

Filed on behalf of: Robert Bosch LLC and Daimler AG

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Robert Bosch LLC and Daimler AG,
Petitioner

v.

Orbital Engine Company Pty Limited,
Patent Owner

Patent No. 5,655,365

DECLARATION OF DR. RON MATTHEWS

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I, Dr. Ron Matthews, declare as follows:

I. INTRODUCTION

1. I have been retained by Robert Bosch GmbH. (“Bosch” or “Petitioner”) as an independent expert consultant in this proceeding before the United States Patent and Trademark Office. Although I am being compensated at my usual rate of \$500.00 per hour for the time I spend on this matter, no part of my compensation depends on the outcome of this proceeding, and I have no other interest in this proceeding.

2. I understand that this proceeding involves U.S. Patent No. 5,655,365 (“the ‘365 patent”) (Ex. 1001). I understand that the ‘365 patent is a National Stage entry of PCT/AU94/00028, which was filed on January 24, 1994. I have also been informed that the ‘365 patent claims priority to Australian Application No. PL6972, filed January 25, 1993.

3. I have been asked to consider whether certain references disclose or suggest certain features in the claims of the ‘365 patent. I have done so and set forth my opinions below:

II. GUIDING LEGAL PRINCIPLES

A. Person of Ordinary Skill in the Art

4. I am informed that a “person of ordinary skill in the art” (“POSITA”) refers to a hypothetical person who is presumed to have known the relevant art at

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