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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

Garmin Switzerland GmbH; and  
Garmin Corporation,

*Plaintiffs,*

v.

FLIR Systems, Inc. and FLIR Maritime  
US, Inc. (f/k/a Raymarine, Inc.),

*Defendants.*

Case No. 3:17-cv-01147-SB

**GARMIN'S DISCLOSURE OF ASSERTED  
CLAIMS AND PRELIMINARY  
INFRINGEMENT CONTENTIONS**

Pursuant to the parties' Proposed Case Schedule (Dkt. 51), Plaintiffs Garmin Switzerland GmbH and Garmin Corporation (collectively "Garmin") hereby provide the following Disclosure of Asserted Claims and Preliminary Infringement Contentions ("Preliminary Infringement Contentions") with respect to FLIR Systems, Inc. and FLIR Maritime US, Inc.<sup>1</sup> as well as the below described document production.

These Preliminary Infringement Contentions are based on Garmin's current understanding of the scope of the Asserted Claims and on Garmin's current understanding of Defendants' methods, software, and systems for providing Autorouting, Easy Routing, Dock-To-Dock Autorouting functionality,<sup>2</sup> as well as Defendants' Track-To-Route functionality. Discovery in this case has just commenced, and thus far there have been no documents, depositions, or other written discovery from Defendants regarding its methods, software, and systems. Garmin thus provides these Preliminary Infringement Contentions without prejudice to Garmin's rights to amend, modify, and/or supplement these Contentions as Garmin's investigations and this case proceed, after Defendants serve their Preliminary Invalidation Contentions, and/or after the parties' disputes (if any) with respect to the construction of claim language are resolved. *See, e.g.*, Dkt. 51.

### **Identification of Asserted Claims**

Based on Garmin's current understanding of the scope of the Asserted Claims and on Garmin's current understanding of Defendants' methods, software, and systems for providing Autorouting, Easy Routing, Dock-To-Dock Autorouting functionality, as well as Defendants' Track-To-Route functionality, Garmin presently asserts the following claims against Defendants:

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<sup>1</sup> Collectively, "Defendants."

<sup>2</sup> With respect to the accused Autorouting, Easy Routing, Dock-To-Dock Autorouting functionalities associated with certain compatible cartography, as set forth herein, Garmin further identifies its allegations of infringement set forth in its Garmin's First Amended Disclosure of Asserted Claims and Infringement Contentions (May 17, 2017) in *Garmin Switzerland GmbH and Garmin Corp. v. Navico, Inc., C-MAP USA, Inc., and C-MAP/Commercial, Ltd.*, Case No. 16-2706 (D.Kan.), attached as **Exhibit 1** which is hereby incorporated by reference.

- Claims 1, 2, 3, 4, 6, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 41, 42, 43, 44, and 45 of U.S. Patent No. 7,268,703 under 35 U.S.C. § 271(a) (e.g., “whoever without authority ... uses ... within the United States any patented invention ... infringes the patent”), (b), (c) and/or (f); and
- Claims 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of U.S. Patent No. 6,459,987 under 35 U.S.C. § 271(a) (e.g., “makes, uses, offers to sell, or sells any patented invention... within the United States any patented invention ... infringes the patent”), (b), and/or (c).

Garmin reserves the right to amend, modify, and/or supplement the Asserted Claims as Garmin’s investigations and this case proceed, after Defendants serve their Preliminary Invalidity Contentions, and/or after the parties’ disputes (if any) with respect to the construction of claim language are resolved. *See, e.g.*, Dkt. 51.

**Identification of Accused Instrumentalities**

Garmin’s identification of Accused Instrumentalities is based on the information presently available to it and, for that reason, should not be construed to limit or exclude products, software, or accessories (or other Accused Instrumentalities) that operate in the same or substantially similar manner to the identified products with respect to the accused functions and features. Based on Garmin’s current understanding of the scope of the Asserted Claims and on Garmin’s current understanding of Defendants’ methods, software, and systems for providing Autorouting, Easy Routing, Dock-To-Dock Autorouting functionality, as well as Defendants’ Track-To-Route functionality, Defendants’ infringing Accused Instrumentalities include:

Patent	Accused Instrumentalities of Which Garmin Is Presently Aware
U.S. Patent No. 7,268,703	Defendants’ Raymarine-branded Multi-Function Display (“MFD”) electronic marine navigation devices/accessories, as well as Raymarine software that embody, enable and facilitate infringing use (e.g., as used by Defendants’ directors, agents, employees, and retailers, as well as Defendants’ intended customers and/or end-users as described and encouraged by Defendants in Defendants’ literature), and/or comprise material, non-staple components lacking substantial non-infringing uses, knowingly and especially made or adapted for use in an infringement of the ‘703 Patent, all through Autorouting, Easy Routing, or Dock-To-Dock Autorouting functionality.

Patent	Accused Instrumentalities of Which Garmin Is Presently Aware
	<p>The Defendants' Accused Instrumentalities include, but are not limited to, at least the following electronic marine navigation devices, associated accessories, and/or associated software:</p> <ul style="list-style-type: none"> <li>• Raymarine-branded MFDs, including, but not limited to, at least the following: aSeries (e.g., a65, a65 WiFi, a67, a67 WiFi, a68, a68 WiFi, a75, a75 WiFi, a77, a77 WiFi, a78, a78 WiFi, a95, a97, a98, a125, a127, a128), cSeries (e.g., c95, c97, c125, c127), eSeries (e.g., e7, e7D, e95, e97, e125, e127, e165), eS Series (e.g., eS75, eS77, eS78, eS97, eS98, eS127, eS128), gS Series (e.g., gS95, gS125, gS165, gS195), Axiom (e.g., Axiom 7, Axiom 9, Axiom 12) and Axiom Pro (e.g., Axiom Pro 9, Axiom Pro 12, Axiom Pro 16);</li> <li>• Software versions made and distributed, including software supplied by Defendants from the United States, for use with the above-described Raymarine-branded MFDs along with compatible cartography<sup>3</sup> (e.g., Navionics and Jeppesen/C-MAP cartography cartridges) for Autorouting, Easy Routing, and/or Dock-to-Dock Autorouting, including, but not limited to, at least the following: Lighthouse II Operating System software version 14, 15, 16, 17 and 19, as well as any others that enabled Dock-to-Dock Autorouting, Autorouting, or Easy Routing functions in the same or substantially similar way; Lighthouse III Operating System software version 3.2 as well as any others that enabled Dock-to-Dock Autorouting, Autorouting, or Easy Routing functions in the same or substantially similar way;<sup>4</sup></li> </ul>
U.S. Patent No. 6,459,987	<p>Defendants' Raymarine-branded electronic navigation devices and marine navigation accessories that embody, enable and facilitate infringing use (e.g., as used by Defendants' directors, agents, employees, and retailers, as well as Defendants' intended customers and/or end-users as described and encouraged by Defendants in Defendants' literature) of Defendants' Track-To-Route and other similar or substantially similar techniques for creating a backtrack from a subset of points travelled during forward path navigation.</p> <p>The Defendants' Accused Instrumentalities include, but are not limited to, at least the following electronic navigation devices and associated methods of intended use/operation:</p>

<sup>3</sup> Compatible cartography has the same meaning as used by Defendants in their product literature, e.g., Jeppesen CMAP 4D MAX, Jeppesen CMAP 4D MAX+, Navionics+, Navionics Platinum, Navionics HotMaps Platinum and other similarly cartography associated with Autorouting, Easy Route, and/or Dock-To-Dock Autorouting.

<sup>4</sup> Garmin thus accuses all software versions made, used, sold, offered for sale, or supplied from the United States that enable Autorouting, Easy Routing, and/or Dock-To-Dock Autorouting, including potential later iterations of the identified software. Garmin further specifically identifies the following non-limiting, exemplary listing of various specific releases identified by Garmin to date based on publicly-available materials: Lighthouse II v14.46 released on or around May 2015, Lighthouse II v17.45 released on or around May 2016, Lighthouse II v19.03 released on or around April 2017, and Lighthouse III v3.2.86 released on or around September 2017.

Patent	Accused Instrumentalities of Which Garmin Is Presently Aware
	<ul style="list-style-type: none"> <li>• Raymarine-branded marine electronic navigation devices, made, used, sold, offered for sale, or imported into the United States since July 2011, including, on information and below, at least the following:               <ul style="list-style-type: none"> <li>○ Axiom (e.g., Axiom 7, Axiom 9, Axiom 12)</li> <li>○ Axiom Pro (e.g., Axiom Pro 9, Axiom Pro 12, Axiom Pro 16)</li> <li>○ aSeries (e.g., a65, a65 WiFi, a67, a67 WiFi, a68, a68 WiFi, a75, a75 WiFi, a77, a77 WiFi, a78, a78 WiFi, a95, a97, a98, a125, a127, a128)</li> <li>○ aSeries Classic (e.g., A50, A50D, A57D, A60, A70, A70D)</li> <li>○ cSeries (e.g., c95, c97, c125, c127)</li> <li>○ cSeries Classic (e.g., C70, C80, C120)</li> <li>○ cSeries Widescreen (e.g., C90W, C120W, C140W)</li> <li>○ eS Series (e.g., eS75, eS77, eS78, eS97, eS98, eS127, eS128)</li> <li>○ eSeries (e.g., e7, e7D, e95, e97, e125, e127, e165)</li> <li>○ eSeries Classic (e.g., E80, E120)</li> <li>○ eSeries Widescreen (e.g., E90W, E120W, E140W)</li> <li>○ gS Series (e.g., gS95, gS125, gS165, gS195)</li> </ul> </li> </ul>

Garmin reserves the right to amend, modify, and/or supplement the Accused Instrumentalities as Garmin’s investigations and this case proceed, after Defendants serve their Preliminary Invalidity Contentions, and/or after the parties’ disputes (if any) with respect to the construction of claim language are resolved. *See, e.g.*, Dkt. 51.

**Claim Charts**

Based on Garmin’s current understanding of the scope of the Asserted Claims and on Garmin’s current understanding of Defendants’ methods, software, and systems for providing Autorouting, Easy Routing, Dock-To-Dock Autorouting functionality, as well as Defendants’ Track-To-Route functionality, Garmin provides the attached charts providing exemplary identifications of where each limitation of each Asserted Claim may be found within each Accused Instrumentality:<sup>5</sup>

Attachment	Chart Identifying Exemplary Infringements
A	Raymarine-branded Accused Instrumentalities for ‘703 Patent
B	Raymarine-branded Accused Instrumentalities for ‘987 Patent

<sup>5</sup> As mentioned above, *see* fn. 2, Garmin further refers Defendant to Exhibit 1 for additional details regarding the infringing Autorouting, Easy Routing, Dock-To-Dock Autorouting functionalities associated with certain compatible cartography.

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