EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

P&RO SOLUTIONS GROUP, INC.,	§	
	§	
Plaintiff,	§	
	§	**Civ. Action No. 6:16-cv-00095-RWS**
v.	§	
	§	
CiM Maintenance Inc.,	§	
	§	
Defendant.	§	**Jury Trial Demanded**

DECLARATION OF JOHN W. MCELROY SUBMITTED IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT CIM'S MOTION TO DISMISS

I, John W. McElroy, declare as follows:

1. I am President of P&RO Solutions Inc., the Plaintiff in this Civil Action No. 6:16-cv-00095-RWS.

2. I am a co-inventor of the systems claimed in U.S. Patent No. 8,209,205 ("the '205 Patent"), entitled "Planning and Scheduling Tool Assistant Assuring High Utilization of Resources."

3. My company, P&RO Solutions Inc., sells software and services, including "Planning and Scheduling Tool Assistant" software ("PaSTA"), which embodies the systems claimed in the '205 Patent.

4. I am providing this declaration in order to explain the state of the art at the time of the invention disclosed by the '205 Patent and to outline what was well-understood, routine, and/or conventional. I understand that features that prevent the monopolization of an abstract idea signal an inventive concept that is neither well-understood, routine, nor conventional.

5. At the time of the invention, scheduling and planning of work orders at industrial sites was premised on constant off-line interactions between employees and supervisors. Even when industrial sites funneled work orders through a Computerized Maintenance Management System ("CMMS") database with a due date assigned, constant off-line communication between interested parties was required to ensure that work orders were prioritized and completed on schedule.

6. Best practices in the industry at the time of the invention advised industrial corporations that scheduling and planning of work orders in a CMMS database could not be adequately

resolved by technical solutions such as a single computerized management system. At the time of the invention, neither dragging and dropping of work orders nor automatic resource loading, as disclosed in the '205 Patent, was used with a CMMS database.

7. Work orders contain multiple details about the nature of the task. Information in work orders includes the task to be completed, what equipment is to be worked on, the skills required for that task, whether safety lockouts of equipment are required, the timeframe for completion, whether an outage is required, the creator of the work order, whether the work order is pre-planned or an ad-hoc addition to the task schedule, whether the work order is sequenced with other work orders and the level of priority associated with the work order.

8. When work orders enter a CMMS database, they enter a backlog which sometimes may reach thousands of work orders at industrial sites. The work order must be matched to resources available and matched with those resources that have the requisite skills. Once resources are allocated to the work order, the utilized resources must be removed from availability. Assignment of work orders must account for vacations or sick days, a miscalculation of resource allocation, and/or new ad-hoc work orders that enter the system with a higher level of priority than preexisting work orders causing work orders to shift on the schedule. This assignment of resources requires communication with supervision with leeway provided to the supervisor to get the work properly scheduled. Work orders must be moved within a schedule to a date when resources are available. Work orders must also be moved within a schedule to when the equipment is available and safe to work on. Therefore, the work order may be moved within a schedule many times for a variety of reasons before the work is actually completed.

9. Sponsored and emergency (break-in) work orders include work orders that are ad-hoc entries into the CMMS database. At the time of the invention, because sponsored work orders were not pre-planned, their appearance in a CMMS database required on-site meetings to determine available resources and assign those resources properly.

10. There are many ways to manage work orders in a CMMS database. PaSTA implements the claimed systems by organizing the screens, creating for the first time a means by which to create visibility and functionality for the industrial organization. In this manner, it can manage backlog, schedules, resources, and outages in simple operations by inserting those elements across multiple work weeks, while also creating organization-wide visibility to all working activities within the plant. The PaSTA software applies specific rules when work order data is moved to work weeks, automatically allocating resources, assuring resource and equipment availability, assuring work order sequencing, assuring safety lockout, all material planning and providing real-time metrics to the users. Such organization, visualization, movement, and rules are unique to the PaSTA software and differ from other systems that manipulated data tables in the CMMS database to manage scheduling and planning.

11. Dragging and dropping of work orders, from one work week section to another work week section, from unscheduled to scheduled, to short notice outage, to planned outage, and to backlog, is not a well-known, routine, or conventional activity, because there are many other ways to manage work orders in a CMMS database. Further, because each work order contains multiple data elements, dragging and dropping of the work orders is more than just the movement of an image in a graphical user interface. In PaSTA, as the work order is dragged and dropped into a new section, the underlying data elements of the work order must be applied to

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