

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION
Petitioner

v.

AMERICAN VEHICULAR SCIENCES LLC
Patent Owner

Patent Number: 8,036,788
Title: VEHICLE DIAGNOSTIC OR PROGNOSTIC MESSAGE
TRANSMISSION SYSTEMS AND METHODS

Case IPR2013-00417

**REPLY DECLARATION OF LAWRENCE KENNEDY IN SUPPORT OF
AVS'S MOTION TO AMEND UNITED STATES PATENT NO. 8,036,788**

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I. INTRODUCTION AND SUMMARY OF OPINIONS

1. My name is Lawrence Kennedy. I am an expert in automotive and electronic systems.

2. In connection with the above-captioned IPR, I have previously been asked to analyze proposed amendments to the claims of United States Patent No. 8,036,788 (“the 788 patent”). In connection with my analysis, I provided my opinions on whether the proposed amended claims were patentable over the prior art and supported by the original specification of the 788 patent and its 1995 priority specification. My opinions were outlined in March 24, 2014 declaration submitted in support of AVS’s Motion to Amend the 788 patent.

3. I have now been asked to review and respond to the Declaration of Scott Andrews, which I understand was submitted in connection with Toyota’s Opposition To AVS’s Motion To Amend.

II. PROFESSIONAL BACKGROUND AND QUALIFICATIONS

4. My professional background and qualifications were outlined in my March 24, 2014 Declaration In Support Of AVS’s Motion To Amend United States Patent No. 8,036,788. My academic and professional background are also further elaborated in my *curriculum vitae*, which was attached as Attachment A to my March 24, 2014 declaration and is incorporated herein by reference.

III. COMPENSATION AND MATERIALS CONSIDERED

5. I have been asked to respond to the opinions of Scott Andrews as stated in Exhibit 1026. I was previously retained by AVS as an expert witness with respect to my opinions regarding proposed amended claims to the 788 patent. I have also been retained by AVS as an expert witness with respect to IPR Case Nos. 2013-00414 and -00415.

6. In preparing my declaration, I have relied upon my education, knowledge and experience. I have also considered the materials and items described and referenced in my declaration. In addition to these materials and materials that I previously reviewed in connection with my previous declarations, I have reviewed the following additional materials in preparing my declaration:

- Petitioner's Opposition To Patent Owner's Motion To Amend for Case Nos. IPR2013-00415 and IPR2013-00417, including the exhibits attached thereto; and
- The deposition transcript of Scott Andrews dated June 24, 2014.

7. I am not an employee of AVS or any affiliate, parent, or subsidiary.

8. I am being compensated for my time at a rate of \$250 per hour. In the event I am required to testify at a deposition, I will be compensated at a rate of \$350 per hour. I am being compensated for my travel time at one-half of my hourly billing rate. In addition, I am being reimbursed for my reasonable expenses

incurred in connection with my work on this case. My compensation is not dependent on the opinions I offer or on the outcome of this *inter partes* review proceeding or any other proceeding.

IV. PROPOSED AMENDED CLAIMS

9. I understand that AVS is cancelling claim 1 of the 788 patent and seeks to substitute claim 1 with proposed claim 22. I understand that proposed claim 22 reads as follows (claim language being added is underlined):

22. (substitute claim 1) A method for providing status data for vehicle maintenance, comprising:

monitoring for a triggering event on a vehicle during operation of the vehicle on a road having a wireless communications unit, the triggering event relating to a diagnostic or prognostic analysis of at least one of a plurality of different components or subsystems of the vehicle; and

initiating a wireless transmission between the communications unit and a remote site separate and apart from the vehicle in response to the triggering event, the transmission including a diagnostic or prognostic message about the at least one component or subsystem;

wherein the diagnostic or prognostic message includes an identification of the at least one component or subsystem and an identification of whether the at least one component or subsystem should be either repaired or replaced.

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