UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION

Petitioner

Patent No. 6,738,697
Issue Date: May 18, 2004
Title: TELEMATICS SYSTEM FOR VEHICLE DIAGNOSTICS

DECLARATION OF SCOTT ANDREWS

Case No. IPR2013-00412

I, Scott Andrews, hereby declare and state as follows:

I. BACKGROUND AND QUALIFICATIONS

1. I am currently a consultant for Cogenia Partners, LLC, focusing on systems engineering, business development and technical strategy supporting automotive and information technology. I have been in this position since 2001. In one of my active engagements, I serve as a co-principal investigator in a research program funded by the Federal Highway Administration (FHWA), called Integrated Advanced Transportation System. I also serve as a technical consultant in multiple FHWA projects with ARINC and Booz Allen related to connected vehicle technology research.

2. I have over 30 years of professional experience in the field automotive technologies and systems, including vehicle information systems and vehicle safety and control systems. Further, I have authored numerous published technical papers and am a named inventor on 11 U.S. and foreign patents.

3. I received a Bachelor of Science degree in Electrical Engineering from University of California, Irvine in 1977 and a Master of Science degree in Electronic Engineering from Stanford University in 1982.

4. From 1977 to 1979, I worked at Ford Aerospace where I designed, tested and delivered microwave radar receiver systems.

5. From 1979 to 1983, I worked at Teledyne Microwave, where I

developed high reliability microwave components and developed CAD tools.

6. From 1983 to 1996, I worked at TRW, Inc., having held various positions. From 1983 to 1993, I was a Manager of MMIC (monolithic-microwave-integrated-circuit) Products Organization. In this role, I developed business strategy and managed customer and R&D programs. During this time, I also developed the first single chip 94 GHz Radar, used for automotive cruise control and anti-collision systems. In 1993 I transferred to the TRW Automotive Electronics Group, and managed about 30 engineers in the Systems Engineering and Advanced Product Development organization. In this role, I managed advanced development programs such as automotive radar, adaptive cruise control, occupant sensing, automatic crash notification systems, in-vehicle information systems, and other emerging transportation products.

7. From 1996 to 2000, I was a Project General Manager in the R&D Management Division at Toyota Motor Corporation in Japan. In that role, I developed multimedia and new technology products and services for Toyota's future generations of passenger vehicles for the United States and Europe. I also established the Automotive Multimedia Interface Collaboration, under the direction of Toyota's board members.

8. In 2000, I founded Cogenia, Inc. to develop enterprise class data management software systems. I served as the company's Chief Executive Officer until 2001, when I created Cogenia Partners, my current consulting firm.

9. A copy of my *curriculum vitae* is attached hereto, and it includes a listing of my prior experience in litigation matters as an expert.

II. ASSIGNMENT AND MATERIALS REVIEWED

10. I submit this declaration in support of the Petition for *Inter Partes* Review of U.S. Patent No. 6,738,697 ("the '697 patent"), No. IPR2013-00412.

11. I am not an employee of Toyota Motor Corporation ("Toyota") or any affiliate or subsidiary thereof.

12. I am being compensated for my time at a rate of $425 per hour. My compensation is in no way dependent upon the substance of the opinions I offer below, or upon the outcome of Toyota's petition for *inter partes* review (or the outcome of such an *inter partes* review, if a trial is initiated).

13. I have been asked to provide certain opinions relating to the patentability of the '697 patent. Specifically, I have been asked to provide my opinion regarding (i) the level of ordinary skill in the art to which the '697 patent pertains and (ii) the patentability of claims 1, 2, 5, 10, 17-21, 26, 27, 32, 40, and 61.

14. The opinions expressed in this declaration are not exhaustive of my opinions on the patentability of claims 1, 2, 5, 10, 17-21, 26, 27, 32, 40, and 61. Therefore, the fact that I do not address a particular point should not be understood to indicate any agreement on my part that any claim otherwise complies with the patentability requirements.

15. In forming my opinions, I have reviewed (i) the '697 patent and its prosecution history; and (ii) prior art to the '697 patent, including:

(a) Fry, "Diesel Locomotive Reliability Improvement by System Monitoring," Proceedings of the Institution of Mechanical Engineers, Part F: Journal of Rail and Rapid Transit, Vol. 209, Jan. 1, 1995 ("Fry");

(b) Japanese Patent Publication No. H01-197145 to Ishihara et al. and a translation of the same ("Ishihara"); and

(c) U.S. Pat. No. 5,157,610 to Asano et al. ("Asano").

III. OVERVIEW OF THE '697 PATENT

16. The '697 patent names David S. Breed as its sole inventor. It is entitled "Telematics System for Vehicle Diagnostics." The '697 patent states that it was filed on July 3, 2002, and issued May 18, 2004. The '697 patent also identifies itself as a continuation-in-part of numerous other applications, the earliest of which is U.S. App. No. 08/476,077, which was filed June 7, 1995 and issued as U.S. Patent No. 5,809,437.

17. The '697 patent generally relates to a diagnostic system and method on a vehicle that diagnoses the state of the vehicle or the state of a component of the vehicle, generates an output representative of the diagnosis, and then employs a communications device to automatically connect to a remote facility in order to

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