

**DECLARATION OF JOE KATONA**  
**IN SUPPORT OF PATENT OWNER’S RESPONSE TO**  
**PETITION FOR INTER PARTES REVIEW**

**IPR2016-00079**  
**U.S. Patent No. 7,241,034**

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## I. INTRODUCTION

1. I, Joseph Katona, have been retained by the law firm of Friedman, Suder & Cooke, P.C. (“FSC”), on behalf of its client Adaptive Headlamp Technologies, Inc. (“AHT”), in connection with inter partes review no. IPR2016-00079 of U.S. Patent No. 7,241,034 C1 (which I will refer to in this declaration as “the ‘034 Patent”). I understand that the ‘034 Patent is owned by AHT and that AHT has sued several automobile manufacturers for infringement of the ‘034 Patent, including Nissan North America Inc. (“Nissan”). I understand that Koito Manufacturing Co., Ltd. (“Koito”), a manufacturing partner of Nissan, filed the petition for inter partes review of the ‘034 Patent.

2. I am being compensated at my standard hourly rate for my work on this matter, including providing this declaration. My compensation is not dependent on the outcome of this inter partes review and in no way affects the substance of my testimony in this declaration. I have no financial interest in ‘034 Patent, AHT, any entity affiliated with the foregoing entities, or in the outcome of this inter partes review or any of the lawsuits involving the ‘034 Patent.

3. I have reviewed and am familiar with the ‘034 Patent (Ex. 1001), its Reexamination Certificate (Ex. 1002), its prosecution history (Ex. 1003), the prosecution history for Ex Parte Reexamination Proceedings 90/011,011 (Ex.

1004), and the prosecution history for Merged Reexamination Proceedings 90/011,011 and 95/001,621 (Ex. 1005).

4. I have reviewed and am familiar with the Petition for Inter Partes Review filed by Koito on October 23, 2015 (which I will refer to in this declaration as the “Petition”), the Board’s Institution Decision in this case dated May 5, 2016 (Paper 11) (which I will refer to in this declaration as the “Institution Decision”), and at least the following documents referenced in the Petition:

- Certified translation of Japan Patent Application Publication H10-324191 (Ex. 1007) U.S. Patent 4,562,596 (Ex. 1006) (“Kato”)
- UK Patent Application Publication GB 2 309 774 A (Ex. 1008) (“Takahashi”)
- Certified translation of Japan Patent Application Publication H01-223042 (Ex. 1012) (“Uguchi”)
- Declaration of Mr. Ralph V. Wilhelm (Ex. 1019) (“Wilhelm Decl.”)

5. In addition, I have reviewed and am familiar with any other documents I specifically cite in this declaration.

## II. SUMMARY OF OPINIONS

6. Based on my review and analysis of the materials in this matter, as well as my experience and education, in my opinion Kato does not disclose all of the limitations of independent Claim 7 of the '034 Patent. In particular, Kato fails to disclose “a controller that is responsive to said two or more sensor signals for generating at least one output signal only when at least one of said two or more sensor signals changes by more than a predetermined minimum threshold amount to prevent at least one of two or more actuators from being operated continuously or unduly frequently in response to relatively small variations in at least one of the sensed conditions” limitation of Claim 7. Kato does not contemplate a controller generating at least one output signal only when a predetermined minimum threshold value is exceeded.

7. Based on my review and analysis of the materials in this matter, as well as my experience and education, in my opinion Kato does not disclose all of the limitations of independent Claim 3 of the '034 Patent. In particular, Kato fails to disclose “a controller that is responsive to said two or more sensor signals for generating at least one output signal only when at least one of said two or more sensor signals changes by more than a predetermined minimum threshold amount to prevent at least one of two or more actuators from being operated continuously or unduly frequently in response to relatively small variations in at least one of the

sensed conditions” limitation of Claim 3. Kato does not contemplate a controller generating at least one output signal only when a predetermined minimum threshold value is exceeded. Additionally, Kato does not disclose “at least one of said two or more sensors generates at least one of said two or more sensor signals that is representative of a rate of change of the steering angle of the vehicle.”

8. Based on my review and analysis of the materials in this matter, as well as my experience and education, it is also my opinion that it would not have been obvious to combine Kato with the teachings of Takahashi to arrive at Claim 7 of the ‘034 Patent. In particular, I do not believe that one of ordinary skill in the art at the time when the ‘034 Patent was filed and without knowledge of the teachings of the ‘034 Patent would have had any reason to combine the teachings of Kato with the teachings of Takahashi. First, Kato and Takahashi are unrelated to one another in that Kato is addressed to headlight control in motorcycles, only, while Takahashi focuses on headlight control within four-wheel vehicles. A person of ordinary skill in the art could not be reasonably expected to look to a motorcycle reference for a solution to headlight direction control in four wheel vehicles since the particular problem encountered by four wheel vehicles does not exist in the motorcycle context. Additionally, modifying Kato with the teachings of Takahashi would appear to frustrate, rather than further, the intended purposes of Kato

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