

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NAVICO INC. and NAVICO	§	
HOLDING AS,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	NO. 2:16-CV-00190-JRG-RSP
	§	
GARMIN INTERNATIONAL, INC. and	§	
GARMIN USA, INC.,	§	
	§	
Defendants.	§	

**ORDER**

The above entitled and numbered civil action was referred to United States Magistrate Judge Roy S. Payne pursuant to 28 U.S.C. § 636. Before the Court is the Report and Recommendation (Dkt. No. 176) by Magistrate Judge Payne, which recommends that Navico’s Motion for Partial Summary Judgment That the “Kongsberg” Documents and “MS1000 System” Do Not Qualify as Prior Art (Dkt. No. 102) be granted in part. Garmin objected to the Report, (Dkt. No. 194), and Navico responded, (Dkt. No. 206).

Having considered the Report and Recommendation, Garmin’s objections, and Navico’s response, **IT IS ORDERED** that Magistrate Judge Payne’s Report and Recommendation (Dkt. No. 176) is hereby **ADOPTED** and Garmin’s objections are **OVERRULED**. Navico’s Motion (Dkt. No. 102) is therefore **GRANTED IN PART**:

- (1) Navico’s Motion is **GRANTED** as to the MS 1000 Operator Manual and the Standing Timber Application Note. Navico’s Motion is also **GRANTED** as to

Garmin's allegations of prior use and prior sale based on the 2002 sale to Odyssey Marine.

(2) As to the Babine Lake Application Note, Navico's Motion is **DENIED**.

**So ORDERED and SIGNED this 29th day of August, 2017.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE