

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Title: VEHICLE GEAR SELECTION CONTROL

**DECLARATION OF JASON A. JANET, Ph.D.**

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I, Jason A. Janet, of Raleigh, North Carolina, declare that:

## **I. INTRODUCTION**

1. I have been retained as an independent expert witness by Telsa, Inc. (“Petitioner” or “Tesla”) in the above-captioned *Inter Partes* Review (“IPR”) proceeding, in which Tesla has requested that the U.S. Patent and Trademark Office (“USPTO” or “Office”) cancel as unpatentable claims 1-20 of U.S. Patent No. 12,240,458 (“the ’458 Patent”).

2. This declaration sets forth my analyses and opinions based on my knowledge, experience, and the materials I have considered. As I explain below, it is my opinion that each of claims 1-20 of the ’458 Patent is directed to subject matter that was routine, conventional, and well known in the prior art before the ’458 Patent’s earliest alleged priority date. As would be readily appreciated by one of skill in the art, each of these claims of the ’458 Patent is rendered obvious by the prior art references discussed herein.

## **II. QUALIFICATIONS AND COMPENSATION**

3. I have a Ph.D. in Electrical & Computer Engineering from North Carolina State University (or “NCSU”), which I earned in 1998. Prior to that I received a M.S. in Integrated Manufacturing Systems Engineering from North Carolina State University in 1994 and a B.S. in Mechanical Engineering from the University of Virginia in 1990.

4. Since 1991, I have been active in the robotics, sensors, artificial intelligence, pattern analysis, computer vision, image/video processing, and automation fields. I have authored numerous publications and have co-authored a textbook entitled *Computational Intelligence*. My PhD dissertation is entitled *Pattern Analysis, Tracking and Control for Autonomous Vehicles Using Neural Networks*. It described the use of unsupervised training (i.e., the Hyper-Ellipsoid Clustering Neural Network, or "HECNN"), and supervised training (i.e., the Region-Feature Neural Network, or "RFNN") for dissimilar mobile robots to learn aspects of their common environments through multiple types of sensors (e.g., acoustic rangefinding, infrared proximity, tactile and imaging), build knowledge libraries, and then transfer knowledge between for operational use and/or refinement. Among other outputs, the robots learned to recognize spaces, landmarks within those spaces, and then plan and track motion from the accumulated and shared knowledge. Efficiency and accuracy were shown to increase significantly with the combined unsupervised and supervised learning, and knowledge transfers.

5. I have designed, built, and marketed robots, automated systems, and components thereof, including ground mobile robots, unmanned aerial vehicles (UAV), unattended sensors automated storage and retrieval systems (ASRS), submersible mobile robots, proof-of-concept extra-terrestrial robots, manually manipulated ("twiddled") submersible foils, wall climbing mobile robots, and

augmented reality systems.

6. I have taught the following courses: Introduction to Robotics and Automation (Duke and NCSU); Introduction to Control Theory (Duke and NCSU); Distributed Real-Time Controls (NCSU); and myriad independent studies courses in the areas of robotics, automation, artificial intelligence, autonomy, pattern analysis, and control systems. I have also served on several MS- and PhD-level graduate student committees, designed qualifying exam problems, served on the NCSU IMSEI Board, and participated in curriculum development for undergraduate and graduate level programs.

7. I have also started, sponsored, and advised multiple champion student teams for international robot competitions including, but not limited to, the NASA/ASCE Extra-Terrestrial Robotics Competition, the DARPA Grand Challenge, the AUVSI/ONR Autonomous Underwater Vehicle Competition, and the European CLAWAR Wall-Climbing Robot competition.

8. I have initiated multiple unmanned aerial vehicle (UAV) projects at both academic and industry levels. Academic UAVs include, but are not limited to, Quadcopters with Hybrid Remote and Autonomous Control, Marsupial UAVs that Deploy and Recover Unmanned Ground Vehicles, and Wall-Climbing UAVs. Additionally, the AngelFish Cross-Domain Submersible UAV, a DARPA ASW program that I incubated and procured funding for at Teledyne, included a

partnership with North Carolina State University.

9. In 1999, while I was employed by Nekton Research (“Nekton”), I captured and managed multiple programs sponsored by the Department of Defense (DoD) and private-sector companies that focused primarily on autonomous underwater vehicles (AUV), remotely operated vehicles (ROV), TwiddleFish toys, and indirect-fire projectiles. During my tenure, Nekton entered into a joint venture agreement with the founders of what eventually became known as Parata Systems – a pharmacy automation solutions company, which I supported launching.

10. After leaving Nekton in March 2002, I joined a then New Jersey-based company called Avionic Instruments, Inc. (“Avionic”). While at Avionic, I continued developing and marketing robots and supported engineering related to various design, manufacturing, quality and assembly issues on the core aerospace product lines. Avionic product lines include, but are not limited to, ducted fans, transformer rectifier units (TRU), regulated TRU (RTRU), auxiliary power unit (APU) control systems, power distribution systems (PDU), frequency converters, corner clamps, and VRAM attractors/thrusters. Customers included DoD, NASA, Boeing, Sikorsky, Augusta-Westland, Dassault, and Lockheed-Martin.

11. In late 2004, soon after Avionic was sold, I, along with others from Avionic, secured funding to develop an alpha-level multi-dispenser robotic system which afforded me time to write the RxMedic business plan and raise multiple

rounds of venture capital. In late 2006, RxMedic (called “APDS” until November 2006) was launched as a stand-alone, sole-focus venture. After the operational launch of RxMedic, I served as General Manager and eventually Chief Technical Officer. Through my roles at RxMedic, I oversaw the development of the RxMedic ADS robot, managed the intellectual property portfolio, coordinated sales and marketing, and provided strategic, fiscal, and operational leadership. In May 2010, J.M Smith Corporation acquired RxMedic, and in an effort to assist in the change of ownership, I served as a director of RxMedic until May 2011.

12. Also in late 2004, after Avionic was sold, I, along with others from Avionic, secured funding for Vortex HC through DoD contracts and robot sales, to continue developing the VRAM Mobile Robot Platform (VMRP – a wall-climbing robot), the ARTEMIS AUV (a holonomic submersible robot for counter-mine and counter-obstacle operations), the submersible crawler, the nuclear-grade boiler water reactor (BWR) inspection robot, and other robot products centered around the VRAM. Some DoD programs were/are classified, for which I maintained a SECRET clearance at both the personal and facilities level, and served as the facilities security officer (FSO). In late 2006, corresponding to the full launch of RxMedic, Vortex HC technologies were largely licensed to Teledyne SeaBotix, SeaRobotics, and HDT.

13. However, I have continued to support Vortex HC licensees and customers to date. After the sale of RxMedic, and after fulfilling my 12-month

employment obligation, I joined Teledyne Technologies in summer 2011. I served as the Senior Manager for the RTP division of Teledyne Scientific, and supported multiple DoD sponsored robotic-focused programs. Some of these programs were/are classified, for which I maintained a personal SECRET clearance. Among these programs, were cargo unmanned ground vehicles (CUGV), squad-level autonomous unmanned ground vehicles (UGV), autonomous underwater vehicles (AUV), unmanned underwater vehicles (UUV), and a cross-domain autonomous vehicle capable of transitioning between air-, surface- and underwater-domains. Cross-domain vehicles that were evaluated, designed and prototyped included, but were not limited to, the AngelFish (later called “EagleRay”) submersible AUV for anti-submarine warfare, and a ball-shaped robot for countermine operations on the ground, in the beach zone and in the surf zone. Sensor design, refinement and signal processing was a major component of each program. Sensors employed include, but are not limited to: proximity sensors; ranging sensors; electro-optical imaging; long-, short- and mid-wave infrared (IR); inertial measurement units (IMU); optical flow; and radiofrequency (RF). Additionally, control systems were designed, refined and integrated into the aforementioned systems. Most control systems were closed-loop, in that they utilized sensor-based feedback; others were open-loop, where states were estimated with little or no feedback.

14. In late 2013, Avionic, a Transdigm business unit at that point, requested

that I return to turn around a supply-chain issue, and assume management of its Sikorsky S97 Raider helicopter program. The S97 Raider is purported to be the fastest, most maneuverable helicopter, due to its coaxial, counter-rotating variable pitch wings, and an aft-based push-propeller. Avionic also controlled two business units named Acme Aerospace (Acme) and Aerospace Cooling Solutions (ACS). Avionic, Acme and ACS supported the S97 program, which has met milestones and continues to produce multiple successful demonstrations. In 2013, Transdigm expanded my role to include directorship of the Avionic, Acme and ACS sales and marketing team, and to report operational and financial status at six-week intervals. Transdigm required that I move my family to New Jersey in late 2014, which influenced my decision to resign and assume the CEO role of Delta Five Systems in Raleigh, NC.

15. As CEO of Delta Five, I led a private-equity backed, hospitality-focused venture, coordinating the company's launch and strategic path including an early stage pivot. Initially focused on back-end robotics and automation, Delta Five shifted to address the rampant bed bug problem—a top priority for hoteliers—with a novel unattended sensor and trap, called the Telemetered Pest Monitoring System (TPMS), which is based on computer vision and internet of things (IoT), and has proven capable of scaling to other pests. In addition to the TPMS, Delta Five developed a novel means to mass produce a natural, unscented aggregation

pheromone that, in concert with placement and heat, lured invertebrates to the TPMS. After leading Delta Five and serving on its Board for four years, I resigned to join ARA, but continue serving Delta Five as an investor and supportive transition agent.

16. In 2018, I joined ARA as sector CTO. In this role, my primary responsibilities included leading the commercialization and technology transition efforts, which require technical, business and corporate development, as well as the raising of capital and managing matrixed rosters. I assumed my other current role at ARA, Corporate Director of IP and Product Commercialization, in 2020. In this role, I evaluate, quantify, present, and recommend portfolios of IP, product lines, and ventures on the basis of competitive landscapes, addressable markets, sales strategy, resource availability and technology readiness. I also spearhead investments and provide general venture oversight.

17. My curriculum vitae is attached as Appendix A to this declaration, and provides further information about my experience, expertise, and presentations.

18. Through my professional experience, I have gained extensive expertise in robotics, sensors, artificial intelligence, automation, computer vision, and image/video processing.

19. I am being compensated at my standard rate of \$500/hour. My compensation is in no way contingent upon my opinions or the outcome of the

proceeding.

### III. MATERIALS CONSIDERED

20. In preparing this Declaration, I have considered the following: my own knowledge and experience, including my work experience in robotics, computer vision, and machine-learning; my experience in teaching those subjects; and my experience in working with others involved in those fields. In addition, I have analyzed the following publications and materials, in addition to other materials I cite in my declaration:

- U.S. Patent No. 12,240,458 to Langlotz (“the ’458 Patent”) (TESLA-1001)
- Excerpts from the Prosecution History of the ’458 Patent (TESLA-1002)
- U.S. Patent Application Publication No. 2019/0233009 to Joos et al. (“Joos”) (TESLA-1004)
- European Patent No. EP2135788B1 to Kischkat (“Kischkat”), English Translation, Original Document, and Certification (TESLA-1005)
- U.S. Patent Application Publication No. 2019/0161086 to Bettger (“Bettger”) (TESLA-1006)
- U.S. Patent Application Publication No. 2007/0282502 to Bayer et al. (“Bayer”) (TESLA-1007)
- Abdallah et al., *Real-Time Vehicle Localization Using Steering Wheel Angle in Urban Cities*, 2023 IEEE International Conference on Mobility,

Operations, Services and Technologies (“Abdallah”) (TESLA-1008)

- U.S. Patent No. 10,077,073 to Alexi et al. (“Alexi”) (TESLA-1009)
- U.S. Patent Application Publication No. 2014/0222252 to Matters et al. (“Matters”) (TESLA-1010)
- U.S. Patent Application Publication No. 2018/0201319 to Rogers (TESLA-1011)
- U.S. Patent Application Publication No. 2020/0369140 to McCarron et al. (TESLA-1012)
- U.S. Patent Application Publication No. 2018/0093655 to Healy et al. (TESLA-1013)
- U.S. Patent Application Publication No. 2022/0355636 to Harmon et al. (TESLA-1014)
- U.S. Patent Application Publication No. 2019/0178998 to Pacala et al. (TESLA-1015)
- U.S. Patent Application Publication No. 2019/0146500 to Yalla et al. (TESLA-1016)
- U.S. Patent Application Publication No. 2020/0180633 to Wu (TESLA-1017)
- U.S. Patent Application Publication No. 2020/0369262 to Suzuki et al. (“Suzuki”) (TESLA-1018)

- U.S. Patent Application Publication No. 2014/0200769 to Noh (“Noh”) (TESLA-1019)
- U.S. Patent No. 11,753,000 to Tashiro et al. (“Tashiro”) (TESLA-1020)
- U.S. Patent Application Publication No. 2007/0291130 to Broggi et al. (“Broggi”) (TESLA-1021)
- U.S. Patent Application Publication No. 2019/0291721 to Sakano et al. (“Sakano”) (TESLA-1022)
- U.S. Patent Application Publication No. 2021/0122387 to Hoop et al. (“Hoop”) (TESLA-1023)
- Parking & Reversing In & Out of Angled Spaces, A1 Driving School (Nov. 23, 2022), *available at* <https://www.a1drivingschool.co.nz/guides/parking-and-reversing-in-and-out-of-angled-spaces/> (TESLA-1024)
- How to Back Up, Safe2Drive (Sept. 26, 2023), *available at* <https://web.archive.org/web/20230926120717/https://www.safe2drive.com/how-to/how-to-backup> (TESLA-1025)
- U.S. Patent No. 11,932,230 (“Langlotz-230”) (TESLA-1026)
- U.S. Patent Application Publication No. 2020/0133272 to Chong (“Chong”) (TESLA-1027)
- U.S. Patent Application Publication No. 2022/0297744 to Watanabe (“Watanabe”) (TESLA-1028)

- U.S. Patent Application Publication No. 2019/0317516 to Zhu (“Zhu”) (TESLA-1029)

#### **IV. LEGAL STANDARDS**

##### **A. Claim Construction**

21. It is my understanding that the numbered paragraphs at the end of the disclosure of a U.S. patent are the patent “claims” that define the metes and bounds of the alleged invention. I understand that the claims of the ’458 Patent are what is being challenged in the present IPR proceeding.

22. I have been informed that, in this proceeding, the Board must determine the scope of the claims by giving the claims their ordinary and customary meaning in light of the specification, as the claims would be interpreted by one of ordinary skill in the art.

23. I understand that patent claims generally include a “transitional” term or phrase, such as “consisting” or “comprising,” which may connect the preamble of the claim to the body of the claim. I have been informed that if a claim uses the term “consisting” as a transition term, that means that the claim is a “closed” claim, which means that the claim is limited to the claim features that follow the transition term and nothing else. On the other hand, I understand that the transition term “comprising” denotes an “open” claim, which means that the claim is not limited to only the features recited in the claim, and could encompass the listed elements as

well as other unrecited elements.

24. I understand that 35 U.S.C. § 112(f) created an exception to the general rule of claim construction called a “means plus function” limitation. These types of terms and limitations should be interpreted to cover only the corresponding structure described in the specification, and equivalents thereof. I also understand that a limitation is presumed to be a means plus function limitation if: (a) the claim limitation uses the phrase “means for”; (b) the “means for” is modified by functional language; and (c) the phrase “means for” is not modified by sufficient structure for achieving the specified function.

