPS-based navigation systems that provide speed limit warnings to alert drivers that they are exceeding the speed limit.

11. Chrysler imports, manufactures, sells, offers to sell, and distributes vehicles, including the FIAT 500 with the FIAT Blue&Me navigation system, or Garmin nüvi 3790T or nüvi 3760T GPS-based navigation systems, which warn a driver if he or she is driving over a speed limit.

12. Chrysler manufactures, sells, and distributes vehicles, including the Jeep Grand Cherokee, Dodge Journey, and Dodge Challenger with the Garmin uConnect system, which alert a driver when he or she exceeds a speed limit.

13. The uConnect GPS-based navigation system is a product of collaboration between Garmin and Chrysler.

14. CST owns all right, title, and interest to the '074 Patent, including the exclusive right to enforce the '074 Patent, the exclusive right to license the '074 Patent, and the exclusive right to seek and collect all past and future monetary or injunctive relief for infringement of the '074 Patent.

**INFRINGEMENT OF U.S. PATENT NO. 6,778,074**

15. CST incorporates each of the preceding paragraphs as if fully set forth herein.

16. Garmin has been and is infringing literally and/or under the doctrine of equivalents, directly, contributorily, or by inducement, the '074 Patent.

17. Garmin directly infringes, and will continue to infringe, the '074 patent in violation of 35 U.S.C. § 271 by making, using, selling, offering for sale, and/or importing, without authority, products embodying one or more claims of the '074 Patent.

18. Infringing Garmin products that embody at least claims 1, 2, 6, 9, 10, 11, 12, 13, 18, 19, and 20 of the '074 Patent include, without limitation, the Garmin dezl 560; nuvi 30; nuvi 40; nuvi 50 nuvi 1200 series (excluding the nuvi 1200); nuvi 1300 series (excluding the nuvi 1300) nuvi 1400 series; nuvi 1690; nuvi 2200 series; nuvi 2300 series; nuvi 2400 series; nuvi 2405 series; nuvi 2505 series; nuvi 3400 series; nuvi 3500 series; nuvi 3700 series; LIVE 1695; and LIVE 2300 series.

19. Chrysler has been and is infringing literally and/or under the doctrine of equivalents, directly, contributorily, or by inducement, the '074 Patent.

20. Chrysler directly infringes, and will continue to infringe, the '074 patent in violation of 35 U.S.C. § 271 by making, using, selling, offering for sale,

and/or importing, without authority, products embodying one or more claims of the '074 Patent.

21. Infringing Chrysler products that embody at least claims 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, and 20 of the '074 Patent include, without limitation, navigation systems in FIAT 500 Sport, 500 Lounge, and 500c Cabrio Lounge vehicles such as the Blue&Me navigation system that includes a "speeding alert" feature that will alert a driver when he or she exceeds the speed limit and FIAT 500 vehicles with Garmin nüvi 3790T or nüvi 3760T GPS-navigation systems.

22. Infringing Chrysler products that embody at least claims 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, and 20 of the '074 Patent also include, without limitation, the Garmin Uconnect navigation systems installed in Jeep Grand Cherokee, Dodge Journey, and Dodge Challenger vehicles for alerting a driver if he or she is exceeding a speed limit.

23. Garmin and Chrysler have contributed and continue to contribute to direct infringement of the '074 Patent by others including consumers in violation of 35 U.S.C. § 271(c) by providing Garmin and Chrysler customers navigation systems with speed limit warning features that are not staple articles of commerce suitable for substantial non-infringing use, are specially adapted for an infringing use of the '074 Patent, and embody a material part of the inventions claimed in the '074 Patent. Garmin and Chrysler have had knowledge of the '074 Patent as of the

date of service of this lawsuit. Garmin and Chrysler actively induce consumers and others to directly infringe the '074 Patent, in violation of 35 U.S.C. § 271(b), by providing products including those listed above with instructions, user manuals, or technical assistance, actively and directly, assisting, and encouraging infringement of the '074 Patent, and/or by providing navigation systems having a core and common feature leading to third-party infringement of the '074 Patent.

24. Garmin and Chrysler committed and continue to commit these acts of infringement without license or authorization.

25. Garmin contributes to infringement by car makers, including Chrysler, which make and sell GPS units that embody at least claims 1 and 10, by providing navigation components (e.g., software, hardware, or firmware) used in the GPS units. For example, Jeep Wranglers include Uconnect systems with “Garmin GPS Navigation” that includes functionality for determining when a vehicle’s speed is in violation of a speed limit at a vehicle’s location and displaying information related to the violation. *See* <http://www.driveuconnect.com/system/2012/jeep/wrangler/touch430nrhb/> viewed August 2, 2012. Garmin provides to Chrysler GPS-based navigation systems having key features including speed limit warning:

**Uconnect Navigation**

Uconnect Navigation offers customers reliable, seamless use of what has become a necessary technology and Wrangler offers two navigation solutions. Garmin® and Chrysler Group LLC have teamed up to bring consumer-friendly navigation. The Garmin navigation radio is designed with simplicity in mind. With just a glance, you can get visual navigation cues while you stay focused on driving. Key navigation features include Lane Assist and Junction View, speed limit information, map data, including United States, Canada and Mexico, and more than six million points of interest with the intuitive Garmin user interface.

