

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION

Petitioner

Patent No. 8,036,788

Issue Date: October 11, 2011

Title: VEHICLE DIAGNOSTIC OR PROGNOSTIC MESSAGE
TRANSMISSION SYSTEMS AND METHODS

DECLARATION OF SCOTT ANDREWS

Case No. IPR2013-00417

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 Rockwell Collins and Booz Allen related to connected vehicle technology research.

2. I have over 30 years of professional experience in the field of 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 1985 I was a member of the technical staff in the RF Communications Laboratory; from 1985 to 1988 I was a sub-project manager on a communications system; from 1988 to 1991 I was an assistant project manager on the USDoD MIMIC program, leading the development of microwave integrated circuit technology development; from 1991 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 Toyota Motor Corporation's ("Toyota's") opposition to Patent Owner American Vehicular Sciences, LLC's ("AVS's") motion to amend certain of the claims of U.S. Patent No. 8,036,788 ("the '788 patent"), in *Inter Partes* Review case number IPR2013-00417.

11. I am not an employee of 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, the outcome of such an *inter partes* review, or the outcome of AVS's motion to amend.

13. I have been asked to provide certain opinions relating to the patentability of substitute claims 22-31 proposed by AVS in its motion to amend. Specifically, I have been asked to provide my opinion regarding (i) the scope and content of the relevant prior art as of June 7, 1995, (ii) the adequacy of AVS's and its expert's

analysis of the patentability of AVS's proposed amended claims (or, the "substitute claims"), and (iii) whether the substitute claims are patentable.

14. The opinions expressed in this declaration are not exhaustive of my opinions on the patentability of proposed amended claims 22-31. 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 '788 patent (Exhibit 1001) and its prosecution history (Exhibit 1007); (ii) the declaration of Ralph Wilhelm, Jr. PhD. (Exhibit 1008), (iii) the Board's Institution Decision in connection with the '788 patent (Paper 14), (iv) the Patent Owner's motion to Amend Pursuant to 37 C.F.R. § 42.21 and the exhibits attached thereto (Paper 29), and (v) prior art to the '788 patent, including:

- (a) U.S. Pat. No. 5,400,018 to Scholl et al. ("Scholl") (Exhibit 1002);
- (b) an English translation of Japanese Patent Publication No. H01-197145 to Ishihara et al. (Exhibit. 1004);
- (c) 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") (Exhibit 1005);
- (d) U.S. Pat. No. 4,267,569 to Baumann et al. ("Baumann") (Exhibit 1020);
- (e) U.S. Pat. No. 5,592,614 to Peters ("Peters") (Exhibit 1021);
- (f) U.S. Pat. No. 5,450,321 to Crane ("Crane") (Exhibit 1022);

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