

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 ALANA BEVAN

I, Alana Bevan, declare as follows:

1. I am employed as an Information Resources Librarian, by the law firm, Finnegan, Henderson, Farabow, Garrett and Dunner, LLP (“Finnegan”), counsel to Robert Bosch LLC. (“Bosch” or “Petitioner”) in this proceeding before the United States Patent and Trademark Office. Although I am being compensated as part of my employment with Finnegan, no part of my compensation depends on the outcome of this proceeding, and I have no other interest in this proceeding.

2. In 2003, I received a Bachelor’s degree in History from the University of Alberta. I received an Master’s degree in History in 2005, a PhD in History in 2009 (both from the Johns Hopkins University), and a Master’s degree in Library Science (MLS) from the University of Maryland in 2013. Since 2012, I have worked professionally as an Information Resources Librarian. I have also been employed by Finnegan since 2012. As part of my standard work duties, I am regularly asked to perform research into the publication and public accessibility of various documents, including research papers.

3. I understand that a research paper, titled “Methods for Fast Catalytic System Warm-Up During Vehicle Cold Starts,” to Bernhardt et al., (“*Bernhardt*”) (Ex. 1002) is a reference relied on by Petitioner in the Petition for *Inter Partes* Review of the ’365 patent filed herewith. I have reviewed Ex. 1002 and understand that the first page of the exhibit shows a cover page from SAE

International stating *Bernhardt* was published on “1972-02-01” and was assigned “Paper #: 720481”.

4. I was asked to outline my efforts to locate additional evidence relating to whether *Bernhardt* was published and/or publically accessible and if so, where and when.

5. On October 13, 2015, I received a copy of *Bernhardt* and asked to determine if the reference was registered with the Library of Congress and, if so, when.

6. First, I performed a search on Online Computer Library Center, Inc.’s WorldCat system, a networked catalog that aggregates the holdings of more than 10,000 libraries worldwide. This search indicated that *Bernhardt* was published as part of the IIEC: Inter-Industry Emission Control: Progress Report, May 1972 (“IIEC Report”). I found library records indicating that the IIEC Report is (or had been) part of their collections including:

- a. Record generated April 8, 1975 by Dartmouth College (which later appears to have been deleted), and duplicated by Kettering University, Indiana University, Michigan State University, Bradley University, Texas A&M, and the University of Arizona.
- b. Record generated May 9, 1975 by University of Alberta (Canada).

- c. Record generated January 24, 1977 by Cleveland State University, and duplicated by West Virginia University, Case Western Reserve University, University of Kentucky, University of Utah, and the University of California, Berkeley.
7. I placed an order with Independence Legal Support, P.O. Box 1807, Greenbelt, MD 20768, to retrieve a copy of the IIEC Report from one of the above sources.
8. On October 15, 2015, Independence Legal Support sent a copy of the relevant portions of the IIEC Report containing *Bernhardt*. A copy of what I received from Independence Legal Support, which Independence Legal retrieved from the University of Kentucky, is attached as Ex. 1012.
9. On October 13, 2015, I also determined from the SAE International Website (<http://papers.sae.org/720481/>) that *Bernhardt*, Paper #: 720481, was also published in SAE 1972 Transactions - V81-A (“SAE 1972 Transactions”) (see red arrow below):

The screenshot shows the SAE International website page for the technical paper "Methods for Fast Catalytic System Warm-Up During Vehicle Cold Starts" (Paper #: 720481). The page includes a navigation menu, a search bar, and a sidebar with "LEARN" options. The main content area displays the paper's title, DOI (10.4271/720481), authors (W. E. Bernhardt and E. Hoffmann), and affiliation (Volkswagenwerk AG). The abstract describes the challenges of cold starts and the use of engine preheating. A red arrow points to the "Also in:" section, which lists "SAE 1972 Transactions - V81-A" and "100 Years of Engine Developments - PT-115". The page also features a "Buy" section with a price of \$25.00, a "View" section with a preview, a "Special Offer" for SAE TechSelect, and a "Share" section with social media links and a page URL.

10. I asked Independence Legal Support to also retrieve a copy of the SAE 1972 Transactions journal from the Library of Congress.

11. On October 14, 2015, Independence Legal Support sent a copy of the relevant portions of the SAE 1972 Transactions journal containing *Bernhardt*. A copy of what I received from Independence Legal Support, which Independence Legal Support received from the Library of Congress, is attached as Ex. 1014.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.