26. Garmin components in Chrysler's Uconnect system provide a display and warning indicating when vehicle speed exceeds the speed limit. The picture below from Dodge's Website (<http://www.dodge.com/en/2012/charger/technology/uconnect/>) shows the Uconnect system in a Dodge Charger that is traveling at 44 m.p.h. in a 45 m.p.h. speed zone. If the vehicle speed exceeds the speed limit by an amount the consumer may set, the Uconnect/Garmin system changes the color of the displayed vehicle speed to red.





27. The components constitute material components of the GPS units that include special and generally separable features for determining when a vehicle's speed is in violation of a speed limit at a vehicle's location and displaying information related to the violation as recited in claims 1 and 10 of the '074 patent.

28. Garmin induces end users to directly infringe by performing each of the steps of claim 20. Garmin provides data accessed by end users to upload current information to a regional speed limit database. Garmin provides data to end user infringers through map purchase and map updates. Garmin advertises these products at its website at <http://www8.garmin.com/updates/>. Garmin provides for Speed Limit Error Reporting to change an incorrect or nonexistent speed limit. Garmin instructs consumers how to make such database corrections at <https://support.garmin.com/support/searchSupport/case.faces?caseId=%7Bc9512840-ea61-11de-5887-000000000000%7D>. Garmin provides GPS units that provide speed limit alerts, and in accordance with claim 20 determine a vehicle's location and speed, obtain a speed limit from the database, compare the vehicle's speed to the speed limit, and generate a tone if the vehicle exceeds the speed limit. The GPS units include components that display which speeds are below the speed limit and which speeds are above the speed limit. Garmin provides instructions and directions to the end users for performing these steps with the GPS units provided by Garmin, with the intent that the end users perform the steps with the

GPS units. Garmin provides accused devices with Speed Limit Alert functionality. Garmin provides instructions, for example on its website, to end users to configure the devices to play an attention tone when speeding occurs. See <https://support.garmin.com/support/searchSupport/case.faces?caseId=%7B780629e0-18d7-11e0-489e-000000000000%7D>.

29. CST has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. As a result of Defendants' infringement, CST has been damaged in an amount not presently known.

**NOTICE OF REQUIREMENT OF LITIGATION HOLD**

30. Defendants are hereby notified that they are legally obligated to locate, preserve, and maintain all records, notes, drawings, documents, data, communications, materials, electronic recordings, audio/video/photographic recordings, and digital files, including edited and unedited or "raw" source material, and other information and tangible things that Defendants know, or reasonably should know, may be relevant to actual or potential claims, counterclaims, defenses, and/or damages by any party or potential party in this lawsuit, whether created or residing in hard copy form or in the form of electronically stored information (hereafter collectively referred to as "Potential Evidence").

31. As used above, the phrase “electronically stored information” includes without limitation: computer files (and file fragments), e-mail (both sent and received, whether internally or externally), information concerning e-mail (including but not limited to logs of e-mail history and usage, header information, and deleted but recoverable e-mails), text files (including drafts, revisions, and active or deleted word processing documents), instant messages, audio recordings and files, video footage and files, audio files, photographic footage and files, spreadsheets, databases, calendars, telephone logs, contact manager information, internet usage files, and all other information created, received, or maintained on any and all electronic and/or digital forms, sources and media, including, without limitation, any and all hard disks, removable media, peripheral computer or electronic storage devices, laptop computers, mobile phones, personal data assistant devices, Blackberry devices, iPhones, video cameras and still cameras, and any and all other locations where electronic data is stored. These sources may also include any personal electronic, digital, and storage devices of any and all of Defendants’ agents or employees if Defendants’ electronically stored information resides there.

32. Defendants are hereby further notified and forewarned that any alteration, destruction, negligent loss, or unavailability, by act or omission, of any Potential Evidence may result in damages or a legal presumption by the Court

and/or jury that the Potential Evidence is not favorable to Defendants' claims and/or defenses. To avoid such a result, Defendants' preservation duties include, but are not limited to, the requirement that Defendants immediately notify their agents and employees to halt and/or supervise the auto-delete functions of Defendants' electronic systems and refrain from deleting Potential Evidence, either manually or through a policy of periodic deletion.

**PRAYER FOR RELIEF**

Cuozzo Speed Technologies LLC requests that judgment be entered in its favor and against Defendants, and that the Court award the following relief:

- A. Judgment that Defendants have infringed one or more claims of the '074 Patent either literally or under the doctrine of equivalents;
- B. Damages pursuant to 35 U.S.C. § 284 sufficient to compensate CST for Defendants' past infringement and any continuing or future infringement and in no event less than a reasonable royalty;
- C. Judgment and order requiring Defendants provide an accounting and pay supplemental damages to CST, including without limitation, pre-judgment and post-judgment interest; and
- D. Any and all other relief to which CST may show itself to be entitled or to which this Court may deem is just and proper.

**DEMAND FOR JURY TRIAL**

Cuozzo Speed Technologies LLC demands a trial by jury on all issues so triable.

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