

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNITED SERVICES AUTOMOBILE ASSOCIATION,
Petitioner,

v.

AUTO TELEMATICS LTD.,
Patent Owner.

Case IPR2023-00857
Patent 10,198,879

Case IPR2023-00911
Patent 9,311,271

EXHIBIT AT-2006

**DECLARATION OF CHRISTOPHER K. WILSON
REGARDING EXHIBITS 2002 AND 2003**

I, Christopher K. Wilson, do hereby declare and state, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: February 20, 2024

A handwritten signature in blue ink, reading "Christopher K. Wilson". The signature is written in a cursive style and is positioned to the right of the date.

1. I have been retained by counsel for Patent Owner as an expert witness in the above-captioned proceedings. I have previously prepared written declarations that have been submitted in these proceedings. In my declarations, I have referred to exhibit AT-2002 and exhibit AT-2003.

2. AT-2002 is a conference publication by Ogawa, A. et al., *Identification of Human Activity Modes with Wearable Sensors for Autonomous Human Positioning System*, 22nd Asian Conference on Remote Sensing, Centre for Remote Imaging, Sensing and Processing (CRISP), National University of Singapore, Singapore Institute of Surveyors and Valuers (SISV), Nov. 5-9, 2001, Singapore, 4 pages (hereinafter, “Ogawa”).

3. AT-2003 is an Internet publication by the National Highway Traffic Safety Administration, titled “EDR Q&As,” NHTSA.GOV, August 11, 2006, https://www.nhtsa.gov/sites/nhtsa.gov/files/edr_qas_11aug2006.pdf (last visited January 29, 2024), 11 pages (hereinafter “NHTSA”).

4. I understand that Patent Owner has objected to my testimony regarding the Ogawa and NHTSA publications, challenging each as unauthenticated under the Federal Rules of Evidence (FRE) 901 or 602, “irrelevant” under FRE 401, and “confusing, of minimal probative value, outweighed by prejudice, and/or a waste of time” under FRE 403.

5. As to the Ogawa publication, I became aware of the publication when reviewing Petitioner's exhibit USAA-1013 (Patent 8,682,399 B2 to "Rabu") in the *Inter Partes* Reviews of Patent 9,633,487 B2 (IPR2023-00518) and Patent 10,192,369 (IPR2023-00768). USAA-1013 cites the Ogawa publication at column 7, lines 56-60. As stated in this citation, Ogawa is incorporated by reference in USAA-1013 in its entirety. USAA-1013, 7:56-60. I understand this to mean that instead of repeating the information contained in Ogawa, the disclosure of USAA-1013 (i.e., the Rabu specification) incorporated all of the content of Ogawa by reference to Ogawa in the text of USAA-1013 at column 7, lines 54-60. I understand that the incorporated information is as much a part of the Rabu specification as filed as if the text was repeated in the Rabu specification, and the incorporated information from Ogawa should be treated as part of the text of the Rabu specification as filed. 37 C.F.R. § 1.57; M.P.E.P. § 2163.07(b).

6. Further, I understand that a true and correct copy of the Information Disclosure Statement ("IDS") listing the Ogawa publication as a cited reference in USAA-1013 (that is, as an official part of the file wrapper of Patent 8,682,399 B2 to "Rabu") will be submitted as an exhibit in this proceeding.

7. In October 2023, I requested and received a copy of the Ogawa publication by electronic mail from counsel of Patent Owner. I inspected the Ogawa

publication, and I believe it to be a true and correct copy of the Ogawa publication as cited in USAA-1013 at column 7, lines 54-60. I also found an identical copy of the document online conducting my own search.

8. I also reviewed the February 20, 2024, declaration of Mary Longchamp, which I understand is also being submitted in this proceeding. Ms. Longchamp's declaration further confirms to me that the Ogawa article is a true and correct copy of the Ogawa publication and was published when and where the face of the publication says it was published, in November 2001 at the 22nd Asian Conference on Remote Sensing in Singapore, in agreement with the disclosure of USAA-1013 at 7:54-60.