25. I understand that a structure is considered structurally equivalent to the corresponding structure identified in the specification only if the differences between them are insubstantial. For instance, if the structure performs the same function in substantially the same way to achieve substantially the same result. I further understand that a structural equivalent must have been available at the time of the issuance of the claim.

## **B. Invalidity**

26. I understand that Tesla bears the burden of proving that the challenged claims of the '458 Patent are invalid, and must prove this by a preponderance of the evidence, which means that invalidity must be shown to be more likely than not.

## **1. Anticipation**

27. I have been asked to consider the question of whether claims 1-20 of the '458 Patent would have been anticipated by certain prior art references. I understand that determining anticipation of a patent claim requires a comparison of the claim language to the prior art on a limitation-by-limitation basis.

28. I understand that a prior art reference “anticipates” an asserted claim, and thus renders the claim invalid, if all elements of the claim are disclosed in that prior art reference, either explicitly or inherently (i.e., necessarily present or implied), as those elements are arranged in the claim so that the disclosure effectively puts the public in possession of the invention. I understand that a prior art reference anticipates an asserted claim when each and every element of the claim is disclosed in a single embodiment as arranged in the claim. The mere fact that a certain outcome may result from a given set of circumstances is insufficient for inherency; rather, inherency requires that the claimed product or process at issue must be a necessary result from the operation as taught by the prior art reference. I understand that, although references cannot be combined for anticipation, additional references may be used to interpret an anticipating reference and shed light on what it would have meant to those skilled in the art at the time of the invention.

29. In order to anticipate a claimed invention, a prior art reference must enable one of ordinary skill in the art to make the invention without undue

experimentation, i.e., provide an enabling disclosure. A prior art reference need not enable its full disclosure; it only needs to enable the portions of its disclosure alleged to anticipate the claimed invention.

## **2. Obviousness**

30. I have been asked to consider the question of whether the challenged claims of the '458 Patent would have been obvious. I understand that this analysis must be conducted from the perspective of the person of ordinary skill in the art, and whether the skilled artisan would consider any differences between the prior art and what is claimed to have been obvious. To make this assessment, I have been informed that the concept of patent obviousness involves four factual inquiries: (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; (3) the level of ordinary skill in the art; and (4) secondary considerations of non-obviousness. I have been instructed that one must not engage in hindsight. Rather, I understand that one should instead consider what the person of ordinary skill in the art would have reason to pursue further, and steps that were routinely done, such as in response to known problems, or obstacles.

31. It is my understanding that the following is a non-exhaustive list of rationales that may support the obviousness of an invention: combining prior art elements according to known methods to yield predictable results; simple substitution of one known element for another to obtain predictable results; use of a

known technique to improve a similar device (method, or product) in the same way; applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; and some teaching, suggestion, or motivation in the prior art that would have led a POSITA to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

32. It is my understanding that the motivation to combine prior art references may be implicit and may be found in the knowledge of one of ordinary skill in the art, or in the nature of the problem to be solved. Specifically, it is my understanding that an implicit motivation to combine exists not only when a suggestion may be gleaned from the prior art as a whole, but when the “improvement” is technology-independent and the combination of references results in a product or process that is more desirable, for example because it is stronger, cheaper, cleaner, faster, lighter, smaller, more durable or more efficient. It is my further understanding that the motivation to combine references may be found in the nature of the problem to be solved where prior art references are directed to precisely the same problem.

33. I also understand that prior art may be relied on for its express disclosure and teachings. I also understand that the prior art may be relied upon for

a teaching of features that are necessarily present in the prior art reference even if that specific feature is not expressly or explicitly disclosed.

34. I understand that before reaching any final conclusion on obviousness, the obviousness analysis requires consideration of objective indicia of nonobviousness, if any such indicia are offered. These must be considered to ensure that, for example, there were not some unanticipated problems, obstacles or hurdles that may seem easy to overcome in hindsight, but which were not readily overcome prior to the relevant invention date of the patents/claims at issue here. I understand that these objective indicia are also known as “secondary considerations of nonobviousness,” and may include long-felt but unmet need and unexpected results, among others. I also understand, however, that any offered evidence of secondary considerations of non-obviousness must be commensurate with the scope of the challenged claims. This means that for any offered evidence of secondary considerations of non-obviousness to be given substantial weight, I understand the proponent of that evidence must establish a “nexus,” or a sufficient connection or tie between that evidence and the merits of the claimed invention, which I understand specifically incorporates any novel element(s) of the claimed invention. If the secondary consideration evidence offered actually results from something other than the merits of the claim, then I understand that there is no nexus or tie to the claimed invention. I also understand it is the Patent Owner who has the burden of proving

that a nexus exists, and I understand that secondary considerations will not overcome a strong showing of obviousness.

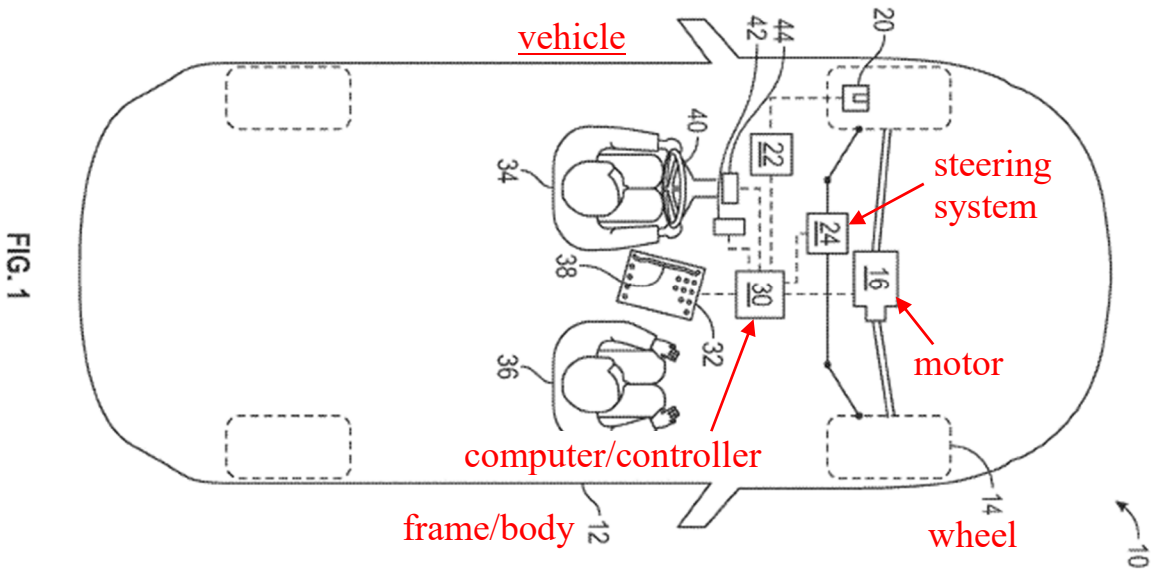
## **V. OVERVIEW OF THE '458 PATENT**

### **A. Overview of the Specification**

35. From my review, the '458 Patent purportedly relates to “motor vehicles and operational control systems.” TESLA-1001, 1:17-18. According to the '458 Patent, “[t]raditional motor vehicles have gear selection controls” that “have a direction or element associated with each direction, and the driver indicates by the control operation which direction is desired.” TESLA-1001, 1:25-28. The '458 Patent also acknowledges that some vehicles “may select a direction automatically when initially proceeding from a parked condition,” and the “system may then offer the driver that proposed direction, and the driver then for safety reasons indicates (such as by a tap on the brake) that the proposed direction is safe and correct.” TESLA-1001, 1:35-38. The '458 Patent notes that “the automated vehicle-proposed direction system is limited to starting from a stopped condition, when the vehicle initially is not in gear or being operated” and that these gear direction systems “have an opportunity for automation,” for example, “during routine parking when backing out of a parking space, stopping, then selecting the forward drive direction.” TESLA-1001, 1:48-2:3.

36. The '458 Patent describes a system operating in “a vehicle 10 having a

frame or body 12 having wheels 14 that are driven by a motor 16,” and a “steering system 24 steers the front wheels,” as shown in FIG. 1 below. TESLA-1001, 2:27-31. “A computer or controller 30 is connected to each of the above systems, including sensors to monitor operation of each system, and cameras or other sensors (not shown) that gather information about the vehicle’s environment to enable autonomous or assisted driving.” TESLA-1001, 2:32-36.



TESLA-1001, FIG. 1<sup>1</sup> (rotated)

37. The '458 Patent describes a “typical operation of the system... in the context of ‘unparking,’ when a driver backs out of a parking spot in reverse, steers to adjust direction while reversing, then shifts to drive, steers the other direction,

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<sup>1</sup> Annotations and color added to figures unless otherwise noted.

then straightens out to proceed.” TESLA-1001, 2:61-3:6. The ’458 Patent illustrates in FIG. 2 “the sequence of unparking.” TESLA-1001, 3:13-14. “The upper trace 110 indicates steering wheel angle on a time-based horizontal chart. The lower trace 120 indicates velocity. The lower images A-F depict the vehicle 130 in a parking space 132, and are located at their relative positions on the time axis.” TESLA-1001, 3:14-18.

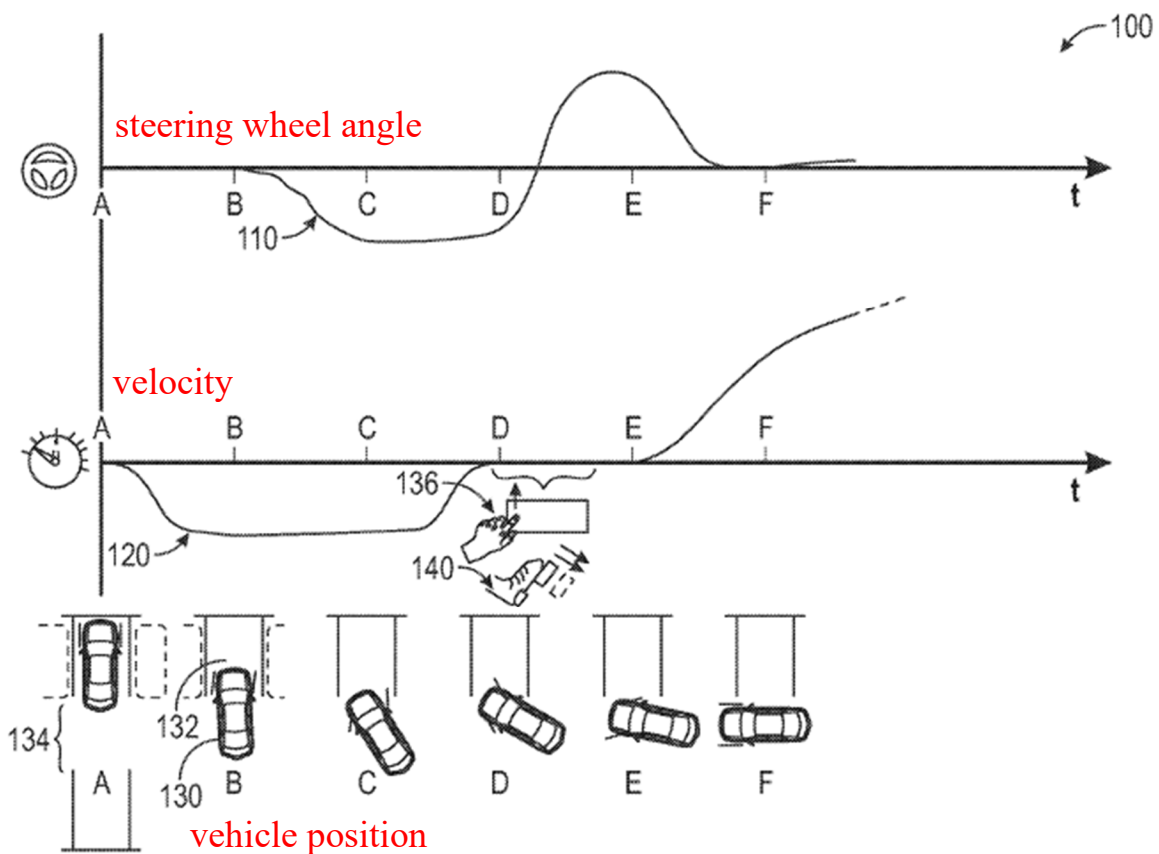


FIG. 2

TESLA-1001, FIG. 2

38. According to the specification, “[t]he controller may be programmed with specific functions or algorithms as to when an auto-shift is clearly safe to offer

or enact, and when if offered, acceptance by the driver is likely desired and not an unwanted distraction.” TESLA-1001, 3:54-57. The system may “determine actual patterns when auto-shifting might be safely offered,” for example, “based on wheel angle patterns, velocity patterns, with certain thresholds of their various amounts, derivatives, and integrals.” TESLA-1001, 3:57-4:1.

**B. Prosecution History of the ’458 Patent**

39. From my review of the file history, I understand that the application that issued as the ’458 Patent was allowed with no prior art rejections. As reasons for allowance, the examiner stated that no prior art discloses “a motor vehicle including the drive system [or controller] operable to select a direction for driving the wheels in response to steering angle movements, without operator indication of a direction.” TESLA-1002, 151. The examiner noted that some prior art was made of record but not relied upon in a rejection. *Id.*, 151-152.

**C. Person of Ordinary Skill in the Art**

40. I have been asked to review the ’458 Patent from the perspective of a person of ordinary skill in the art (“POSITA”) as of the earliest claimed priority date for the patent—June 5, 2023.

41. It is my opinion that a POSITA relevant to the ’458 Patent would have had at least: (1) a Bachelor’s degree in electrical engineering, computer engineering, computer science, physics, or a related field, and (2) two years of experience in the

research, design or development of autonomous systems for motor vehicles, or the equivalent. Increased educational experience can make up for less work experience, and vice versa.

42. Based on my education, training and experience, it is my opinion that I can accurately represent the views of a POSITA as of the earliest claimed priority date of June 5, 2023 for the '458 Patent. The opinions I provide in this declaration are provided using the viewpoint of the POSITA as of that date.

