

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. 5,917,405 (“the ’405 patent”). I have over 25 years of experience in fields relevant to the ’405 patent, including remote vehicle control systems.

2. I have reviewed the ’405 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 ’405 patent, Reexamination Control No. 90/013,300, 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. 4,897,642 (“DiLullo”), U.S. Patent No. 5,113,427 (“Ryoichi”), and U.S. Patent No. 5,223,844 (“Mansell”).

The '405 Patent

3. The '405 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. 41-61. 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, ll. 58-63, col. 19, ll. 8-10, 52-56, 63. A CPU 4 receives signals from the receiver 3 and controls vehicle systems by activating or deactivating the vehicle systems. Col. 20, ll. 57-62, col. 21, l. 42-col. 24, l. 67.

4. The claims of the '405 patent describe a sequence of control among three control 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 '405 patent each describe the above-described sequence of control signals among three control devices. The claims vary, however, in the naming of the control devices. In claim 1, and its dependent claims, the "first

control device” is located at the vehicle, and is responsive to signals from the “second control device,” which in turn is responsive to signals from the “third control device.” In claim 12, and its dependent claims, however, the “third control device” is located at the vehicle, responsive to signals from the “first control device,” which is responsive to signals from the “second control device.” Claim 16, and its dependent claims, describe the “third control device” located at the vehicle, responsive to signals from the “second control device,” which is responsive to signals 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 '405 patent, the claims were initially filed with independent claims describing an apparatus and method for controlling, monitoring, and securing a vehicle, having one or two control devices generating signals for a vehicle device, and an activation device. For example, claim 13 was initially filed as follows:

13. A remote-controlled control, monitoring and/or security apparatus, which comprises:
a first control device;
a second control device; and
an activation device, wherein said activation device activates at least one of said first control device and said second control device,
wherein one of said first control device and said second control

device generates a signal for at least one of controlling, monitoring, securing, disabling and re-enabling at least one of a system, equipment and device for at least one of a vehicle, a marine vehicle, an aircraft, a recreational vehicle, a residential premises and commercial premises.

7. After being rejected as anticipated by U.S. Patent No. 5,334,974 to Simms, Joao amended the claims to add another control device, so that claim 13 now included three control devices, and the activation device:

13. A [remote-controlled] control, monitoring and/or security system for a vehicle [apparatus], which comprises:

a first control device;

a second control device; and

a third control device,

[an activation device, wherein said activation device activates at least one of said first control device and said second control device,]

wherein at least one of said first control device, [and] said second control device and said third control device generates a signal for at least one of controlling, monitoring, securing, disabling and re-enabling at least one of the vehicle and a vehicle one of component, device and subsystem [a system, equipment and device for at least one of a vehicle, a marine vehicle, an aircraft, a recreational vehicle, a residential premises and commercial premises].

8. After again being rejected, as anticipated by U.S. Patent No. 5,557,254 to Johnson, Joao canceled all claims and added new claims. The new claims describe a control, monitoring, and/or security system for a vehicle, having two or three

control devices. For example, the system of claim 34 includes a first control device located at the vehicle, a second control device located at a central location, and a third control device located remote from both the vehicle and the central location. The second and third control devices control the operation of the first, in-vehicle, device:

34. A control, monitoring and/or security system for a vehicle, which comprises:

a first control device for one of controlling and monitoring one of the operation and status of one of the vehicle and a vehicle one of component, device, system and subsystem, wherein said first control device is located at the vehicle;

a second control device for one of controlling and monitoring one of the operation and status of one of the system, the vehicle and a vehicle one of component, device, system and subsystem, wherein said second control device is located at a central location;

a third control device for one of controlling and monitoring one of the operation and status of one of the system, the vehicle and the vehicle one of component, device, system and subsystem, wherein said third control device is located at a location which is remote from the vehicle and remote from the central location;

wherein one of said second control device and said third control device one of controls, monitors and activates an operation of said first control device, and further wherein said first control device generates a signal for at least one of controlling, monitoring, securing,

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