9. Having reviewed the Ogawa publication in its entirety, in my opinion, I found the Ogawa publication to be relevant to my understanding of exhibit USAA-1013, both for being incorporated by reference in its entirety in the disclosure of Rabu's invention and for its disclosure of examples of motion spectra associated with different types of motion, including walking and driving, which substantially is the basis of Rabu's disclosed invention.

10. Thus, I analyzed the findings of Ogawa and declared my opinion as to the impact of Ogawa's findings on the reliability of Rabu's invention as applied to Petitioner's proposed combination with the disclosure of USAA-1005 (PCT

Application Publication WO 2010/042545 A2 to “Curry”), i.e., the “Curry-Rabu combination.” *See* AT-2001, ¶¶92, 129. Further, I opined as to how the impact of Ogawa’s findings would have influenced a person of ordinary skill in the art (“POSITA”) when considering a purported Curry-Rabu combination. *Id.* In my opinion, this Curry-Rabu combination is the primary focus of IPR2023-00518 and IPR2023-00768. As such, I believe the disclosure of the Ogawa publication to be of probative value to my analysis of the purported Curry-Rabu combination.

11. As to AT-2003, having an understanding of the challenged patents 9,633,487 (in IPR2023-00518) and 10,192,369 (in IPR2023-00768), I reviewed independent evidence to confirm my original understanding, based on my experience, of the background, history, and purpose of automotive “black box” technology (or, “EDRs,” “Event Data Recorders”), including the relationship of the use of EDRs to Government regulations concerning automotive traffic safety (e.g., driving safety). Such driving safety is a purported purpose of Petitioner’s combination of Curry and Rabu. *See, e.g.*, IPR2023-00518 Pap. 3, at 12-13, 17, 25-26; IPR2023-00768 Pap. 2, at 12-13, 15, 25. Such driving safety is also discussed by the challenged patents and at least by Curry. *See* USAA-1001 at col. 1-2 (in both IPR2023-00518 and IPR2023-00768); USAA-1005, 2:9-21.

12. Therefore, I believe the NHTSA publication to be relevant and of probative value at least for providing certain background as to the importance of “black box” technology as provided by patents 9,633,487 (in IPR2023-00518) and 10,192,369 (in IPR2023-00768) and to the types of data and recording requirements mandated for black-box devices, which patents 9,633,487 and 10,192,369 address. Reference to the NHTSA publication is made for background purposes, in support of my understanding of the solution provided by the 9,633,487 and 10,192,369 patents at the time of the inventions. *See* AT-2001, ¶33.

13. I performed due diligence to confirm the public availability of the NHTSA publication by navigating my web browser to the relevant web page, “EDR Q&A,” located at the following URL:

https://www.nhtsa.gov/sites/nhtsa.gov/files/edr_qas_11aug2006.pdf

14. This webpage is the actual NHTSA publication in PDF form on the National Highway Traffic Safety Administration website. I identified the date on the face of the NHTSA publication to be August 11, 2006. AT-2003, 4.

15. I have worked extensively with the various regulations promulgated by the National Highway and Traffic Safety Administration, and specifically its EDR rule published in the Federal Register on August 28, 2006 (71 FR 50998). I reviewed the information in the cited “EDR Q&A” document to ensure that it was

consistent with my understanding of the regulations as published in the Federal Register. I understand the Federal Register to be a publicly available document, and that all of the information in the “EDR Q&A” was also available in the Federal Register at least as of August 28, 2006.

16. I believe that the information contained on the face of the NHTSA publication is true and correct as of the date on the face of the publication, August 11, 2006. AT-2003, 4. I base my belief on my actual knowledge of NHTSA mandates around the time of 2006. However, even if the NHTSA publication was not available to a person of ordinary skill in the art at the NHTSA’s website on the date marked on the publication, this fact would not negate the veracity of the information contained in the NHTSA publication. This information is provided as background information for the state of the art at the time of the invention, not to predate another reference.