

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Covered Business Method Review Petition of United States Patent No.: 6,064,970	§	Att’y Docket Nos.: LMIC-018-801
	§	
	§	Customer No. 28120
	§	
Patent Owner: Progressive Casualty Insurance Co.	§	Petitioner: Liberty Mutual Insurance Company
	§	

DECLARATION OF SCOTT ANDREWS

I, Scott Andrews, hereby declare under penalty of perjury:

I. Qualifications

1. I am currently the Technical Partner of Cogenia Partners, LLC (“Cogenia”), an independent consulting firm specializing in systems engineering and services for intelligent transportation systems, safety applications, mobile devices, and vehicle technologies, which I founded in 2001. I have over 35 years of experience developing and managing high technology projects, and 20 years of experience focusing on intelligent transportation systems. My CV is attached at Ex. 1013.
2. Cogenia Partner’s clients include the automotive industry, Fortune 100 service enterprises, telecommunications equipment manufacturers, the U.S. Department of Transportation, state and local transportation entities, university transportation centers, and startups seeking to enter the broad mobility and transportation technology and location based services market.

Liberty Mutual

3. In my role at Cogenia Partners, I have consulted with many of the major carmakers, and leading consumer products and services companies in support of the creation and delivery of mobile vehicle features and services.
4. My previous related work experience includes positions at TRW, Inc. and Toyota Motor Corp.
5. At Toyota Motor Corporation in Japan, my responsibilities included the conceptualization and development of multimedia and new technology products and services for Toyota's future generations of passenger vehicles in the United States and Europe. Heavy emphasis was placed on strategy for information systems, and on development of technical concepts for computing and Internet oriented systems. Working under the direction of Toyota board members, I established the Automotive Multimedia Interface Collaboration, a partnership of the world's car makers to develop a uniform computing architecture for vehicle multimedia systems, and led all early technical, planning and organizational work.
6. At TRW, Inc., I held a series of positions dealing with emerging transportation products such as in-vehicle information systems. In 1991 and 1992, while employed in the Space and Defense sector, I worked with the automotive division to develop location-based information delivery systems. The first

system TRW developed used the Teletrac vehicle location system. This used a “return link” Time Difference of Arrival (TDOA) triangulation scheme (the system determines the position of the device using signals returned from the device). This is slightly different from LORAN, which is a “forward link” TDOA system (the terminal determines its location from the base station signals), although the two systems are technically similar.

7. In early 1996, I was in the TRW Automotive Electronics Group and was working on a variety of automotive electronic systems, including wireless vehicle location and information systems, such as Mayday and remote diagnostics, navigation systems, and various driver information and vehicle safety systems. In April of 1996, I moved to Japan and was employed by Toyota Motor Corporation and continued to work on a variety of wireless Intelligent Transportation Systems (ITS).
8. I have also worked with several law firms in a consulting and/or expert capacity. My attached CV lists all the matters in which I was involved, including my testimonial experience. Ex. 1013.
9. I am also a member of the following professional societies: Society of Automotive Engineers (SAE), International Institute of Electrical and Electronic Engineers (IEEE), IEEE Standards Association, Intelligent

Transportation Society of America (ITSA), Intelligent Transportation Society of California (ITSC), Institute of Navigation (ION), and International Council on Systems Engineering (INCOSE).

10. My education includes a B.S. in Electrical Engineering from the University of California, Irvine, and an M.S. in Electronic Engineering from Stanford University.
11. I have been retained on behalf of Petitioner and real party in interest, Liberty Mutual Insurance Company (“Petitioner” or “Liberty Mutual”), to offer statements and opinions regarding the understanding of a person of ordinary skill in the art (discussed below) as it relates to the identified patent assigned to Progressive Casualty Insurance Company (“Progressive”), as well as other references presented to me by counsel for Petitioner.
12. I am being compensated at a rate of \$300 per hour for my services, exclusive of any third party expert service fees. My compensation does not depend on the outcome of this Business Method Review Petition or the pending litigation between Petitioner and Progressive in the U.S. District Court for the Northern District of Ohio.

II. Materials Considered

13. In developing my opinions below relating to Progressive’s ‘970 Patent, I have considered the following materials:

- Progressive’s U.S. Patent No. 6,064,970 (“the ‘970 Patent”) with January 10, 2012 Ex Parte Reexamination Certificate (Ex. 1001);
- A certified English translation of Japanese Patent Publ’n H4-182868 (“Kosaka”) (Ex. 1004);
- OBD-II Background—Where’d It Come From?, <http://www.OBDii.com/background.html> (under “Where’d it come from?”) (Ex. 1014);
- Excerpt from Shuji Mizutani, Car Electronics, page 250 (Nippondenso Co. Ltd. 1992) (Ex. 1015); and
- Excerpt from David S. Boehner, Automotive Microcontrollers, in Automotive Electronics Handbook, pages 11.24-11.29 (Ronald K. Jurgen ed., 1995) (Ex. 1016).

III. Level of Ordinary Skill for the ‘970 Patent

14. I have read Progressive’s ‘970 Patent, which I understand was filed on August 17, 1998, issued on May 16, 2000, and claims priority to an application filed on January 29, 1996. I also understand that the ‘970 Patent went through *ex parte* reexamination from November 24, 2010 to January 10, 2012, and that many of the claims were amended.

15. The ‘970 Patent purports to cover methods and systems for setting insurance costs based on vehicle telematics data. *See, e.g.*, Ex. 1001 at Abstract. Generally, vehicle data is monitored and recorded and the data is then used to produce a vehicle insurance cost for the period in which monitoring occurred. *See, e.g.*, claims 1, 4-6, 18.

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