Federal Court Invalidates Track-Assembly Patents for All-Terrain Vehicles

March 01, 2019

Camso Inc. v. Soucy International Inc., 2019 FC 255

Camso brought a patent infringement claim against the Defendants, Soucy International Inc. and Kimpex Inc. (Soucy), who are direct competitors of Camso in the sale of endless track belts for All-Terrain Vehicle (ATVs). In this decision, the Federal Court invalidated three patents, comprising a total of 246 claims, for anticipation and obviousness.

The Plaintiff, Camso Inc. (Camso) held three patents for track assemblies (the portion of the ATV in contact with the ground) to improve ATV operation on snow and other unstable or uneven surfaces, while minimizing the impact on this soft terrain. The solution described in the disclosure worked by reducing the size of the track belt's contact area with the ground. Longitudinally, this was done by slightly curving the bottom run of the track belt away from the terrain. Transversally, this was done by removing the stiffening rods typically provided in track belts (which purported to allow for more flexibility of the track) or by including outwardly projecting traction projections around the track belt, with and without stiffening rods.

After construing the claims of the patents in question, Justice Locke considered the relevant prior art, and found evidence of 2 and 4 wheeled-kits with rodless tracks, which were either sold or publicly disclosed prior to the claim date. In addition, the longitudinal curve in the track was disclosed in the prior art. Justice Locke found that a total of 174 claims from the three Camso patents were invalid by way of anticipation.

The remaining 72 claims were found to be invalid by way of obviousness. Justice Locke found that the idea of removing stiffening rods from endless tracks was a design choice and not inventive. In order for such removal to be considered inventive, the inventors would have to show that there was some obstacle they had to overcome in achieving their removal. It was the idea of removing the stiffening rods which Camso argued was inventive. The Court held that the mere fact that competitors like Soucy had tried unsuccessfully to remove stiffening rods showed that the idea of removing the rods was obvious. Moreover, the Plaintiff's patent disclosure failed to provide information that addresses the technical obstacles to removing stiffening rods.

Because the claims were found to be invalid, the Federal Court did not consider the issue of infringement, and the action was dismissed.

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