## **VI. THE PRIOR ART**

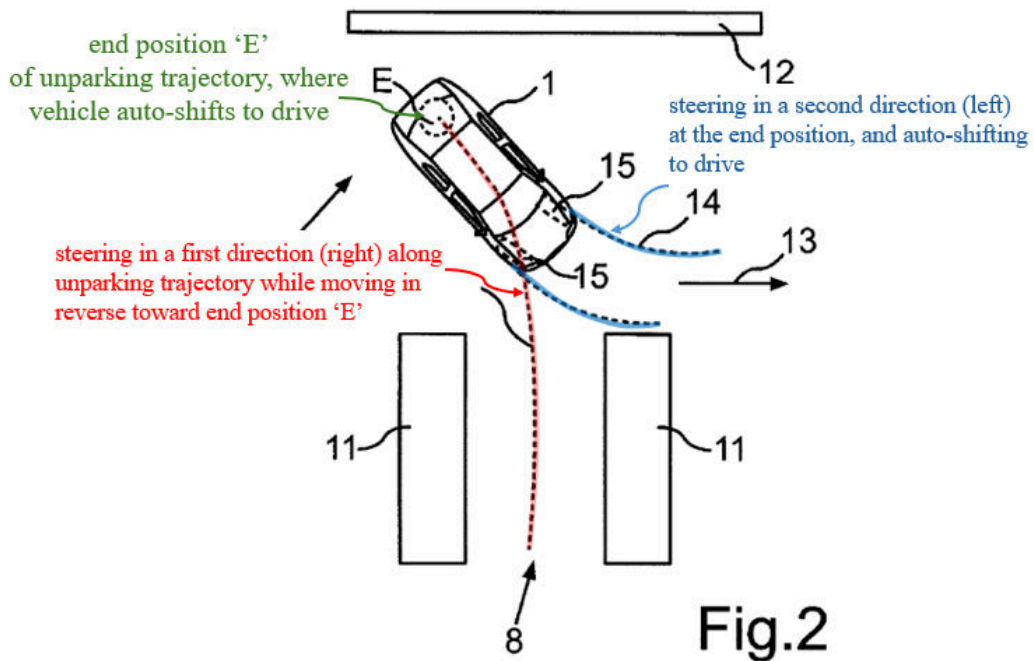
### **A. Joos<sup>2</sup>**

43. From my review, Joos describes “a method for unparking a motor vehicle from a cross-parking space, with which the motor vehicle is manoeuvred along an unparking trajectory at least semi-autonomously from the cross-parking space onto a road bounding on the cross-parking space, wherein during said semi-autonomous manoeuvring the motor vehicle carries out at least one reversing movement along the unparking trajectory, an end position is determined and the semi-autonomous manoeuvring of the motor vehicle along the unparking trajectory

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<sup>2</sup> General descriptions provided for the references (and combinations thereof) are incorporated into each subsection and mapping of the claims that includes citations to these references.

is ended at the end position.” TESLA-1004, [0001], [0008]. “During manoeuvring of the motor vehicle, the position of the motor vehicle can be defined continuously by means of odometry. In addition, objects, in particular objects bounding on the cross-parking space, can be detected with the sensors of the motor vehicle. This enables the position of the motor vehicle relative to the objects to be continuously determined.” TESLA-1004, [0009].



TESLA-1004, FIG. 2 (annotated)

44. Joos describes that “the end position is determined under the assumption that a predefined steering angle, in particular a maximum steering angle, is set during manual control of the motor vehicle,” and the “set steering angle is in particular selected so that the driver can carry out the collision-free forward movement without changing the adjusted steering angle.” TESLA-1004, [0015]-

[0016], [0037]-[0038]. In Joos, “after reaching the end position a forward gear is engaged or an instruction to engage the forward gear is issued to the driver of the motor vehicle.” TESLA-1004, [0017], [0038]. Accordingly, Joos provides that “semi-autonomous manoeuvring of the motor vehicle is ended, or the control of the motor vehicle is handed over to the driver, if the end position is reached, the specified steering angle has been set by the driver assistance system and the forward gear has been engaged.” TESLA-1004, [0018].

45. From my review, Joos is from the same field of endeavor (e.g., motor vehicle operational control systems) and is reasonably pertinent to the problem the ’458 Patent was trying to solve (e.g., distracting or non-intuitive gear shifters and vehicle controls). TESLA-1001, 1:5-6 (“present invention relates to motor vehicles and operational control systems”), 1:37-49 (“these gear direction systems may have disadvantages, or have an opportunity for automation to provide convenience”), 1:53-59 (“may be a distraction, ... and may be [] non-intuitive”); TESLA-1004, [0001] (“driver assistance system for a motor vehicle”).

## **B. Kischkat**

46. Like Joos, Kischkat describes “a motor vehicle comprising an electronically shiftable automatic transmission and a park-steer assist system for supporting a parking process.” TESLA-1005, [0001], [0009]. Kischkat discloses that “during a parking process supported by the assistance system, the signal for shifting

the automatic transmission from a forward driving mode to a reverse driving mode or vice versa after automatic braking to a standstill can be given via the accelerator or brake pedal[,] via a voice input into a voice control system[,] or by actuating a control element on the steering wheel, dashboard, or key side.” TESLA-1005, [0009]; *generally id.*, [0001]-[0025], FIGs. 1-2. Kischkat also describes the driver giving “a confirmation response to change direction – if necessary, after asking via the voice control system or the vehicle’s loudspeaker whether a change of direction is desired. For example, if the voice control system or assistance system asks ‘Change direction?’, the driver simply has to answer ‘yes’.” TESLA-1005, [0016]. “In order to inform the driver that he must give a shift signal, an optical and/or acoustic and/or haptic information signal is expediently given to him.” TESLA-1005, [0019].

47. From my review, Kischkat is from the same field of endeavor (e.g., motor vehicle operational control systems) and is reasonably pertinent to the problem the ’458 Patent was trying to solve (e.g., distracting or non-intuitive gear shifters and vehicle controls). TESLA-1001, 1:5-6 (“present invention relates to motor vehicles and operational control systems”), 1:37-49 (“these gear direction systems may have disadvantages, or have an opportunity for automation to provide convenience”), 1:53-59 (“may be a distraction, ... and may be [] non-intuitive”); TESLA-1005, [0001] (“park-steer assist system”).

### C. Hoop

48. Hoop generally describes “one-pedal drive systems that are configured to brake the vehicle through regenerative braking in response to releasing the accelerator pedal and without application of the brake pedal.” TESLA-1023, [0002]. Hoop explains that in “one-pedal drive mode, the speed of the vehicle may be increased in response to increasing a depressed position of the accelerator pedal 34 while releasing the accelerator pedal 34 results in braking the vehicle 10 via regenerative braking through the [motor/generator] M/G 14. More specifically, the vehicle 10 may be slowed or braked via releasing the accelerator pedal 34 alone without an application or depression of the brake pedal 36.” TESLA-1023, [0022]. Even with one-pedal driving, however, the brake pedal 36 can still be depressed to apply the friction brakes 38 and further slow the vehicle. TESLA-1023, [0017], FIGs. 1-2.

49. From my review, Hoop is from the same field of endeavor (e.g., motor vehicle operational control systems) and is reasonably pertinent to the problem the '458 Patent was trying to solve (e.g., distracting or non-intuitive gear shifters and vehicle controls). TESLA-1001, 1:5-6 (“present invention relates to motor vehicles and operational control systems”), 1:37-49 (“these gear direction systems may have disadvantages, or have an opportunity for automation to provide convenience”), 1:53-59 (“may be a distraction, ... and may be [] non-intuitive”); TESLA-1023,

[0002] (“vehicles may include one-pedal drive systems”).

**D. Alexi**

50. From my review, Alexi describes an “assisted parking procedure [that] includes entering and leaving a parking space in the forward and reverse direction relative to the direction of travel; and may include a parallel and perpendicular street parking process.” TESLA-1009, 4:9-15. Alexi explains that “[p]arking maneuvers with good parking results follow a typical pattern. In addition to the pure control or steering of the vehicle, the speed of the vehicle must be within a certain range; that is, application of the rate/speed versus the distance or time results in a typical curve.” TESLA-1009, 2:14-18. Accordingly, Alexi describes a vehicle with “a velocity or speed limiter limiting the speed of the vehicle during parking to a speed less than or equal to an upper speed limit.” TESLA-1009, 3:18-29.

51. As shown in Alexi’s FIG. 2 (below), “step 101 sets an upper speed limit typically in a range of 5 to 15 km/h, generally 10 km/h. Thus, excessive speed cancels or prevents the parking function.” TESLA-1009, 4:61-63. Step 102 limits “the parking speed to less than or equal to the upper speed limit.” TESLA-1009, 5:1-3. Step 458 monitors “an override function,” and activation of the override function “results in the system exiting the automatic or autonomous parking operation.” TESLA-1009, 5:19-23. “One example of an override function is based on activation or additional pressure on the accelerator by the vehicle operator such

that it exceeds a predetermined or default value.” TESLA-1009, 5:24-27. “If the override function is not engaged,” the assisted parking procedure is “performed fully automatically or semi-automatically at suitable parking speeds.” TESLA-1009, 5:23-24, 5:45-47. Step 107 “illustrates completion of the assisted parking maneuver. In this case, at the end of the parking process, the speed of the vehicle continually reduces to a hold point.” TESLA-1009, 6:33-43. In Alexi, “two ways to end a parking maneuver include using distance information, for example provided by ultrasonic sensors 4; and having information about the distance to be traveled or distance-to-travel, provided by the PAM 3 available.” TESLA-1009, 6:44-48. “[T]hese signals can be used as input for the speed limiter 6 to control the velocity and ramp it down to 0 km/h in a smooth and comfortable way.” TESLA-1009, 6:60-67.

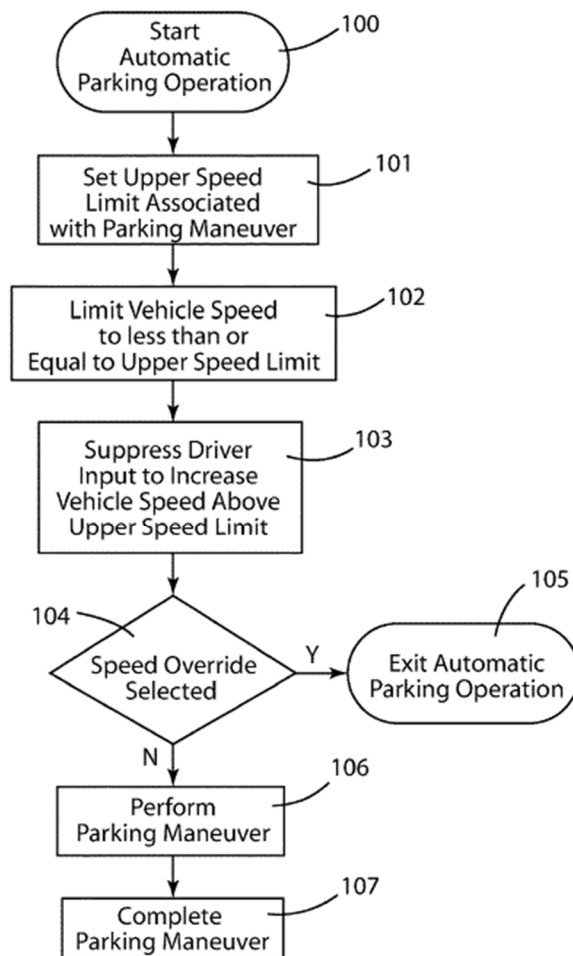


Fig. 2

TESLA-1009, FIG. 2

52. Alexi’s FIG. 6 (below) “shows the velocity plotted against the time of the parking process.” TESLA-1009, 5:59-61. “Several examples or possibilities for implementing a predefined speed profile or a dynamic speed limitation include an adjustable speed limitation device or variable speed; predefined braking interventions as a function of ultrasonic sensors to simulate a behavior shown in FIGS. 5 and 6; or use of a combination of speed limit and braking interventions especially for low speeds less than 5 km/h.” TESLA-1009, 6:22-28.

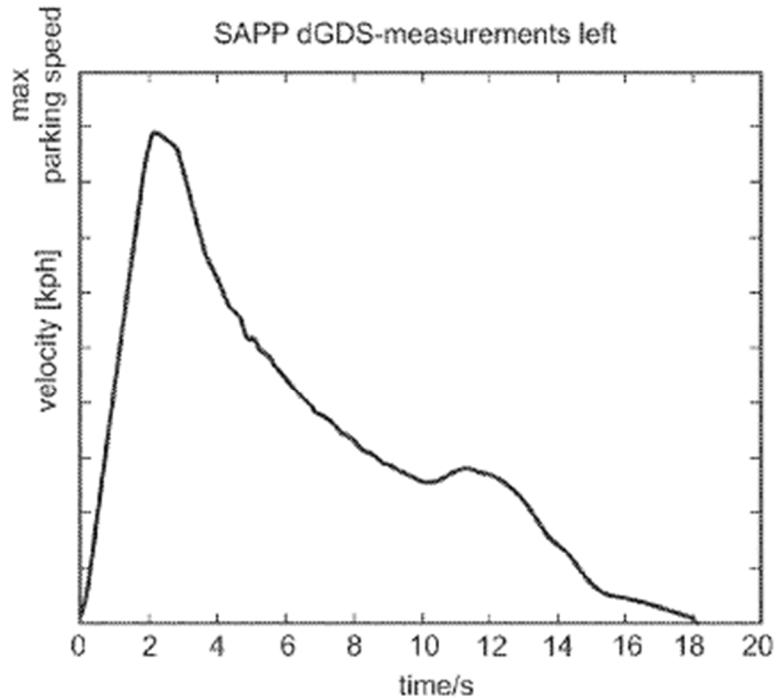


Fig. 6

TESLA-1009, FIG. 6

53. From my review, Alexi is from the same field of endeavor (e.g., motor vehicle operational control systems) and is reasonably pertinent to the problem the '184 patent was trying to solve (e.g., distracting or non-intuitive gear shifters and vehicle controls). See TESLA-1001, 1:5-6 (“present invention relates to motor vehicles and operational control systems”), 1:37-49 (“these gear direction systems may have disadvantages, or have an opportunity for automation to provide convenience”), 1:53-59 (“may be a distraction, ... and may be [] non-intuitive”); TESLA-1009, 1:51-65 (“assisted parking procedure of a vehicle”).

**E. Bettger**

54. Bettger describes “assisted performance of a reverse-turning maneuver

of a vehicle.” TESLA-1006, [0002], [0036]. In Bettger, if “the driver of the vehicle agrees with executing the reverse-turning maneuver, he confirms the same by... carrying out a certain steering movement, for example, a steering movement of an angle which lies above a certain threshold value and which corresponds to the steering movement that is necessary for carrying out the reverse-turning maneuver.” TESLA-1006, [0044], [0021]. “Receipt by the processing unit 14 of the driver’s confirmation causes the processing unit to perform computerized determination and outputting of instructions for carrying out the reverse-turning maneuver. The instructions may comprise a route to be followed by the vehicle to perform the maneuver.” TESLA-1006, [0045], [0017]. “The processing unit 14 may further output to a vehicle dynamics controller 18 of vehicle steering angles, steering torques and/or engine or vehicle speeds necessary for traversing the determined route” such that the vehicle can “operate in a partially or fully autonomous manner ... [in] perform[ing] the reverse-turning maneuver.” TESLA-1006, [0045]. When the vehicle’s orientation permits travelling in a forward direction, a vehicle dynamics controller 18 selects “the appropriate transmission gear range” and shifts gears from the REVERSE range “to the DRIVE range” so that the “vehicle can now continue travelling rapidly forwards.” TESLA-1006, [0047], [0045].

55. From my review, Bettger is from the same field of endeavor (e.g., motor vehicle operational control systems) and is reasonably pertinent to the problem the

'458 Patent was trying to solve (e.g., distracting or non-intuitive gear shifters and vehicle controls). *See* TESLA-1001, 1:5-6 (“present invention relates to motor vehicles and operational control systems”), 1:37-49 (“these gear direction systems may have disadvantages, or have an opportunity for automation to provide convenience”), 1:53-59 (“may be a distraction, ... and may be [] non-intuitive”); TESLA-1006, [0008] (“a driver can be assisted when reversing”).

#### **F. Bayer**

56. From my review, Bayer describes “a parking aid for a motor vehicle” that continuously adjusts the torque applied to the steering wheel to assist a driver in steering the vehicle along a planned trajectory during a parking maneuver. TESLA-1007, [0001]. Bayer’s motor vehicle includes “a vehicle steering [system] with a manual steering wheel and a steering torque regulating module by which a steering torque can be impressed upon the steering wheel” to provide “driver steering assistance.” TESLA-1007, [0001]-[0003], [0006], [0012], [0024]. In Bayer, a steering angle control module calculates a trajectory for a parking maneuver and provides steering assistance to the driver that will cause “the vehicle [to] move[] on [the] trajectory ... if the driver keeps the steering constantly directly at the steering stop and follows it.” TESLA-1007, [0049], [0054]. Bayer’s “parking aid gives the driver... handling instructions for steering through an additional steering torque. This haptic feedback supports the driver in parking in a manner that is convenient

for him.” TESLA-1007, [0013]; *see also id.*, [0024]. “If the driver follows the handling instructions for steering, *i.e.*, correctly implements the corresponding steering instructions applied through the additional steering torque, the driver will certainly be in agreement with the steering operation.” TESLA-1007, [0014].

