

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Jeffrey W. Perkins
U.S. Patent No.: D797625 Attorney Docket No.: 45343-0031IP1
Issue Date: September 19, 2017
Appl. Serial No.: 29/575,313
Filing Date: August 24, 2016
Title: Vehicle front fender

DECLARATION OF THOMAS V. PETERS

I, Tom Peters, of Bloomfield Hills, Michigan state and declare as follows:

I. QUALIFICATIONS AND BACKGROUND INFORMATION

1. While I am doing some freelance design work, I am currently retired after a nearly forty year career in design, the vast majority of which was spent in the field of automotive design. I have assembled a summary of that experience, and it is provided as Appendix A.

2. For education, I spent two years at the University of Southwestern Louisiana and Louisiana Tech. I then spent four years at Art Center College of Design, where I received a B.S. in transportation design in 1980.

3. After graduation, I received an offer to work at General Motors, where I started my design career. After working at GM for six months, I accepted an offer at Texas Instruments in 1980. At TI, I was responsible for design development and direction for a variety of products, including personal computers, electronic learning aids for children, and military marine navigation equipment.

4. In 1982, I returned to General Motors as a creative designer. In that role, I worked on design development for a variety of vehicles, including high-performance vehicles and alternative transportation, such as electric vehicles.

5. Between 1982 and 2019, my career focused almost exclusively on vehicle design, which included cars, full- and mid-sized trucks, SUVs, and alternative transportation systems. In my various roles, I worked on the design of well-known General Motors vehicles such as the Chevrolet Corvette, Camaro, Impala, Silverado, Suburban, and Cadillac Escalade. In addition, I worked on concept and show vehicles, electric vehicles, and explored various new vehicle opportunities. This work included leading work on the theme of these vehicles, and the design of the entire exterior and interior of vehicles.

6. I also have experience teaching automotive design, including corporate sponsored projects while at GM for Art Center College of Design and College for Creative Studies in Detroit (“CCS”) and later as an adjunct professor at CCS after retiring.

7. My career has also involved product portfolio line up and brand strategy, and how it relates to vehicle line-up within the brand, to total corporate product strategy, and to cohesive themes across vehicle lines.

8. I have been engaged in this matter to provide my independent analysis of the issues raised in the petition for *inter partes* review of the '625 Patent. I

received no compensation for this Declaration beyond my normal hourly compensation based on my time actually spent studying the matter. My compensation does not depend in any way on the outcome of this *inter partes* review of the '625 Patent.

9. In addition to my education and training, some of which is described above, I have reviewed and relied upon the material discussed in this declaration, as well as the materials submitted by both parties in this IPR.

II. VEHICLE DESIGN

10. I believe that good automotive design is a three-dimensional product solution to a problem or a challenge that is beautifully executed. The design conveys not only aesthetics, but customer perception of function (i.e., whether a consumer will believe a particular “look” is fast or rugged), quality (e.g., level of precision), and class. Ex. 1005, Equinox Brochure, p. 2 (“The sculpted exterior makes a stunning statement from any angle.”); *id.* p. 5 (“With its assertive balance of sportiness and sophistication, Equinox will command attention on any road.”). Vehicle design is a field in which small differences can have significant impact both to the designer or design team who are designing the vehicle, but also to the end purchaser of a vehicle. *Id.* Ultimately, the designer’s focus is driven by the customer.

11. The design differences between vehicles are highly varied. At a high level, of course, there are significant differences between classes of vehicles. A truck, like the Chevy Silverado, may often have a bolder grille and a more muscular fender than a sedan, in order to convey an aggressive, rugged appearance.

12. Design also has a significant impact within the same vehicle class. Consider an Escalade and Suburban, for example. An Escalade will have different lines than a Suburban in order to convey a look and value that is imposing, overt, luxurious, exclusive, and elite. A Suburban, on the other hand, has a design that conveys an understated sense of confidence. In other words, even though both vehicles are broadly considered large, luxury Sports Utility Vehicles, the design of those vehicles conveys significantly different impressions to designers and consumers.

13. Similarly, a particular line or angle on a fender or hood can dramatically affect or change the character of the vehicle. For example, lines can create a more aggressive and sporty look, like the look of the front of a Corvette; or, if the angles are more subdued, it can create a more neutral look, like the look of a Ford Taurus or Chevy Impala. Also, the proportions of a particular feature (e.g., a surface, a line, or a curve) on a part can also have a significant effect on the vehicle's character.

14. Importantly, the angles and lines on a vehicle are important not only alone, but also with respect to their relationship with other design elements. These angles and lines also work together to define the overall sculpture of the vehicle as they integrate the vehicle's features and components. This can be seen below, in the Chevrolet Equinox:



Ex. 1005, Equinox Brochure, p. 2.



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.