## DECLARATION OF SCOTT ANDREWS

I, Scott Andrews, declare as follows:

1.      I hold a B.Sc. degree in Electrical Engineering from University of California–Irvine and a M.Sc. degree in Electronic Engineering from Stanford University. In various positions at, among others, TRW and Toyota, I have been responsible for research and development projects relating to, among others, numerous remote vehicle control devices and vehicle information systems. My qualifications are further set forth in my *curriculum vitae* (Exhibit A). I have been retained by Volkswagen Group of America, Inc. in connection with its petition for *inter partes* review of U.S. Patent No. 6,542,076 ("the '076 patent"). I have over 25 years of experience in fields relevant to the '076 patent, including remote vehicle control systems.

2.      I have reviewed the '076 patent, as well as its prosecution history and the prior art cited during its prosecution. I have also reviewed the prosecution history of the *ex parte* reexamination of the '076 patent, Reexamination Control No. 90/013,302 ("the '302 reexamination"), and the prior art cited in the reexamination. I have also reviewed U.S. Patent No. 6,072,402 ("Kniffin"), U.S. Patent No. 5,113,427 ("Ryoichi"), U.S. Patent No. 5,732,074 ("Spaur"), U.S. Patent No. 5,726,984 ("Kubler,"), U.S. Patent No. 5,808,566 ("Behr"), and U.S. Patent No. 4,602,127 ("Neely").

## The '076 Patent

3.      The '076 patent relates to a remote-controlled control, monitoring, and/or security apparatus, linked to various vehicle systems like alarms, horns, power door locks, video recording devices, phones, or vehicle recovery systems. Col. 4, ll. 43-63. A remote transmitter system 2, such as a touch tone telephone, transmits signals to a receiver 3, such as a beeper or pager system. Col. 18, l. 64-col. 19, l. 2; col. 19, ll. 57-61; col. 19, l. 66–col. 20, l. 1. A CPU 4 receives signals from the receiver 3 and controls vehicle systems by activating or deactivating the vehicle systems. Col. 20, ll. 61–67; col. 21, l. 46–col. 22, l. 37; 24, l. 66–col. 25, l. 3.

4.      The claims of the '076 patent describe the above-described sequence of control among three devices. One control device is located at a vehicle, another control device is located remote from the vehicle, and another control device is located remote from the other remote control device and remote from the vehicle. One of the remote control devices sends a control signal to the other remote control device, which responds by sending a control signal to the control device in the vehicle. In response, the control device in the vehicle activates or deactivates a vehicle component.

5.      The claims of the '076 patent recite the above-described sequence of control signals among three control devices. The claims vary, however, in the naming of the control devices. In independent claims 3 and 73, and their dependent claims,

the "first control device" is located at a vehicle, and is responsive to signals from the "second control device," which is in turn responsive to signals from the "third control device." In independent claim 205, the "third control device" is located at the vehicle, and is responsive to signals sent from the "second control device," which in turn is responsive to signals sent from the "first control device." Thus, my understanding of the claims and the disclosure of the prior art documents is independent of these naming conventions.

6. According to my understanding of the prosecution of the '076 patent, application claim 47, which would eventually issue as claim 3 of the '076 patent, recited the chain of three control devices:

> 47. A control apparatus, which comprises:
>
> a first control device, wherein said first control device at least one of generates a first signal and transmits a first signal for at least one of activating, deactivating, enabling, and disabling, at least one of a vehicle at least one of system, equipment system, subsystem, device, component, and appliance, and a vehicle, wherein said first control device is located at the vehicle,
>
> wherein said first control device at least one of generates the first signal and transmits said first signal in response to a second signal, wherein the second signal is at least one of generated by a second control device and transmitted from a second control device, wherein the second control device is located at a location which is remote from the vehicle, and further wherein the second control device at least one

of generates the second signal and transmits the second signal in response to a third signal,

wherein the third signal is at least one of generated by a third control device and transmitted from a third control device, wherein the third control device is located at a location which is remote from the vehicle and remote from the second control device.

7. After Joao cancelled several claims, added new claims, and submitted a terminal disclaimer over the parent patent U.S. Patent No. 5,917,405, and a related patent, U.S. Patent No. 6,549,130, a Notice of Allowance was issued on May 30, 2001. The Examiner provided the following reasons for allowance, identifying the chain of three control devices:

[T]here are no references teaching of a control apparatus for controlling of at least one of activating, deactivating, enabling and disabling of at least one of a vehicle and a premises having at least one of system, subsystem, component, equipment and appliance, wherein the first control device is responsive to a second signal and the second signal is at least generated by a second control device which is located remote from the vehicle and the premises. And further wherein the second control device is responsive to a third signal which is generated by a third control device which is located at a location remote from the vehicle and the premises and remote from the second control device.

8.    It is my understanding that, while prosecution continued after this allowance with a series of claim additions, cancellations, and minor amendments, the chain of control devices remained recited.

9.    I further understand that the '076 patent is currently subject to reexamination, and that during the reexamination, the Examiner determined that Kniffin and Ryoichi, for example, raise substantial new questions of patentability affecting claim 3. I further understand that claim 3 currently stands rejected on several grounds, including being rejected as anticipated by Ryoichi.

**Kniffin – Claims 3, 18, 65, 67, 68, 70, 73, 91, 103, 116, 119, 120, and 205**

10.    Kniffin discloses all of the limitations of claims 3, 18, 65, 67, 68, 70, 73, 91, 103, 116, 119, 120, and 205, including the sequence of control signals passed among three control devices, which was the basis for allowance of the '076 patent.

11.    Kniffin describes a secure entry system 10, including telephone 22, communications link 16, clearinghouse 18 connected to RF transmission system 26, and access control devices 12 or 64 having RF receiver 14. Col. 2, ll. 25-53, col. 8, ll. 11-14.

12.    The chain of three control devices described by Kniffin includes an access control device 64 (located in the vehicle), clearinghouse 18 or 66 (located remote from the vehicle), and communications link 16 and telephone 22 (located remote from the vehicle and the clearinghouse). A user may establish communication via

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