57. In Bayer, “the additional steering torque applied to the steering wheel generates at least an artificial steering stop, preferably one or two steering stops.” TESLA-1007, [0016]. “The ‘artificial steering stop’ here means that beyond a certain position of the steering wheel, a sharply increasing steering torque is applied, so the driver senses a relatively great resistance, a ‘counter torque,’ when he turns the steering wheel further in this direction.” TESLA-1007, [0017]. “This indicates to the driver that he should not turn the steering wheel further in this direction.” TESLA-1007, [0018]. “This means that through a continuous change in the additional steering torque applied, during the parking procedure the driver is constantly being given an indication of the point, *i.e.*, the steering wheel position, beyond which he should not attempt to steer the steering wheel further in a certain direction if the driver is steering ‘correctly’ if the driver then follows the handling instructions for steering, he will not sense any increased resistance in his steering maneuvers. In this way the driver can park the vehicle himself safely and deliberately.” TESLA-1007, [0020]-[0021]. The vehicle can also “be braked as a function of the driver recognition” and “as soon as the driver’s torque has exceeded

a threshold value.” TESLA-1007, [0065]. “In this case the vehicle is stopped until the correct steering torque prevails again,” which “makes it difficult to or even prevents the driver from unintentionally departing from the preselected trajectory.” *Id.*; *see also id.*, [0043], [0056]-[0057].

58. From my review, Bayer is from the same field of endeavor (e.g., motor vehicle operational control systems) and is reasonably pertinent to the problem the ’184 patent was trying to solve (e.g., distracting or non-intuitive gear shifters and vehicle controls). TESLA-1001, 1:5-6 (“present invention relates to motor vehicles and operational control systems”), 1:37-49 (“these gear direction systems may have disadvantages, or have an opportunity for automation to provide convenience”), 1:53-59 (“may be a distraction, ... and may be [] non-intuitive”); TESLA-1007, [0001]-[0006] (“driver steering assistance”).

## **VII. SUMMARY OF OPINIONS**

59. This declaration explains the conclusions that I have formed based on my analysis. To summarize those conclusions:

- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 1, 6, 11, and 16 of the ’458 Patent are obvious over Joos (Ground 1A).

- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 2, 4-5, 7-10, 12, 14-15, and 17-20 of the '458 Patent are obvious over Joos in view of Kischkat (Ground 1B).
- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 3 and 13 of the '458 Patent are obvious over Joos in view of Kischkat and Hoop (Ground 1C).
- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 5, 7, 15, and 17 of the '458 Patent are obvious over Joos in view of Kischkat and Alexi (Ground 1D).
- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 1, 6, 11, and 16 of the '458 Patent are obvious over Joos in view of Bettger (Ground 2A).
- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 2, 4-5, 7-10, 12, 14-15, and 17-20 of the '458 Patent are obvious over Joos in view of Bettger and Kischkat (Ground 2B).
- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 3 and 13 of the '458 Patent are obvious over Joos in view of Bettger, Kischkat, and Hoop (Ground 2C).

- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 5, 7, 15, and 17 of the '458 Patent are obvious over Joos in view of Bettger, Kischkat, and Alexi (Ground 2D).
- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 1, 6, 11, and 16 of the '458 Patent are obvious over Joos in view of Bayer (Ground 3A).
- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 2, 4-5, 7-10, 12, 14-15, and 17-20 of the '458 Patent are obvious over Joos in view of Bayer and Kischkat (Ground 3B).
- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 3 and 13 of the '458 Patent are obvious over Joos in view of Bayer, Kischkat, and Hoop (Ground 3C).
- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 4 and 14 of the '458 Patent are obvious over Joos in view of Bayer, Kischkat, and Bettger (Ground 3D).
- Based upon my knowledge and experience and my review of the prior art publications listed above, claims 5, 7, 15, and 17 of the '458 Patent are obvious over Joos in view of Bayer, Kischkat, and Alexi (Ground 3E).

## **VIII. ANALYSIS OF JOOS**

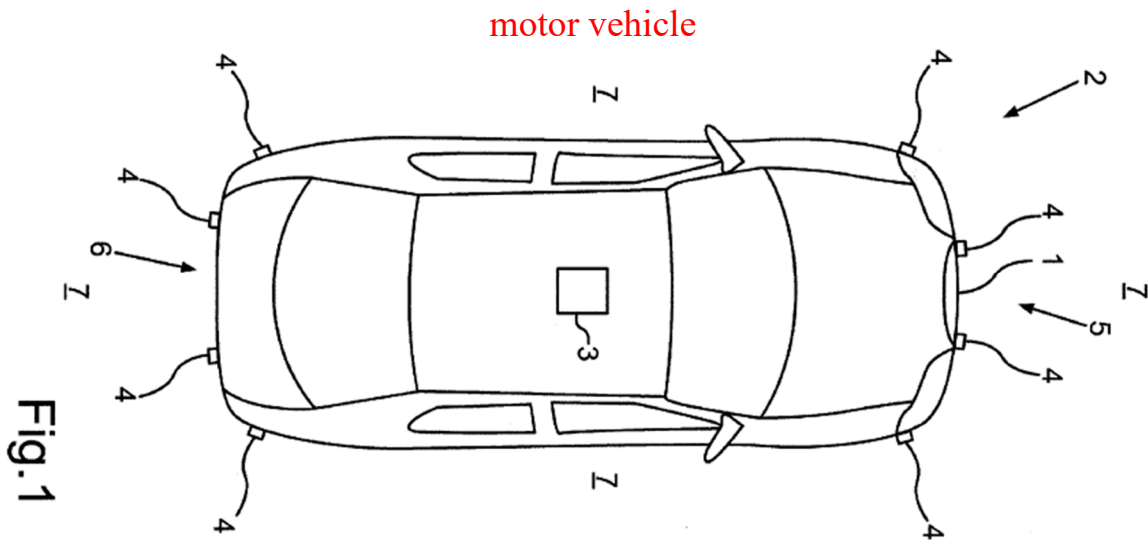
**A. Claims 1, 6, 11, and 16 are Rendered Obvious by Joos (Ground 1A)**

**1[p]: A motor vehicle comprising:**

**11[p]: A motor vehicle comprising:**

60. From my analysis of the references, Joos renders obvious 1[p] and 11[p].

61. For example, Joos discloses “a *motor vehicle*.” TESLA-1004, Abstract, [0001], [0005], FIG. 1. FIG. 1, reproduced below, depicts a top view of Joos’s *motor vehicle*. TESLA-1004, [0031]. Joos discloses that “manual driving of the motor vehicle can be carried out by a vehicle driver.” TESLA-1004, [0006], [0008] (driver can “operate the gas pedal and the brakes”), [0009], [0012], [0014], [0036]-[0037].



TESLA-1004, FIG. 1 (rotated)

**1[a]: a frame having wheels;**

**11[a]: a frame having wheels;**

62. From my analysis of the references, Joos renders obvious 1[a] and 11[a].

63. Joos discloses that the motor vehicle has a “body” (*frame*) and “wheels.” TESLA-1004, [0014] (“the external surface of the **body** of the motor vehicle”), [0016] (“**wheels** of the motor vehicle”). Joos also discloses “orient[ing] the steerable **wheels** of the motor vehicle in such a way that the steering has the predefined steering angle.” TESLA-1004, [0016]. FIG. 1 (above) and FIG. 2 (below) shows the motor vehicle 1 having a “body” and “wheels 15” (*a frame having wheels*). TESLA-1004, [0038].

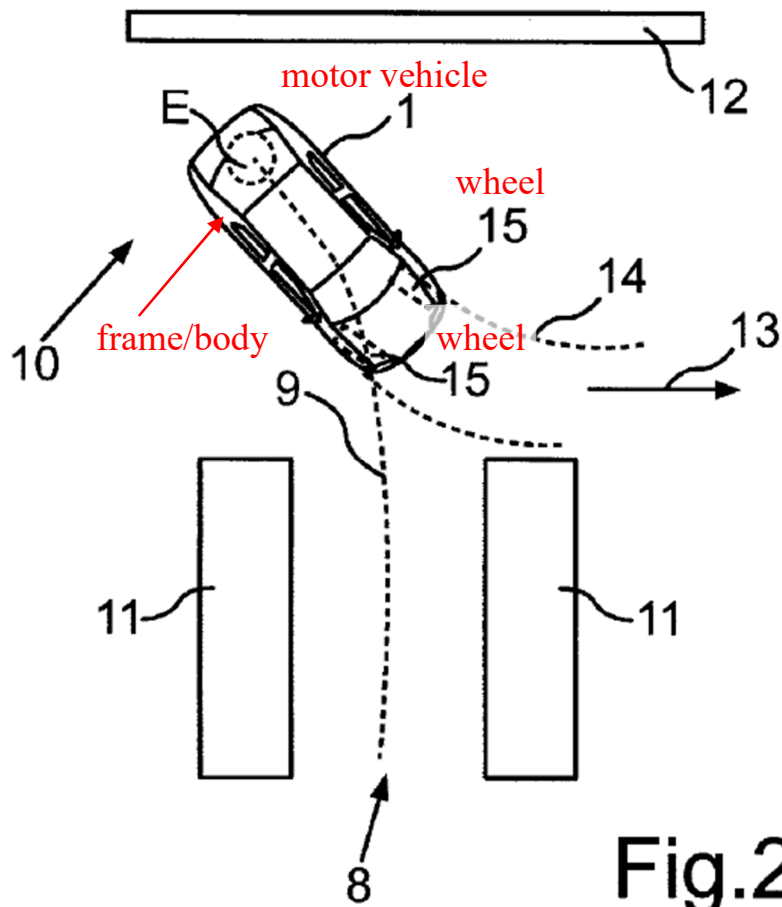


Fig.2

TESLA-1004, FIG. 2

***1[b]: a motor connected to the frame;***

***11[b]: a motor connected to the frame;***

64. From my analysis of the references, Joos renders obvious 1[b] and 11[b].

65. Joos discloses that the motor vehicle has “a drive *motor*.” TESLA-1004, [0002], [0008], [0021]. It is evident that the motor is *connected to the frame* of Joos’s vehicle because Joos’s vehicle travels as an integrated unit including the motor and frame together. TESLA-1004, FIGs. 2-3. A POSITA also would have found it obvious to connect the motor to the frame of Joos’s motor vehicle to ensure the motor is adequately supported in the vehicle according to well-established vehicle assembly techniques. TESLA-1012, [0127] (vehicle “frame structure 102 on which may be mounted the various functional systems, subsystems and components of the vehicle such as the motors, suspension, wheels, and passenger compartments, and the vehicle body 104 itself.”); TESLA-1014, [0076] (“the motor 302 is coupled to the first end frame 204 and operatively coupled to the first and second wheels 208A, 208B.”).

***1[c]: a steering control connected to the wheels to establish a steering angle;***

***11[c]: a steering control connected to the wheels to establish a steering angle;***

66. From my analysis of the references, Joos renders obvious 1[c] and

11[c].

67. Joos discloses that the motor vehicle has a “**steering wheel**” and a “**steering system**” that each individually or together provide a “*steering control*.” TESLA-1004, [0014]-[0015], [0033].

68. For example, Joos explains that “the driver assistance system can intervene in the **steering** of the motor vehicle once again and can orient the **steerable wheels** of the motor vehicle in such a way that the steering has the predefined **steering angle**.” TESLA-1004, [0016], [0033]. Additionally, “the driver of the vehicle can move on the lane of the road if he turns the steering wheel fully.” TESLA-1004, [0015]. Because the steering wheel and steering system (*steering control*) in Joos are operable by the driver to generate a steering input that causes the vehicle to turn its wheels to change its driving direction, the steering wheel and steering each individually or together provide *a steering control connected to the wheels to establish a steering angle*.

*1[d]: a drive system operably connected to the steering control, to the motor, and to the wheels;*

*11[d]: a controller operably connected to the steering control, to the motor, and to the wheels;*

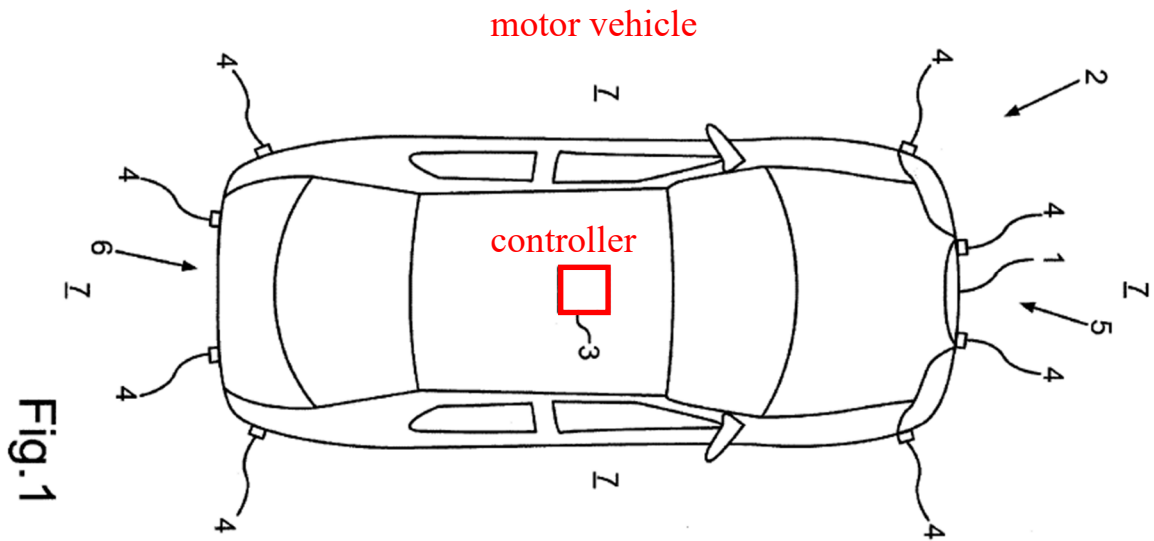
69. From my analysis of the references, Joos renders obvious 1[d] and 11[d].

70. Specifically, Joos discloses that the motor vehicle includes a “*controller*” of a “driver assistance system” (*drive system*) connected to the steering

control, to the motor, and to the brake control. TESLA-1004, [0021]. Joos “driver assistance system” includes substantially similar features as the ’457 patent’s drive “system” that “operates in a vehicle 10.” *Compare* TESLA-1004, [0031]-[0033] *with* TESLA-1001, 2:27-42.

