

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.

Expertise

[Intellectual Property](#), [Copyright](#), [Industrial Design](#), [Licensing](#), [Patents](#), [Trademarks](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2024 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.