# 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. 7,397,363 ("the '363 patent"). I have over 25 years of experience in fields relevant to the '363 patent, including remote vehicle control systems.

2.     I have reviewed the '363 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 '363 patent, Reexamination Control No. 90/013,303, and the prior art cited in the reexamination. In addition, I have reviewed U.S. Patent No. 6,072,402 ("Kniffin"), U.S. Patent No. 5,732,074 ("Spaur"), and U.S. Patent No. 5,081,667 ("Drori").

## The '363 Patent

3.     The '363 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, l. 55-col. 5, l. 8. 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. 21, ll. 52-56, col. 22, ll. 1-4, 44-49, 55. A CPU 4 receives signals from the receiver 3 and controls vehicle systems by activating or deactivating the vehicle systems. Col. 23, ll. 45-50, col. 24, l. 28-col. 28, l. 59, col. 31, ll. 14-23.

4.     The '363 patent further describes "[a] home and/or personal computer, and/or other personal communications device and/or apparatus may also be utilized for performing the functions of the transmitter and the vehicle position and locating system receiver." Col. 6, ll. 10-13. Additionally, the transmission of data over the Internet is described: "The apparatus may also be utilized in conjunction with a computer network such as an on-line service and/or on, or over, the Internet and/or the World Wide Web, by employing an appropriate server computer and/or an associated Web Site and/or Web Site technology in conjunction with an appropriate communication medium." Col. 6, ll. 13-19.

5.     The claims of the '363 patent describe a sequence of control among three devices.

6.  In claim 21, one processing device is located at a vehicle, another processing device is located remote from the vehicle, and another processing device is located remote from the other remote processing device and remote from the vehicle. One of the remote processing devices sends a control signal to the other remote processing device, which responds by sending a control signal to the processing device in the vehicle. In response, the processing device in the vehicle activates or deactivates a vehicle component.

7.  In claim 68, one processing device is again located at a vehicle, another processing device is located remote from the vehicle, and a communication device is located remote from the remote device and remote from the vehicle. The first processing device monitors the vehicle for a state of disrepair, transmits a signal about the detection of a state of disrepair to a second processing device, which then transmits a signal to a communication device over the Internet or World Wide Web, and the communication device provides the information regarding the state of disrepair.

8.  According to my understanding of the prosecution of the '363 patent, the claims that led to claims 21 and 68 were initially filed in September 2006, including the same chain of three devices that would eventually issue. The claims were never rejected over the prior art, and Joao only made the following amendments to the claims:

65. An apparatus, comprising:

a first processing device, wherein the first processing device at least one of generates a first signal and transmits a first signal for at least one of activating, de-activating, disabling, re-enabling, and controlling an operation of, at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, of or located at a vehicle, wherein the first processing device is associated with a web site, and further wherein the first processing device is located at a location remote from the vehicle,

wherein the first processing device at least one of generates the first signal and transmits the first signal in response to a second signal, wherein the second signal is at least one of generated by a second processing device and transmitted from a second processing device, wherein the second processing device is located at a location which is remote from the first processing device and remote from the vehicle, wherein the first processing device determines whether an action <u>or an</u> <u>operation</u> associated with information contained in the second signal, to at least one of activate, de-activate, disable, re-enable, and control an operation of, the at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, is an authorized <u>or an allowed</u> action <u>or an authorized or an allowed operation</u>, and further wherein the first processing device at least one of generates the first signal and transmits the first signal to a third processing device if the action <u>or</u> <u>the operation</u> is determined to be an authorized <u>or an allowed</u> action or

an authorized or an allowed operation, wherein the third processing device is located at the vehicle,

wherein the second signal is transmitted to the first processing device via, on, or over, at least one of the Internet and the World Wide Web, and further wherein the second signal is automatically received by the first processing device, wherein the first signal is transmitted to and automatically received by the third processing device, wherein the third processing device at least one of generates a third signal and transmits a third signal for at least one of activating, de-activating, disabling, re-enabling, and controlling an operation of, the at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, in response to the first signal.

84. An apparatus, comprising:

a first processing device, wherein the first processing device at least one of monitors and detects an event regarding at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, of a vehicle, wherein the first processing device is located at the vehicle, and further wherein the event is a detection of a state of disrepair of the at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, wherein the first processing device at least one of generates a first signal and transmits a first signal to a second processing device, wherein the first signal contains information regarding the event, and further wherein the second processing device

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