71. In more detail, Joos’s driver assistance system (*drive system*) includes “a *controller* or an electronic control unit, with which during the unparking manoeuvre control signals are output to the steering system of the motor vehicle and possibly to the brake system and/or the drive motor.” TESLA-1004, [0021], [0031]. “The driver assistance system 2 is [] embodied to continuously detect a movement of the motor vehicle 1 by means of odometry. The **controller 3 can thus also receive data from** a speed sensor and/or **a steering angle sensor**, for example. Moreover, the **controller 3 is designed to output corresponding control signals to the steering system** of the motor vehicle 1.” TESLA-1004, [0033], [0037]-[0038]. By continuously monitoring movement of the vehicle by odometry, the *controller* of the driver assistance system (*drive system*) monitors the *steering control*. TESLA-1004, [0016], [0021], [0031], [0033], [0037]-[0038], FIG. 2. Estimating the location of a moving vehicle by odometry involves monitoring the steering angle and other factors (*e.g.*, velocity or distance traveled) over time. TESLA-1008, 9 (discussing “a navigation method that combines steering wheel angle, odometer, and reference points for accurate real-time vehicle localization without the use of sensors” when

GPS is potentially unavailable); TESLA-1027, [0010] (“the odometry data is used to determine location coordinates of the vehicle”), [0015] (“odometry data includes a speed, a steering angle, a longitudinal acceleration, or a lateral acceleration”). Joos “driver assistance system” includes substantially similar features as the ’104 patent’s drive “system” that “operates in a vehicle 10.” Compare TESLA-1004, [0031]-[0033] with TESLA-1001, 2:27-42.



TESLA-1004, FIG. 1 (rotated)

72. The controller of Joos’s driver assistance system (*drive system*) is *operably connected to the* steering system including the steering wheel (*steering control*) to detect steering inputs because Joos’s controller receives data from a steering angle sensor of the steering system and issues control signals to the steering system that are operable to cause the wheels to adjust their angle in accordance with the steering input from the steering system including the steering wheel. TESLA-

1004, [0016], [0021], [0031], [0033], [0037]-[0038]. The steering angle sensor is part of a steering system (*steering control*) because the steering angle sensor provides a feedback signal relating to the steering angle that allows the vehicle to be properly steered. TESLA-1004, [0033], [0037]-[0038]; TESLA-1008, 4-8, 1 (“Combining this information with steering wheel angle sensors and wheel speed sensors, the relative change in the vehicle’s position is calculated making localization possible even when satellite connection malfunctions.”), 2 (“Therefore, it comes to no surprise that research work has used smartphone sensors such as gyroscopes to estimate steering wheel angle.”); TESLA-1028, [0033]-[0036] (“control unit 15 computes a target steering angle based on the steering angle detected by the steering angle sensor” and “performs a feedback control of the steering actuator”).

73. A POSITA also would have recognized that Joos’s drive system/controller monitors the steering control while autonomously or semi-autonomously driving in the reverse direction because the drive system/controller autonomously or semi autonomously guides the vehicle along the unparking trajectory to the calculated end position E. TESLA-1004, [0008]. It was known and obvious to use closed-loop steering feedback in this context to minimize a difference between the steering angles needed to follow the unparking trajectory and the measured steering angles obtained through monitoring of the steering control.

TESLA-1029, [0072]-[0073] (“The steering controller 304 may include a steering outer loop nominal controller 318, a steering inner loop nominal controller 320, and a steering control allocation module 322, a steering outer loop feedback controller 324, and a steering inner loop feedback controller 326. ... Each of the feedback controllers 314, 316, 324, 326 may comprise a closed-loop tracking error controller that stabilizes a tracking error in a corresponding control signal and/or state.”); *cf.*, TESLA-1001, 2:32-36, 2:48-56 (substantially similar features disclosed in the ’457 patent’s preferred embodiments).

74. Joos’s controller of the driver assistance system also is operably connected and issues control signals to the drive motor of the motor vehicle that controls their operation. The controller of the driver assistance system issues control signals to the motor that are operable to cause the wheels to accelerate in angular velocity. TESLA-1004, [0008], [0016], [0021], [0031], [0033], [0037]-[0038].

75. Joos’s drive system/controller is also *operably connected to the wheels* via each of the steering system, brake system, and drive motor since the drive system/controller issues control signals to the motor and brake system that cause the angular motion of the wheels to increase or decrease, and because the drive system/controller issues control signals to the steering system that are operable to cause the wheels to adjust their steering angle. TESLA-1004, [0016], [0021], [0031], [0033], [0037]-[0038]. Operably connecting Joos’s drive system/controller to the

steering control, motor, and wheels also would have been obvious to a POSITA to enable the driver assistance system to brake, accelerate, and steer the motor vehicle as needed to carry out autonomous or semi-autonomous tasks such as the disclosed unparking maneuver and in accordance with well-established vehicle assembly techniques. *Cf.*, TESLA-1001, 2:14-21, FIG. 1.

76. The '458 Patent's own description of the features recited in Element 1[d] reinforces the obviousness of this limitation. For example, the '458 Patent discloses "a vehicle 10 having a frame or body 12 having wheels 14 that are driven by a motor 16. Brakes 20 are associated with each wheel and a brake cylinder 22 operates the brakes. A steering system 24 steers the front wheels." TESLA-1001, 2:27-31. The '458 Patent further discloses that a "computer or controller 30 is connected to each of the above systems," and FIG. 1 depicts the controller 30 operably connected to the front wheels 14 via a motor 16, brake cylinder 22, and steering system 324. TESLA-1001, 2:32-36, FIG. 1. Joos's description thus substantially aligns with the description of this limitation in the '458 Patent.

***1[e]: the drive system operable to selectably drive the wheels in a forward direction in a drive mode and in a rearward direction in a reverse mode;  
and***

***11[e]: the controller operable to selectably drive the wheels in a forward direction in a drive mode and in a rearward direction in a reverse mode;  
and***

77. From my analysis of the references, Joos renders obvious 1[e] and 11[e].

78. For example, Joos discloses that a “driver assistance system can for example comprise **a controller or an electronic control unit**, with which during the unparking [maneuver] **control signals are output to** the steering system of the motor vehicle and possibly to the brake system and/or **the drive motor**. Thus, an autonomous unparking [maneuver] can be carried out using the driver assistance system.” TESLA-1004, [0021], FIG. 2. Joos also discloses that “the driver assistance system itself can change from the **reverse gear** into the **forward gear**. A gear change can thus be carried out by the driver assistance system.” TESLA-1004, [0017]. In Joos, if necessary, “a **forward movement** and a further **reversing movement** are carried out for [maneuvering] the motor vehicle along the unparking trajectory.” TESLA-1004, [0020], FIGs. 3-5. For example, “a **forward movement** and then a further **reversing movement** can be carried out. The performance of the forward movement and the subsequent reverse movement can also be carried out multiple times. It can thus be provided that the motor vehicle is moved back and forth until the end point can be reached.” TESLA-1004, [0020], [0039]-[0040]; *see also id.*, FIGs. 2-5. Because the controller of the driver assistance system (***drive system***) “can change from the reverse gear into the forward gear” to move the vehicle “back and forth,” Joos’s controller of the drive system is ***operable to selectably drive the wheels in a forward direction in a drive mode and in a rearward direction in a reverse mode.***

**1[f]: the drive system operable to select a direction for driving the wheels in response to steering angle movements, without operator indication of a direction.**

**11[f]: the controller operable to select a direction for driving the wheels in response to steering angle movements, without operator indication of a direction.**

79. From my analysis of the references, Joos renders obvious 1[g] and 8[g].

80. In particular, Joos's **controller** of the driver assistance system (**drive system**) is operable to **select** a (forward) **direction** for driving the wheels by auto-shifting from reverse to drive at the end position E of the autonomous or semi-autonomous unparking maneuver without "operator indication of direction," but rather **in response to steering angle movements** made during the maneuver. *Id.* As described further below, Joos's **steering angle movements** includes at least **(1)** steering in a first direction (*e.g.*, right) while reversing to reach the end position E of the unparking maneuver and **(2)** steering in the opposite direction (*e.g.*, left) at the end position E to set "a predetermined or adjusted steering angle," *e.g.*, "a maximum steering angle," for the anticipated forward movement of the vehicle when manual control of the vehicle is returned to the driver at the end of the unparking maneuver.<sup>3</sup>

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<sup>3</sup> The steering angle movements described in this example is the same steering angle movements recited in claim 6. *Infra*, §III.A.(h). This pattern is also recited in claim 4 of related U.S. Patent No. 11,932,230 (TESLA-1026).

TESLA-1004, [0010], [0014] (“on reaching the end position a steering angle is set that enables collision-free forward movement”), [0015] (“the end position is determined under the assumption that a predefined steering angle, in particular a maximum steering angle, is set during manual control of the motor vehicle”), [0037]-[0038], FIG. 2.

81. In more detail, Joos discloses that the driver assistance system sets the steering angle in a first direction while traveling “along the unparking trajectory” “in the reversing direction” “until it has reached an end position” where “the autonomous parking [maneuver] is ended” and “the motor vehicle is stopped.” TESLA-1004, [0008], [0016]-[0017]. The steering adjustments made while reversing from the parking space to the end position E of the maneuver provides at least a first one or more *steering angle movements*. For example, as shown in FIG. 2 (reproduced further below), the driver assistance system may apply steering angle movement(s) to turn the wheels to the right while reversing to the end position E. TESLA-1004, FIG. 2.

82. Once the vehicle arrives and stops at the end position E of the unparking maneuver, Joos discloses that the driver assistance system steers the wheels in the opposite direction from the direction steered while the vehicle was reversing to set “a predefined steering angle, in particular a maximum steering angle” “so that the driver can carry out [a] collision-free forward movement without changing the

adjusted steering angle.” TESLA-1004, [0010], [0015], [0016] (“the motor vehicle is stopped at the end position and the wheels are turned by means of the driver assistance system while the motor vehicle is stationary”), [0037]-[0038]. The steering adjustments made to set the predefined steering angle for the anticipated forward motion of the vehicle at the end position E provides an additional *steering angle movement* that follows the steering angle movement(s) made when the vehicle was reversing to the end position E. For example, as shown in FIG. 2 (reproduced below), the driver assistance system may turn the wheels to the left at the end position E. TESLA-1004, FIG. 2.

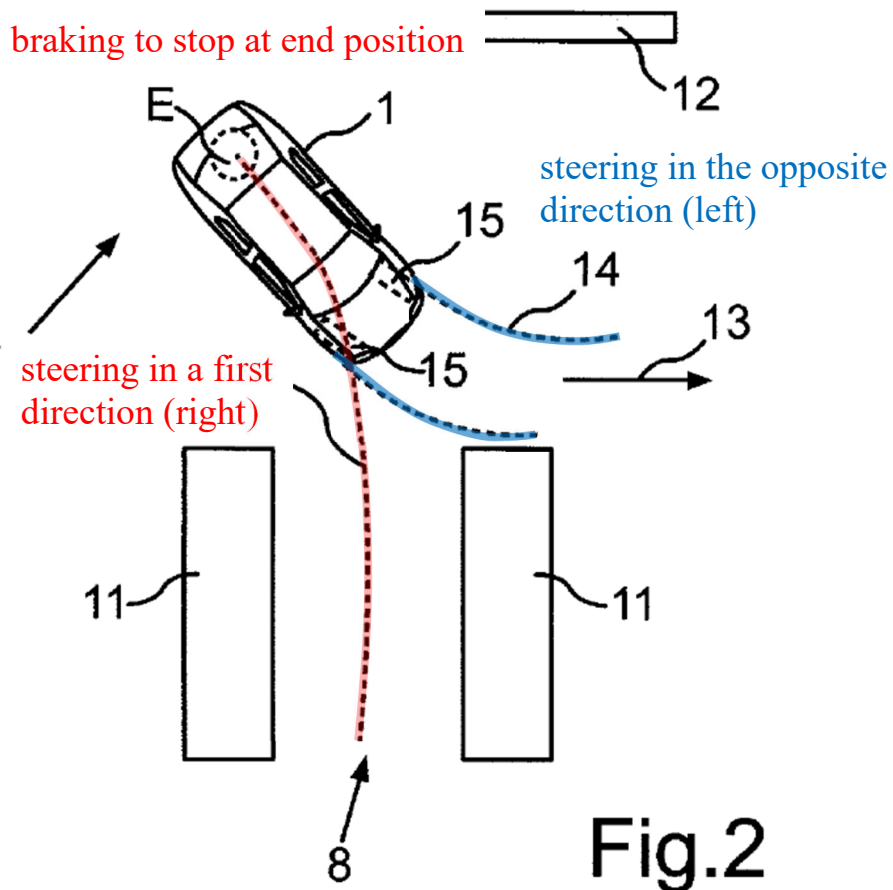


Fig.2

TESLA-1004, FIG. 2 (annotated)

83. Joos also explains that the driver assistance system/controller is *operable to select a direction for driving the wheels* after the reversing movement. For example, Joos discloses that after “the end position is reached, the driver assistance system itself can change from the reverse gear into the forward gear.” TESLA-1004, [0017], [0038], [0018] (“if the end position is reached, the specified steering angle has been set by the driver assistance system and the forward gear has been engaged”). The driver assistance system’s automatic changing from the reverse gear into the forward gear includes *selecting* a (forward) *direction* for driving the wheels of the motor vehicle.

84. Because the vehicle is steered in a first direction while reversing to reach the end position E of the unparking maneuver and is then steered in the opposite direction to achieve the predefined steering angle that will allow the driver to safely pull the vehicle forward when manual control of the vehicle is returned to the driver, and because the *steering angle movements* indicated by control signals from the driver assistance system must be detected for the requisite steering to be performed for the vehicle to arrive at the end position E and be placed in a state where the drive system auto-shifts from reverse to drive, Joos’s drive system/controller is *operable to select a direction for driving the wheels in response to steering angle movements*. For example, as shown in FIG. 2, the vehicle is

reversed while applying a steering angle movement in the first direction (turned to the right) until it reaches the end position E. Also shown in FIG. 2, the maximum steering angle set while the vehicle is stopped at the end position is a steering angle in the opposite direction (turned to the left) “so that the motor vehicle 1 can be oriented along the driving direction 13 in a single forward movement starting from the end position E.” TESLA-1004, [0036]; *see also id.*, [0008], [0015], [0028], [0037], [0009]-[0010], FIG. 2.

85. Thus, by shifting gears from reverse to drive as a result of detecting a steering angle movement that steers the wheels first in a rightward direction to reverse the vehicle to the desired end position E, and detecting a steering angle movement that steers the wheels in a leftward direction to set the specified (e.g., maximum) steering angle that ensures the driver will not collide with adjacent vehicles 11 during forward movement, Joos’s driver assistance system (*drive system*) *selects* a (forward) *direction* for driving the wheels *in response to steering angle movements* that includes steering in the rightward direction and steering in the opposite (leftward) direction.

