

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

HITACHI MAXELL, LTD.,

Plaintiff,

v.

HUAWEI DEVICE USA INC. and HUAWEI
DEVICE CO., LTD.,

Defendants.

Case No. 5:16-cv-00178-RWS

LEAD CASE

JURY TRIAL DEMANDED

HITACHI MAXELL, LTD.,

Plaintiff,

v.

ZTE CORPORATION and ZTE USA INC.,

Defendants.

Case No. 5:16-cv-00179-RWS

JURY TRIAL DEMANDED

**DECLARATION OF SCOTT ANDREWS IN SUPPORT OF DEFENDANTS’
RESPONSIVE CLAIM CONSTRUCTION BRIEF**

1. I, Scott Andrew, do declare as follows:
2. I have been retained by counsel for ZTE (USA) to provide this declaration in support of the Defendants’ Responsive Claim Construction relating to certain claim terms in U.S. Patent No. 6,748,317 titled “PORTABLE TERMINAL WITH THE FUNCTION OF WALKING NAVIGATION” (the “317 Patent”). If called as a witness, I could and would testify competently to the matters set forth herein.

4837-9087-4439.v3

ZTE v. Maxell

3. My opinions are based on my years of education, research and experience, as well as my investigation and study of relevant materials. The materials that I studied for this declaration include all exhibits of the petition.

I. BACKGROUND AND QUALIFICATIONS

4. Attached hereto as Appendix A is a true and correct copy of my *curriculum vitae*. I have summarized by educational background, work experience, and relevant qualifications in this section.

5. I am currently the Technical Partner of Cogenia Partners, LLC. For the last 20 years, I have focused exclusively on the development and management of technologies in support of Intelligent Transportation Systems.

6. I received my Master of Science degree in Electrical Engineering from Stanford University in 1982 and a Bachelor of Science degree in Electrical Engineering from University of California, Irvine in 1977.

7. From 1983 to 1996, I worked at TRW, Inc. as Director of System Engineering & Advanced Product Development. My responsibilities included leadership and overall management of advanced development programs, development of business strategy and business plan, and overall management of customer and R&D programs.

8. From 1996 to April 2000, I worked at Toyota Motor Corporation, Japan as Project General Manager in the R&D Management Division. My responsibilities included the conceptualization and development of multimedia and new technology products and services for Toyota's future generations of passenger vehicles in the United States and Europe. Heavy emphasis was placed on strategy for information systems, and on development of technical concepts for computing and Internet oriented systems.

9. While at Toyota Motor Corporation, I was also responsible for leading Toyota's US Automated Highway Systems program, management of technical contracts with Carnegie Mellon University Robotics Lab (Image based collision warning systems), and the development of Toyota's position on the US Intelligent Vehicle Initiative.

10. In April 2000, I founded Cogenia, Inc. My responsibilities as the President and CEO of the company included development of business concepts and plans, corporate administration including financial and legal management, leadership of the executive team in product development, fundraising, business development, organizational development, and investor relations.

11. From December 2001 to present, I have been the Technical Partner at Cogenia Partners, LLC. In this role, I have consulted with all of the major carmakers, and many leading consumer products and services companies in support of the creation and delivery of intelligent transportation systems (ITS), safety applications, and mobile devices.

12. At Cogenia Partners, LLC., my responsibilities include: Systems engineering, business development and technical strategy consulting supporting automotive and information technology.

13. My current engagements at Cogenia Partners, LLC. include:

- Subject matter expert of the development of security systems management operations for connected vehicle on behalf of the U.S. DOT National Highway Traffic Safety Admin. (NHTSA).
- Technical lead for connected vehicle performance measures development project for the U.S. DOT National Highway Traffic Safety Admin. (NHTSA)

14. A complete list of current and past engagements at Cogenia Partners, LLC. is provided in my *curriculum vitae*, which is attached as Appendix A.

15. I have published more than 20 articles, and am an inventor or co-inventor of 13 issued patents.

16. My professional affiliations include:

- Society of Automotive Engineers (SAE)
- International Institute of Electrical and Electronic Engineers (IEEE)
- Institute of Navigation (ION)
- International Council on Systems Engineering (INCOSE)
- IEEE Standards Association

17. In addition, I have 12 years of experience severing as a technical expert witness for patent litigation. I have been involved in district court patent cases, ITC cases, IPRs and Re-examinations. My practice areas include: Navigation and positioning systems, automotive control systems and user interface technologies, location based services and systems, digital maps, GPS technology, traffic information systems, Intelligent Transportation Systems (ITS), etc. A detailed summary of litigation experience and key practice areas is provided as Appendix B.

II. LEVEL OF ORDINARY SKILL IN THE ART

18. In rendering the opinions set forth in this declaration, I was asked to consider the patent claims and the prior art through the eyes of a person of ordinary skill in the art. I considered factors such as the educational level and years of experience of those working in the pertinent art; the types of problems encountered in the art; the teachings of the prior art; patents

and publications of other persons or companies; and the sophistication of the technology. I understand that a person ordinary skill in the art is not a specific real individual, but rather a hypothetical individual having the qualities reflected by the factors discussed above.

19. In my opinion, a person ordinary skill in the art, at the time of the '317 Patent, would have a bachelor's degree in computer science, computer engineering, electrical engineering, or a related field, with two years of experience in navigation, GPS technology and computer programming. Extensive experience and technical training may substitute for educational requirements, while advanced education such as a relevant MS or PhD might substitute for experience.

III. MATERIAL CONSIDERED

20. I have considered the following information in forming my opinions:

- a. The '317 Patent;
- b. The Prosecution History of the '317 Patent;
- c. P.R. 4-3 Joint Claim Construction and Prehearing Statement (dated Aug. 31, 2017); and
- d. Plaintiff's Opening Claim Construction Brief (dated Oct. 2, 2017)

IV. UNDERSTANDING OF THE LAW

21. I understand that the claims of a patent are presumed to be valid, and that invalidity of a claim must be proven by clear and convincing evidence.

A. Claim Construction

22. I understand that the claims of the patent define the limits of the patentees' exclusive rights. In order to determine the scope of the claimed invention, courts typically construe (or define) claim terms, the meaning of which the parties dispute. My purpose in submitting this declaration is to assist the Court in its construction of the disputed claims based

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