

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

In re U.S. Patent No. 7,268,703

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Named Inventors: Darrin W. Kabel, Steven J. Myers

Original Assignee: Garmin Ltd.

Title: Methods, systems, and devices for cartographic alerts

DECLARATION OF MARTINUS VAN DER DRIFT

I, Martinus van der Drift, make this declaration in connection with the petition for *inter partes* review submitted by Petitioner for U.S. Patent No. 7,268,703 (“the 703 Patent”). All statements herein are made of my own personal knowledge. I am over age 21 and otherwise competent to make this declaration. Although I am being compensated for my time in preparing this declaration, I have no financial or other interest in the Petitioner, the Patent Owner, or the outcome of this or any other legal proceedings relating to the 703 Patent.

1. I am a maritime pilot serving the port of Rotterdam in the Netherlands. As a maritime pilot, I provide expert assistance to large commercial vessels as they navigate the channels and maritime traffic

separation schemes leading into Rotterdam harbor, one of the busiest port facilities in the world. Prior to beginning my work as a maritime pilot, I spent almost 10 years as an officer in the Royal Netherlands Navy. I served in a variety of positions during my tenure in the Navy, including as the Navigation Officer aboard HNLMS *Johan de Witt*—a 580-foot amphibious assault ship—during counter-piracy operations off the coast of Somalia, and as Executive Officer (second-in-command) of a Mine hunter and Torpedo recovery vessel. I also served as a Senior Watch Officer on a frigate during relief operations after Hurricane Katrina, and as an exchange officer aboard a U.S. Navy frigate soon after the 9/11 attacks.

2. I attended the Royal Netherlands Naval College and graduated in 2001. Prior to graduating, I collaborated with my colleague Wichert de Jong on a project in which we researched and developed a system for automating a critical part of the voyage planning process—route planning—in order to rapidly determine the best route for a vessel in view of the vessel’s characteristics and the specific requirements of the mission. Our system built upon then-existing electronic charting and navigation technology—such as the Electronic Chart Display and Information System (“ECDIS”)—and included computer software (that we developed) that employed a series of algorithms to build and rank routes for safe maritime transit.

3. Both Wichert and I documented our work through dissertations that we separately authored and presented to the faculty of the Royal Netherlands Naval College in the fall of 2001. Our respective dissertations focused on different aspects of the same underlying project. My dissertation focused on the specifics of the route selection algorithms that we used, while

Wichert's dissertation—while describing the route selection algorithms in detail—included more general information regarding the overall role of automated route selection in the voyage planning process, and the information requirements for making automated route planning possible.

4. When our dissertations were completed, they were each announced in the daily orders that were distributed to all students and staff of the Naval College. In addition, the Netherlands Institute for Navigation ("NIN") presented both Wichert and me with an award for the work described in our dissertations at a public ceremony on February 8, 2002. The NIN also announced the award in a spring 2002 newsletter that was distributed to NIN members, which included a description of the subject matter of the dissertations.

5. During my collaboration with Wichert on the project described above, Wichert was enrolled in a program at the University of Nottingham, which has a long-standing relationship with the Royal Netherlands Naval College under which Naval College students can receive degree credit for work performed at the Royal Netherlands Naval College. I was not formally enrolled in the program but took a module at the University of Nottingham with Wichert, and am familiar with the program and Wichert's participation in it. I was aware at the time that Wichert submitted his thesis to the University of Nottingham in September 2001.

6. As a result of this relationship with the University of Nottingham, Wichert worked not only with faculty at the Royal Netherlands Naval College, but also with members of the faculty at the University of Nottingham. For example, Wichert's thesis was supervised by Air Commodore Norman Bonnor at the University of Nottingham. At the

Netherlands Naval College, Captain Hein Sabelis was heavily involved with the supervision of both dissertations, as were Professor Frans Absil and Commander Fokke Bolderhei. In addition, Sam Storm van Leeuwen, Vice chairman of the NIN, read both dissertations, was instrumental in arranging the award that Wichert and I ultimately received, and authored the notice describing the dissertations that was published in the Spring 2002 NIN newsletter.


7. As of August 2002, the individuals named in the preceding paragraph were aware that Wichert's dissertation had been submitted to the University of Nottingham and thus, given their understanding of general university practices with respect to submitted dissertations, were aware that it was likely to be publicly available at the University of Nottingham library. I was also personally aware, as of August 2002, of the content of Wichert's dissertation and the fact that he had submitted the dissertation to the University of Nottingham. More broadly, as of August 2002, a significant number of my military and academic colleagues, other members of the faculty at both the University of Nottingham and the Royal Netherlands Naval College, and members of the NIN were familiar with Wichert's dissertation. Many of these individuals were also aware of the fact that Wichert's dissertation had been submitted to the University of Nottingham.

8. Accordingly, multiple members of the professional, military, and academic communities that I was a part of were aware, as of August 2002, of both the content of Wichert's dissertation and the fact of its availability at the University of Nottingham.

I affirm and declare under penalty of perjury under the laws of the United

States of America that all statements in this declaration made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine, imprisonment, or both (18 U.S.C. § 1001), and may jeopardize the validity of the application or any patent issuing thereon.

01/27/2017
Date


Martinus van der Drift