86. To be sure, Joos’s drive system/controller selects to auto-shift to drive (*selecting a direction for driving the wheels*) at the end position E of the unparking maneuver only after and in response to the steering angle movements that includes setting the predefined steering angle at the end position E by steering in the opposite

direction from the steering angle while reversing. Joos explicitly states that the driver “take[s] over directly and rapidly” from the driver assistance system to manually operate the vehicle once the vehicle shifts to drive. TESLA-1004, [0017], [0038]. The pull-forward steering angle would therefore need to be set *before* the drive system/controller auto-shifts to drive for the driver to “take over directly and rapidly” as disclosed. Additionally, Joos explains that the *last* action to occur when “the automatic or autonomous unparking manoeuvre is [] ended” is to “engage the forward gear.” TESLA-1004, [0017]-[0018]; *see also id.*, [0009], [0011]-[0012], [0014]-[0015], [0037]-[0039]. This means that the pull-forward steering angle must be set *before* the forward gear is engaged because the pull-forward steering angle is set by the driver assistance system before the automatic or autonomous unparking maneuver is ended. *Id.*

87. A POSITA also would have found it obvious to condition Joos’s auto-shift to drive (*select a direction for driving the wheels*) at the end position E of the unparking trajectory on completion of the steering angle movements, including detecting that the pull-forward steering angle has been set while the vehicle is parked at the end position. Indeed, this would have been obvious and beneficial to ensure full control of the vehicle could be handed back to the driver more quickly upon shifting to drive and to ensure the driver would not pull forward from the end position before the steering angle is set. TESLA-1004, [0017] (“driver ... take[s]

over directly and rapidly”). Joos teaches that the steering angle is set to avoid collisions and to allow the vehicle to properly orient itself in the lane of travel when the driver pulls forward while maintaining the set steering angle. TESLA-1004, [0010], [0014]-[0016], [0036]-[0038]. Maintenance of the set steering angle also allows the vehicle to avoid collisions with other parked vehicles. *Id.* Allowing the driver to pull forward before the steering angle is set introduces risk of collisions with other vehicles and prevents the vehicle from being properly oriented such that it could move forward into the lane of travel, all of which may compromise safety. *Id.*; TESLA-1004, [0010], [0014]-[0016], [0036]-[0038]. Accordingly, a POSITA would have been motivated to configure Joos’s drive system/controller to auto-shift to drive based on the pull-forward steering angle first being set to enhance safety and provide a more intuitive driving experience that would allow the driver to immediately assume full control of the vehicle once the vehicle shifts to drive. Allowing the driver to more quickly assume control of the vehicle after the auto-shift to drive also furthers Joos’s objective of “enabl[ing] the driver of the motor vehicle to take over directly and rapidly.” TESLA-1004, [0017]. Further, it provides added convenience because the set steering angle allows the driver to simply pull forward into the direction of the lane of travel while avoiding collisions with nearby vehicles or objects (*e.g.*, vehicle in adjacent parking spaces). *Id.*, [0014]. Even basic driver’s education instructional materials teach drivers to set the pull-forward

steering angle before shifting to drive upon exiting a parking space. *See, e.g.*, TESLA-1024, 1 (“We keep reversing until the car is fully straight ... Once straight, we straighten up the wheel and stop. We select Drive.”); TESLA-1025, 3 (“7. Straighten your wheels and stop. 8. Shift your car into ‘Drive’ and accelerate slowly.”).

88. Moreover, configuring the drive system/controller to auto-shift to drive only after setting the steering angle would have been obvious to try. Joos discloses both setting of the steering angle and shifting to drive as two actions that must occur at the end of the unparking procedure before control is handed back to the user. *Id.*; TESLA-1004, [0018]. A finite number of options exist for sequencing these actions. Namely, the steering angle could only be set before, during, or after the auto-shift to drive of the vehicle. Considering these limited options and the known benefits of setting the steering angle before auto-shifting to drive as described above, it would have been obvious to implement Joos such that the auto-shift to drive would occur only if the steering angle had been successfully set beforehand. A POSITA would have reasonably expected success because implementing the system in this manner would merely involve applying capabilities that the driver assistance system in Joos was already configured to perform (*e.g.*, setting the steering angle and auto-shifting to drive). Joos’s vehicle is also capable of adjusting the steering angle while in a reverse gear as evident from the curved trajectory taken by the vehicle when

reversing from the parking space. TESLA-1004, FIG. 2.

89. Joos also discloses scenarios that require additional steering and brake inputs to be provided in a sequence of alternating directions to travel back and forth between intermediate positions until the end position E is reached. TESLA-1004, [0039]-[0040], FIGs. 3-5. Joos's motor vehicle is also capable of adjusting the steering angle while in a reverse gear as evident from the curved trajectory taken by the vehicle when backing out of the parking space. *Id.*; TESLA-1004, FIGs. 2, 3-5. As illustrated below, the series of reversing and forward movements of the vehicle to reach the end position E while providing steering and brake inputs that include steering to the right while reversing to a first intermediate point, braking to a stop at the first intermediate point, steering to the left while driving forward to a second intermediate point, braking to a stop at the second intermediate point, steering to the right while reversing to end position E, and braking to a stop at the end position E further exemplifies how finally changing the drive direction in response to *a sequence of detected steering and brake inputs* would have been obvious to a POSITA based on Joos.

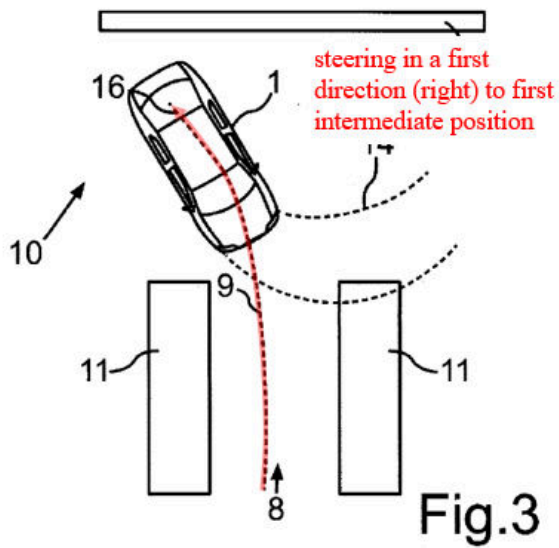


Fig.3

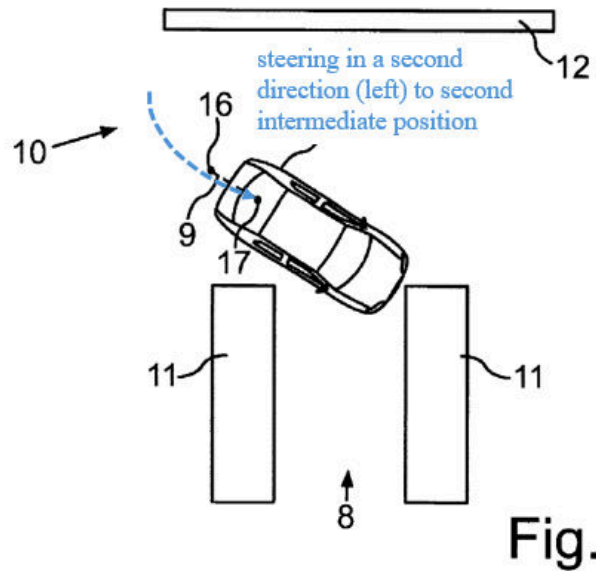


Fig.4

TESLA-1004, FIGs. 3-4

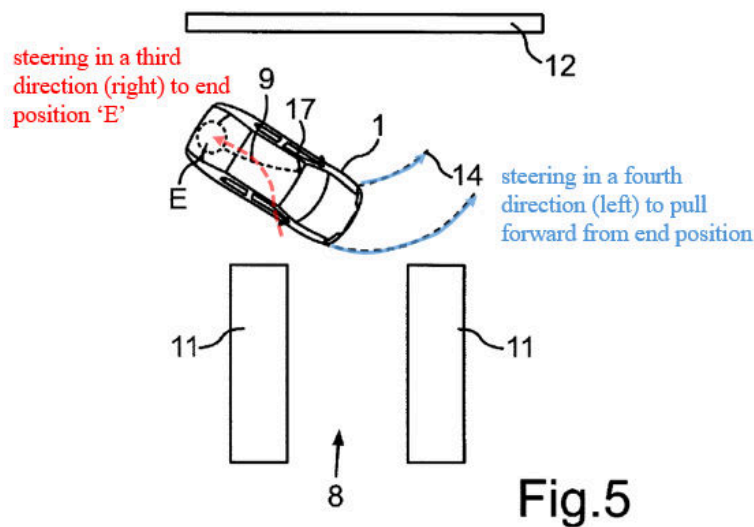


Fig.5

TESLA-1004, FIG. 5

90. Further, in Joos, the driver assistance system's auto-shift to drive (*select a direction for driving the wheels*) is accomplished *without operator indication of a direction*. This is evident, or at least obvious, because the driver never manipulates the vehicle's gear selector or any other control that specifies a particular direction at

end position E when the driver assistance system determines to shift the vehicle from reverse to drive. TESLA-1004, [0017] (“gear change can thus be carried out by the driver assistance system”); *cf.*, TESLA-1001, 1:42-47, 3:49-53, 5:15-24 (’458 Patent disclosing similar inputs that do not involve operator indication of direction).

***Claim 6: The motor vehicle of claim 1 wherein the drive system is operable to change the drive direction only in response to a steering input indicating steering in a first direction, then indicating steering in the opposite direction.***

***Claim 16: The motor vehicle of claim 11 wherein the controller is operable to change the drive direction only in response to a steering input indicating steering in a first direction, then indicating steering in the opposite direction.***

91. From my analysis of the references, Joos renders obvious Claims 6 and 16 for the reasons discussed above with respect to Elements 1[f].

## **IX. ANALYSIS OF JOOS IN VIEW OF KISCHKAT**

### **A. A POSITA Would Have Combined Joos and Kischkat**

92. A POSITA would have found it obvious to implement the gear shift that occurs at the end of Joos’s unparking trajectory in accordance with Kischkat’s option for offering an automated gear shift that would be made only upon confirmation from the driver.

93. In more detail, Joos describes two options for engaging the forward gear after reversing during an unparking maneuver. TESLA-1004, [0017], [0038]. In the first option, “the driver assistance system itself can change from the reverse gear into the forward gear.” *Id.*, [0017]. In the second option, “an instruction to

engage the forward gear is issued to the driver of the motor vehicle” and “[t]he driver of the vehicle ... engage[s] the forward gear.” *Id.*, [0017], [0038]. The first option relieves the driver of the burden of manually shifting to the forward gear, but the driver may alternatively prefer to confirm agreement with the gear change before the driver assistance system effects the change automatically. *Id.* The second option provides the driver with more control, but still the driver will need to manually manipulate the vehicle’s gear shifter to indicate the forward direction and engage the forward gear.

94. Because each of Joos’s options for shifting gears during the unparking procedure carry distinct tradeoffs, a POSITA would have turned to references like Kischkat that describe techniques for shifting gears that offer different levels of driver involvement.

95. As discussed above, Kischkat describes the option of automatically shifting gears using a driver assistance system—but only after the driver assistance system offers to shift gears and the driver is able to accept or reject the offer via a control input other than the vehicle’s manual gear selector. TESLA-1005, [0003], [0016], [0010]-[0012], [0019]; *supra*, §VI.B. Multiple reasons would have prompted a POSITA to pursue a Joos-Kischkat combination that expands Joos’s described options for shifting gears according to the known techniques described in Kischkat.

96. First, a POSITA would have pursued the combination to provide

drivers with another option for shifting from reverse to drive during the unparking procedure to achieve distinct benefits from those attained by Joos's original solution where "after reaching the end position a forward gear is engaged." TESLA-1004, [0017], [0038]. Considering these distinct benefits, a POSITA would have expected Kischkat's option to be compatible with to Joos's shifting and preferred by a significant subset of drivers. For example, Kischkat's offer/acceptance technique allows the driver to retain control in accepting/rejecting a proposed gear shift before the driver assistance system makes the change. *Id.* At the same time, Kischkat's solution relieves the driver of the burden of manually manipulating the gear selector. TESLA-1005, [0012].

97. Kischkat's approach would also beneficially afford an opportunity for the driver to independently assess whether a collision-free forward movement can successfully be carried out from the end position E or whether a further reverse movement may be necessary. TESLA-1004, [0015]-[0016], [0037]-[0038]. The driver confirmation to change gears would have provided a valuable precaution, further reducing the risk of costly collisions and enhancing safety by mitigating the possibility that the vehicle changes a critical operating parameter such as the transmission gear/vehicle direction before control of the vehicle is returned to the driver without the driver's awareness. Further, Joos discloses such a request for driver input disclosing that "after reaching the end position... an instruction to

engage the forward gear is issued to the driver of the motor vehicle.” TESLA-1004, [0017], [0038].

98. Second, a POSITA would have applied Kischkat’s suggestion for offering an automated gear shift that could be confirmed by the driver before the gear shift is made in Joos’s system, where “an instruction to engage the forward gear is issued to the driver of the motor vehicle” to ensure valets, new drivers, or others who are unfamiliar with the driver assistance system are better capable of operating the vehicle and are not surprised by an unexpected change in direction of the vehicle. TESLA-1004, [0017], [0038].

99. Third, a POSITA would have applied Kischkat’s suggestion for offering an automated gear shift in Joos’s system to achieve known benefits like those expressly described in Kischkat. For example, Kischkat explains that “the use of the accelerator or brake pedal is advantageous in that the driver does not have to turn his attention away from what he is doing at all, since it is easy for him to press one or the other pedal to signal. ... It is also very easy for him to operate a control element, as he does not have to be careful to use a certain predetermined position” to select a specific gear. TESLA-1005, [0013]; *see also id.*, [0009], [0012]-[0013] (“parking process can also be much faster than before”), [0016] (“driver then only has to give a confirmation response”), [0019]. As mentioned above, the simplicity provided by the application of an automatic gear shift based on simplified input

universalizes and simplifies the controls of the vehicle for those who are new to the system such as valets, and new drivers.

100. Fourth, a POSITA would have integrated Kischkat's techniques in the combination because it merely involves the application of known techniques (*e.g.*, Kischkat's automated gear shift conditioned on a confirmatory response) to improve a conventional system (*e.g.*, Joos's semi-autonomous parking system) to achieve predictable results. Here, a POSITA would have recognized the tradeoffs associated with the gear shifting options provided in Joos and would have appreciated that some drivers would prefer a third option like that described in Kischkat. In fact, Kischkat's option complements Joos's description of prompting the driver for a gear shift. Kischkat's techniques would have benefitted these drivers for each of the reasons described above.

101. Fifth, POSITA would have been motivated to combine the automated unparking trajectory of Joos with the simplified gear-switching controls of Kischkat due to a documented design need to enhance driver comfort and reduce operational time during multi-stage automated maneuvers. TESLA-1005, [0003]-[0004]. Joos describes a semi-autonomous unparking process that requires a transition from reverse to manual forward driving once an "end position" is reached. TESLA-1004, [0017], [0038]. Kischkat explicitly identifies that requiring a driver to manually operate a traditional selector lever during such automated maneuvering leads to "a

loss of comfort” and “a loss of time” because the driver must divert their attention to engage the correct gear. TESLA-1005, [0003].

102. I am informed by counsel that “[w]hen there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp.” In this instance, a POSITA would have been motivated to address the transition requirements in Joos by applying Kischkat’s teaching that a brake or accelerator pedal, can be “reconfigure[d]” to provide the gear-switching signal. TESLA-1005, [0010]. This combination directly addresses the market-driven objective of making the unparking process “much faster” and “easier” for the operator. TESLA-1005, [0013].

103. Sixth, a POSITA would have been further motivated to combine Joos and Kischkat because the resulting system is a predictable use of prior art elements according to their established functions. Joos provides the necessary structural framework for an unparking trajectory, including reversing movements and the identification of an end position where forward motion is required. Kischkat provides a specific technical solution for triggering gear shifts in “shift-by-wire” systems using “simple acknowledging action[s]” via existing pedals or steering wheel buttons. TESLA-1005, [0010]-[0011].

104. I am informed by counsel that “[t]he combination of familiar elements

according to known methods is likely to be obvious when it does no more than yield predictable results.” Because Kischkat explicitly describes using these alternate triggers for multiple maneuvering and direction change during automatic processes, it would be entirely predictable for an artisan to apply this shifting method to Joos’s unparking sequence to facilitate the shift from reverse to forward motion. TESLA-1005, [0013]; TESLA-1004, [0008]-[0013]. Such integration of these teachings is a product of ordinary skill and common sense rather than true innovation, as it merely fits the teachings of multiple patents together like pieces of a puzzle.

105. A POSITA would have reasonably expected success implementing the Joos-Kischkat combination, especially since both references describe straightforward techniques for shifting gears during a parking/unparking process. Adding driver confirmation of an automated gear change as taught in Kischkat to Joos’s driver assistance system that already implements a gear change would be a straightforward modification and would have been well-within the capabilities of a POSITA. Notably, Kischkat explicitly states that its techniques can be “easily” implemented “because motor vehicles usually have a central signal or data bus, often the CAN bus, via which all signals or data are exchanged” and “[a]s a result, it is easily possible to ‘reconfigure’ an element ... as a gearshift signal.” TESLA-1005, [0010]. Moreover, considering the substantial similarities between Joos’s system and Kischkat’s, a POSITA would have expected the benefits provided by Kischkat’s

teachings to apply with equal force when combined with Joos.

**B. Claims 2, 4-5, 7-10, 12, 14-15, 17-20 are Rendered Obvious by Joos in view of Kischkat (Ground 1B)**

*Claim 2: The motor vehicle of claim 1 including a brake control operable by a driver to generate a brake input, and wherein the drive system is operably connected to the brake control to receive the brake input, and wherein an approval indication includes actuation of the brake control.*

*Claim 12: The motor vehicle of claim 11 including a brake control operable by driver to generate a brake input, and wherein the controller is operably connected to the brake control to receive the brake input, and wherein an approval indication includes actuation of the brake control.*

106. From my analysis of the references, the Joos-Kischkat combination renders obvious Claims 2 and 12.

107. Joos discloses *a brake control operable by the driver to generate a brake input*. *Id.* For example, Joos discloses that the “driver of the motor vehicle... operate[s]... the **brakes**.” TESLA-1004, [0002], [0008]-[0009].

108. Joos also discloses that *the drive system/controller is operably connected to the brake control to receive the brake input*. For example, Joos discloses that “the driver assistance system also carries out the intervention into a brake system.” TESLA-1004, [0002], [0008]-[0009]. “The **driver assistance system** can for example comprise a **controller** or an electronic control unit, with which during the unparking [maneuver] **control signals are output to... the brake system**.” TESLA-1004, [0021]. Joos’s *controller* of the driver assistance system (*drive system*) is therefore connected to the *brake control* because the drive

system/controller, responsive to brake input transmitted from the brake control, issues control signals to the brake system that are operable to cause the wheels to decelerate their angular velocity. TESLA-1004, [0002], [0008]-[0009], [0021]. Operably connecting Joos's drive system/controller to the brake control also would have been obvious to enable each of the driver and the driver assistance system to slow or stop the vehicle during autonomous or semi-autonomous operations including during Joos's autonomous or semi-autonomous unparking procedures. *Id.*

109. Kischkat teaches that *an approval indication* for an automated gear shift *includes actuation of the brake control*. For example, Kischkat discloses that various “elements provided on the vehicle, which otherwise serves a different purpose, [can be] modified or configured in such a way that the shift signal for changing the driving gear can be given via this element.” TESLA-1005, [0010]. Kischkat identifies the “**brake pedal**” (*brake control*) as one such configurable element that can be used by the driver to approve an offer to auto-shift from one gear to another (e.g., shift from a reverse gear in a reverse mode to a forward gear in a drive mode). *Id.*, [0010]-[0013], [0016]-[0018]. As explained in the combination overview (*supra* §IX.A), it would have been obvious to implement Joos's vehicle according to Kischkat's teachings such that the brake control (e.g., brake pedal), when actuated by the driver, would be received by the driver assistance system/controller to provide *the approval indication* for the offer to auto-shift from

one gear to another. TESLA-1005, [0009], [0011] (“switching of the transmission is realized by a simple acknowledging action”), [0016]; §§VI.B, IX.A.

***Claim 4: The motor vehicle of claim 1 wherein the drive system is operable to offer a driver a change in the drive direction only in response to detecting a steering input greater than a selected steering angle threshold.***

***Claim 14: The motor vehicle of claim 11 wherein the controller is operable to offer a driver a change in the drive direction only in response to detecting a steering input greater than a selected steering angle threshold.***

110. From my analysis of the references, the Joos-Kischkat combination renders obvious Claims 4 and 14.

111. For the reasons discussed above in §IX.B and Claim 2, Joos-Kischkat teaches ***the drive system/controller is operable to offer a driver a change in the drive direction in response to steering input.*** Based on Joos’s teachings, the offered change in drive direction can be made ***only in response to detecting the steering input greater than a selected steering angle threshold.*** For example, Joos discloses that “the end position is determined under the assumption that a predefined steering angle, in particular a maximum steering angle, is set during manual control of the motor vehicle.” TESLA-1004, [0015]-[0016], [0010], [0014], [0018], [0037]-[0038]. As described above in further detail with respect to Element 1[f], the “predefined steering angle, in particular a maximum steering angle,” must be set before the drive system/controller shifts to drive at the end position E of the unparking trajectory. *Supra*, Element 1[f], Claim 2. Accordingly, the Joos-Kischkat drive system/controller only offers to change the drive direction from reverse to

drive at the end position E in response to setting the predefined (e.g., maximum) steering angle for the anticipated pull-forward movement of the vehicle. *Id.*

112. Joos's drive system/controller applies a threshold to determine whether the steering input suffices to auto-shift to drive. Determining that the steering angle is set to the "predefined steering angle, in particular a maximum steering angle," involves detecting that a *steering input is greater than a selected steering angle threshold* (e.g., a neutral (zero) steering angle threshold, a non-maximum steering angle threshold, or any other steering angle threshold just below the "predefined" angle). TESLA-1004, [0015]-[0016], [0010], [0014], [0018], [0037]-[0038]. The use of a steering angle threshold to ensure the maximum steering angle is set as taught in Joos also would have been an obvious design choice since thresholds were commonly implemented in software and control systems before the Critical Date. TESLA-1006, [0044] ("a steering movement of an angle which lies above a certain threshold value").

***Claim 5: The motor vehicle of claim 1 wherein the drive system is operable to offer a driver a change in the drive direction only if a vehicle velocity is below a selected velocity threshold.***

***Claim 15: The motor vehicle of claim 11 wherein the controller is operable to offer a driver a change in the drive direction only if a vehicle velocity is below a selected velocity threshold.***

113. From my analysis of the references, the Joos-Kischkat combination renders obvious Claims 5 and 15.

114. Joos teaches that the vehicle must be stopped (*i.e.*, a velocity of zero

that is below a positive velocity (*selected velocity threshold*) at the end position E of the unparking trajectory as a condition for the *controller* of the driver assistance system (*drive system*) to shift gears from reverse to drive (*change from reverse mode to drive mode only if a vehicle velocity is below a selected velocity threshold*). TESLA-1004, [0016] (“stopped at the end position”), [0018] (“forward gear” not engaged until vehicle reaches end position). The use of a velocity threshold to ensure the vehicle is stopped as taught in Joos also would have been an obvious design choice since thresholds were commonly implemented in software and control systems before the Critical Date. *Id.* Further, based on Kischkat, the Joos-Kischkat drive system/controller would offer to change from reverse to drive only if stopped at the end position E, and thus only if the vehicle velocity is below the selected threshold. *Id.*; §IX.B.

*Claim 7: The motor vehicle of claim 1 wherein the drive system is operable to offer a driver the change in the drive direction based at least in part on distance traveled.*

*Claim 17: The motor vehicle of claim 11 wherein the controller is operable to offer a driver a change in the drive direction based at least in part on distance traveled.*

115. From my analysis of the references, the Joos-Kischkat combination renders obvious Claims 7 and 17.

116. Joos discloses that “[d]uring the unparking of the motor vehicle 1, the **distance** between the vehicle 1 and the respective objects 11 [bounding on the cross-parking space 8] can be continuously detected” and “the current position of the motor

vehicle 1 can be determined by means of **odometry**.” TESLA-1004, [0035]; *see also id.*, [0013]-[0014]. The distance between the motor vehicle and nearby objects detected while reversing “enables more precise determination of the end position.” *Id.*, [0013]. The end position E can also be calculated to allow for a “safety distance” between the vehicle and surrounding objects. *Id.*, [0014].

117. The **controller** of the driver assistance system (**drive system**) thus continuously monitors the position of the vehicle and the vehicle’s distance to objects during travel to reach an end position E (which position E is calculated to leave sufficient room for the vehicle to pull forward after the vehicle has reversed a certain distance to reach the end position E), and further the driver assistance system does not change the drive direction to the forward gear until the vehicle reaches the end position E. TESLA-1004, [0008], [0013]-[0014], [0035]. Joos thus teaches that the drive system/controller chang[es] the drive direction based at least in part on distance traveled. TESLA-1003, ¶ \_\_. In the combination, the vehicle offers an auto-shift to drive as taught in Kischkat, and the combined teachings of Joos and Kischkat thus suggest that the controller/drive system is ***operable to offer a driver a change in the drive direction based at least in part on distance traveled.***

***Claim 8: The motor vehicle of claim 1 wherein the drive system is operable in response to an approval indication from a driver to change the drive direction without driver indication of a direction other than approval of an offered change in direction.***

***Claim 18: The motor vehicle of claim 11 wherein the controller is operable in response to an approval indication from a driver to change the drive***

***direction without driver indication of a direction other than approval of an offered change in direction.***

118. From my analysis of the references, the Joos-Kischkat combination renders obvious Claims 8 and 18.

119. For reasons discussed above for 1[f] and below for Claim 9, the Joos-Kischkat combination renders obvious ***the drive system/controller is operable in response to an approval indication from a driver to change the drive direction without driver indication of a direction other than approval of an offered change in direction.*** *Supra*, §VIII.A. (Element 1[f]); *infra*, §IX.B (Claim 9). In the Joos-Kischkat combination, the drive system's/controller's ***change of the drive direction*** from the reverse mode to the drive mode is accomplished ***without driver indication of a direction*** for offering an auto-shift to drive as taught in Kischkat. *Id.* For instance, Kischkat discloses that “during a parking process supported by the assistance system, the signal for shifting the automatic transmission from a forward driving mode to a reverse driving mode or vice versa... can be given via the accelerator or brake pedal via a voice input into a voice control system or by actuating a control element on the steering wheel, dashboard, or key side.” TESLA-1005, [0009]; *generally id.*, [0001]-[0025], FIGs. 1-2. Kischkat explains that the driver can provide “a confirmation response to change direction – if necessary, after asking via the voice control system or the vehicle’s loudspeaker whether a change of direction is desired. For example, if the voice control system or assistance system

asks ‘Change direction?’, the driver simply has to answer ‘yes.’” TESLA-1005, [0016], [0019].

120. The types of confirmation responses described in Kischkat—such as tapping the accelerator or brake pedal or providing a simple voice input (e.g., “yes”)—allow the driver to approve an offer to auto-shift and therefore change directions—but these confirmation responses themselves do not indicate a direction. Kischkat’s confirmation responses are substantially the same as the approval indications disclosed in the specification of the ’458 Patent that are also said to lack an indication of a direction. *Cf.* TESLA-1001, 1:35-47, 5:8-33; TESLA-1004, [0017] (“gear change can thus be carried out by the driver assistance system”); *supra*, claim 2.

***Claim 9: The motor vehicle of claim 1 wherein the drive system is operable in response to an approval indication from a driver to change the drive direction without operation of a selector by the driver.***

***Claim 19: The motor vehicle of claim 11 wherein the controller is operable in response to an approval indication from a driver to change the drive direction without operation of a selector by the driver.***

121. From my analysis of the references, the Joos-Kischkat combination renders obvious Claims 9 and 19 for the reasons addressed above with respect to 1[f] and Claims 2 and 8. *Supra*, §VIII.A (Element 1[f]), §IX.B (Claims 2, 8).

122. For example, Joos teaches that the “gear change can thus be carried out by the driver assistance system” rather than the driver. TESLA-1004, [0017]; *supra*, 1[f] and Claims 2 and 8. *Cf.* TESLA-1001, 1:35-47, 5:8-33. A POSITA also would

have found it obvious that Joos's driver would not operate a selector to change the drive direction when Joos's driver assistance system/controller carries out the shift to the forward gear at the end position E because Joos delineates scenarios where the driver is issued an instruction to manually shift to drive and where the driver assistance system/controller instead auto-shifts to drive without the driver's operation of a selector. *See* TESLA-1004, [0017]; *supra*, Claim 8. Additionally, the types of confirmation responses described in Kischkat that trigger auto-shifting to drive in the Joos-Kischkat combination—such as tapping the accelerator or brake pedal or providing a simple voice input (e.g., “yes”)—allow the driver to approve an offer to auto-shift and therefore change direction without operation of a selector or indication of a direction by the driver.

***Claim 10: The motor vehicle of claim 1 including a brake control operable by a driver to generate a brake input, and wherein the drive system is operably connected to the brake control to receive the brake input, and wherein the drive system is operable in response to driving a first direction with the steering angle in a first steering direction, then changing steering to an opposite second steering direction, to change drive direction in response to operation of the brake control by the driver.***

***Claim 20: The motor vehicle of claim 11 including a brake control operable by a driver to generate a brake input, and wherein the controller is operably connected to the brake control to receive the brake input, and wherein the controller is operable in response to driving a first direction with the steering angle in a first steering direction, then changing steering to an opposite second steering direction, to change drive direction in response to operation of the brake control by the driver.***

123. From my analysis of the references, the Joos-Kischkat combination renders obvious Claims 10 and 20 for the reasons addressed above with respect to

Element 1[f] and Claim 2. *Supra*, Element 1[f], Claim 2.

124. For example, the Joos-Kischkat combination would have rendered obvious the additional features recited in Claims 10 and 20 because the *controller* of the driver assistance system (*drive system*) *changes the driving direction* from reverse to drive (forward) in response to detection of the steering angle movements described above for 1[f] (§VIII.A (Element 1[f]))—which prompts the driver assistance system to offer an auto-shift to drive at the end position E—and further in response to the driver’s *operation of the brake control* to accept the offer to auto-shift to drive as taught in Kischkat. *Supra*, §IX.B (Claim 2).

## **X. ANALYSIS OF JOOS, KISCHKAT, AND HOOP**

### **A. A POSITA Would Have Combined Joos, Kischkat, and Hoop**

125. A POSITA would have found it obvious to further modify the Joos-Kischkat vehicle from Ground 1A to implement a “one-pedal” driving capability in which the vehicle is actively slowed in response to release of the accelerator pedal as taught in Hoop. *Supra*, §VI.C; TESLA-1023, [0002], [0022]. Based on Joos’s teachings, the Joos-Kischkat-Hoop vehicle would be operated semi-autonomously during an unparking procedure with the driver assistance system controlling steering and the driver controlling acceleration/braking to follow a prescribed unparking trajectory to a calculated end position E. TESLA-1004, [0002], [0008] (“It can continue to be left to the operator of the vehicle to operate the gas pedal and the

brake pedal.”), FIG. 2. Further, based on Hoop’s suggestion for one-pedal driving, the driver would release the accelerator pedal to slow the vehicle to a stop at the end position E. *supra*, §VI.C. After the maximum or other pre-defined steering angle is set as taught in Joos, the driver assistance system would offer an auto-shift to drive as taught in Kischkat. TESLA-1004, [0015]-[0018], [0037]-[0038]; TESLA-1005, [0009], [0016], [0019]. The driver can then shift her foot from the accelerator pedal and tap/depress the brake pedal to confirm acceptance of the offer to auto-shift to drive as taught in Kischkat. *Supra*, Claims 2, 10; TESLA-1005, [0010]-[0013], [0016]-[0019].

126. Multiple reasons would have motivated a POSITA to apply Hoop’s one-pedal driving capability to the vehicle of the Joos-Kischkat combination.

127. First, a POSITA would have applied Hoop’s suggested use of one-pedal control to the Joos-Kischkat vehicle to achieve a convenient method of activating regenerative braking, particularly in the hybrid- or fully-electric implementations of Joos’s vehicle. Joos’s unparking techniques are broadly applicable to any “autonomous” or “semi-autonomous” motor vehicle, which a POSITA would have understood to include electric vehicles as suggested by Hoop. TESLA-1004, [0001]-[0003], [0006]-[0008]. Regenerative braking was a well-known technique and especially beneficial in hybrid- and fully-electric vehicles because it allows the vehicle’s battery to be re-charged while the vehicle decelerates, thereby increasing

the electric range of the vehicle and increasing the effective charge capacity of the battery. *Id.*; TESLA-1023, [0002], [0018]-[0020].

128. Second, a POSITA would have applied Hoop's suggested use of one-pedal control in driving to the Joos-Kischkat vehicle to reduce the need for and frequency of use of the vehicle's friction brakes (*e.g.*, since regenerative braking can be used instead in many cases). The reduced use of the friction brakes would beneficially increase the life of the vehicle's friction brake parts (*e.g.*, rotors, pads) and reduce costs of maintaining or replacing the friction brake parts. This benefit is in addition to the fact that energy is returned to and stored in the battery rather than wasted to heat in the friction brakes.

129. Third, a POSITA would have applied Hoop's suggested use of one-pedal driving to the Joos-Kischkat vehicle because regenerative braking often provides a smoother, and therefore more pleasant, deceleration than friction braking.

130. Fourth, a POSITA would have applied Hoop's suggested use of one-pedal driving to the Joos-Kischkat vehicle to enhance the driving experience for the driver of the vehicle. One-pedal driving is preferred by many drivers of electric vehicles because these drivers find one-pedal driving to be simpler, more intuitive, and less burdensome than constantly shifting the foot between the accelerator and brake pedals whenever acceleration or deceleration is needed. As discussed in the Joos-Kischkat combination, a POSITA would have sought such simplification of

controls for the benefit of new drivers by increasing to speed at which the vehicle is controlled (e.g., rather than rapidly apply the brakes, the vehicle slows when the accelerator is no longer depressed).

131. Fifth, applying Hoop's techniques in combination with Joos and Kischkat would have been obvious because the combination merely involves combining prior art elements according to known methods to yield predictable results.

132. A POSITA likewise would have reasonably expected success implementing the combination. Indeed, Joos, Kischkat, and Hoop all similarly describe motor vehicle systems and established technologies. Electric vehicles utilizing one-pedal driving with regenerative braking were common before the Critical Date (demonstrated at least by Hoop's filing date). Moreover, Joos's and Kischkat's techniques are fully compatible with electric and hybrid-electric vehicles of the type that would use Hoop's one-pedal driving techniques. Adding a capability for braking in response to releasing the accelerator pedal to a similar system as proposed in the combination would have been well within the capabilities of a POSITA.

**B. Claims 3 and 13 are Rendered Obvious by Joos in view of Kischkat and Hoop (Ground 1C)**

*Claim 3: The motor vehicle of claim 2 wherein the drive system includes an accelerator pedal operable to slow the vehicle in response to release of the accelerator pedal, and wherein operation of the brake control for the*

*approval indication includes the driver's foot shifting from the accelerator pedal to tap the brake control.*

*Claim 13: The motor vehicle of claim 12 wherein the controller includes an accelerator pedal operable to slow the vehicle in response to release of the accelerator pedal, and wherein operation of the brake control for the approval indication includes the driver's foot shifting from the accelerator pedal to tap the brake control.*

133. From my analysis of the references, the Joos-Kischkat-Hoop combination renders obvious Claims 3 and 13.

134. For example, Joos discloses that the “driver of the motor vehicle... operate[s] the **gas pedal** and the brakes” (*an accelerator pedal* and *brake*) and that “the driver assistance system also carries out the intervention into a brake system and a drive motor of the motor vehicle.” TESLA-1004, [0002], [0008]-[0009]. “The **driver assistance system** can for example comprise a **controller** or an electronic control unit, with which during the unparking [maneuver] **control signals are output** to the steering system of the motor vehicle and possibly to **the brake system and/or the drive motor.**” TESLA-1004, [0021]. Joos’s driver assistance system (*drive system*)/*controller* would be understood to include *an accelerator pedal* because the driver assistance system/controller, responsive to actuation of the accelerator pedal, issues control signals to the drive motor that are operable to cause the wheels to accelerate rotationally. TESLA-1004, [0002], [0008]-[0009], [0021]; TESLA-1023, [0017]-[0018] (Hoop also discloses use of accelerator and brake pedals). Providing an accelerator pedal in Joos’s driver assistance system/controller

also would have been obvious to facilitate control of the vehicle via actuation of the accelerator pedal by each of the driver and the driver assistance system/controller during autonomous or semi-autonomous operations (e.g., during Joos's assisted unparking procedure).

135. As discussed in §X.B, *supra*, a POSITA would have implemented the vehicle in the Joos-Kischkat-Hoop combination to include one-pedal driving as taught in Hoop such that the driver would release the accelerator pedal after following the unparking trajectory to slow the vehicle to a stop at the end position E. *Supra*, §VI.C. After the maximum or other pre-defined steering angle is set as taught in Joos, the driver assistance system/controller would offer an auto-shift to drive as taught in Kischkat. TESLA-1004, [0015]-[0018], [0037]-[0038]; TESLA-1005, [0009], [0016], [0019]. The driver would then shift her foot from the accelerator pedal and tap/depress the brake pedal to confirm approval of the offer (***operation of the brake control for the approval indication***) to auto-shift to drive as taught in Kischkat. *Supra*, Claims 2, 10; TESLA-1005, [0010]-[0013], [0016]-[0019]. Allowing the driver to release the accelerator pedal to brake the vehicle is also consistent with Joos's teaching that the vehicle should be stopped before shifting gears. TESLA-1004, [0016]-[0018]. Accordingly, the Joos-Kischkat-Hoop combination further renders obvious the drive system/controller ***selecting a direction for driving the wheels*** (forward direction in drive mode) ***in response to***

*operation of the brake control for the approval indication including the driver's foot shifting from the accelerator pedal to tap a brake control. Id.*

## **XI. ANALYSIS OF JOOS, KISCHKAT, AND ALLEXI**

### **A. A POSITA Would Have Combined Joos, Kischkat, and Alexi**

136. A POSITA would have found it obvious to modify Joos's vehicle from Ground 1B based on Alexi to implement "a velocity or speed limiter" that would limit the speed of the vehicle during an autonomous or semi-autonomous unparking procedure to a speed less than an upper speed limit threshold. *Supra*, §VI.D; TESLA-1009, 3:18-29, 1:51-2:49, FIG. 2. In the Joos-Alexi combination, the unparking procedure is "cancelled" if the vehicle speed exceeds a defined speed limit. TESLA-1009, 1:34-36, 2:50-3:8, 4:61-67, 5:35-39. Thus, the unparking procedure is maintained, and the Joos-Alexi vehicle would only successfully reach the target (end) position E of the unparking trajectory where an auto-shift to drive is made, if the vehicle's velocity does not exceed the speed limit. *Supra*, §VI.D; TESLA-1009, 3:18-29, 5:19-29, 6:16-28, FIG. 6; *see also id.*, 4:9-15, 2:14-18, 3:18-29, 6:22-28.

137. A POSITA would have been motivated to pursue the combination for multiple reasons. Alexi explains that the application of a fixed or dynamic speed limit while "entering" or "leaving" a parking space beneficially provides "a higher degree of automation with a higher success rate, as well as enabling assisted parking on sloping or sloped surface." TESLA-1009, 2:8-10. Alexi's technique "prevents

the vehicle from travel faster than a defined or calculated speed for the calculated moving/parking path. Thus, a disruption of the parking maneuver or process based on excessive speed can be prevented. In addition, limiting the speed reduces the need for warnings to the driver to slow down and avoid disruption of the parking function.” TESLA-1009, 2:35-41, 2:19-21, 4:11-15. A POSITA also would have appreciated the importance of limiting vehicle speed both during parking and unparking procedures because low speeds are characteristic of parking and unparking. Bettger, filed prior to the Critical Date, supports this position and recites that

. . . vehicles are reversed (operated to travel in a rearward direction, also known as ‘backing up’) at speeds lower than when travelling. The low speed is appropriate because the rearward visibility of the vehicle driver is limited or restricted, as compared to driving in a forward direction. In addition, the stability of the vehicle may be reduced as compared with forward driving, because the steerable front wheels become, in effect, the rear wheels when reversing. These considerations generally cause vehicle manufacturers to provide electronic speed limiting during reversing.

TESLA-1006, [0003] (emphasis added), *see also* [0026], [0035].

138. Applying Alexi’s techniques in combination with Joos and Kischkat also would have been obvious because the combination merely involves combining prior art elements according to known methods to yield predictable results. A

POSITA would have reasonably expected success implementing the combination. Indeed, Joos, Kischkat, and Alexi each describe autonomous or semi-autonomous parking/unparking systems and adding a velocity limiter to a similar system was practiced in the industry as evidence by Alexi and would have been well within the capabilities of a POSITA.

**B. Claims 5, 7, 15, and 17 are Rendered Obvious by Joos in view of Kischkat and Alexi (Ground 1D)**

*Claim 5: The motor vehicle of claim 1 wherein the drive system is operable to offer a driver a change in the drive direction only if a vehicle velocity is below a selected velocity threshold.*

*Claim 15: The motor vehicle of claim 11 wherein the controller is operable to offer a driver a change in the drive direction only if a vehicle velocity is below a selected velocity threshold.*

139. From my analysis of the references, the Joos-Kischkat-Alexi combination renders obvious Claims 5 and 15.

140. As discussed above in §XI.B, a POSITA would have implemented the Joos-Kischkat-Alexi vehicle to include a velocity or speed limiter that limits the speed of the vehicle during unparking to a speed less than or equal to an upper speed limit, as suggested by Alexi. *Supra*, §§VI.D, XI.B; TESLA-1009, 3:18-29, 1:51-2:49, 4:54-5:18, FIG. 2. In the combination, Alexi teaches that the unparking procedure is “cancelled” if the vehicle speeds during travel exceed a defined speed limit. TESLA-1009, 1:34-36, 2:50-3:8, 4:61-67, 5:35-39. Thus, the unparking procedure is maintained, and the vehicle only successfully reaches the target (end)

position of the unparking trajectory where the offer for auto-shift to drive occurs, if the vehicle's velocity does not exceed the speed limit (*offer a driver a change in the drive direction only if a vehicle velocity is below a selected velocity threshold*). TESLA-1009, 4:9-15, 2:14-21, 3:18-29, 6:21-28, FIGs. 2-3, 5-6. Requiring that the vehicle speed be limited is also consistent with Joos's teaching that the vehicle be stopped before auto-shifting to engage the forward gear. TESLA-1004, [0016]-[0018].

***Claim 7: The motor vehicle of claim 1 wherein the drive system is operable to offer a driver a change in the drive direction based at least in part on distance traveled.***

***Claim 17: The motor vehicle of claim 11 wherein the controller is operable to offer a driver a change in the drive direction based at least in part on distance traveled.***

141. From my analysis of the references, the Joos-Kischkat-Allexi combination renders obvious Claims 7 and 17.

142. To the extent Joos-Kischkat does not explicitly disclose the additional features recited in Claims 7 and 17, they still would have been rendered obvious by the Joos-Kischkat-Allexi combination based on the additional teachings from Allexi. For instance, in the combination, Allexi teaches that the vehicle can be determined to reach its endpoint during a parking/unparking process, and the vehicle can be caused to slow to a stop at the endpoint, based on the distance traveled by the vehicle. TESLA-1009, 3:9-17 ("Distance sensors ... can be used to determine the stopping point of the vehicle."), 6:33-53 ("the hold point of the vehicle is based on... distance-

to-travel calculated from planned trajectory and current vehicle position”), 2:14-18 (“rate/speed versus the distance or time results in a typical curve”), 2:31-42 (“parking trajectory required steering angle and distance may use existing signals generated by, for example, radar or ultrasound”), FIG. 5.

143. As another example, Alexi discloses use of a “distance-to-travel calculated from planned trajectory” to determine the “hold point of the vehicle” where the vehicle is stopped at the end of the unparking process, which a POSITA would have understood to be equivalent to a calculated distance traveled since the distance-to-travel is simply the distance of the planned trajectory minus the distance traveled. TESLA-1009, 6:33-44. The distance traveled would thus be obvious substitutes in Alexi’s calculations of distance-to-travel, either of which could be used for the same purpose. *Id.* Limiting the distance traveled so as not to overshoot the calculated end position was also a well-known safety precaution for autonomous or semi-autonomous parking/unparking procedures, which would have further motivated a POSITA to condition the auto-shift based on distance traveled. Matters corroborates this teaching that “the vehicle always only travels a maximum, specific distance, for example a maximum of 1.2 times the length of the vehicle. Then the gear position P is selected, the vehicle is no longer ready for movement, and the ignition is switched off.” TESLA-1010, [0002], [0041], [0069], [0054]-[0056], [0076]. Matters also teaches that “a check is made as to whether the vehicle 1 has

already exceeded a maximum allowing movement distance during the parking procedure” further explaining that measuring the distance a vehicle has travelled was well known. TESLA-1010, [0069]. The Joos-Kischkat-Allexi vehicle drive system/controller would thus limit the velocity of the vehicle to zero to cause the vehicle to stop at the end position E of the unparking procedure based on the distance traveled by the vehicle. And because the driver assistance system/controller does not change the drive direction to the forward gear until the vehicle reaches the end position E and all other conditions are satisfied (*e.g.*, setting the specified steering angle), the Joos-Kischkat-Allexi drive system/controller is *operable to offer a driver a change in the drive direction based at least in part on distance traveled*.

## **XII. ANALYSIS OF JOOS IN VIEW OF BETTGER**

### **A. A POSITA Would Have Combined Joos and Bettger**

144. It would have been obvious to modify Joos in view of Bettger’s teachings for the driver to confirm initiation of an assisted reverse-turning maneuver based on the driver’s steering input.

145. Based on Bettger’s teachings, the Joos-Bettger vehicle would initiate Joos’s autonomous or semi-autonomous unparking maneuver—*i.e.*, a type of reverse-turning maneuver like those taught in Bettger—only following confirmation by the driver. TESLA-1006, [0021], [0043]-[0047], FIGs. 1-2. The driver would provide confirmation by “carrying out a certain steering movement, for example, a

steering movement of an angle which lies above a certain threshold value and which corresponds to the steering movement that is necessary for carrying out the reverse-turning maneuver.” TESLA-1006, [0044]. For example, in the combination, while the vehicle is parked, or even after the driver begins reversing from the parking space, “[i]f it is determined that the maneuver is permitted, an audible, haptic or visible signal may be output to the driver of the vehicle.” TESLA-1006, [0043]. The driver would then signal confirmation to initiate the maneuver (or at least initiate the assisted maneuver) by “carrying out a certain steering angle movement” while parked or while beginning to reverse from the parking space that “corresponds to the steering movement” for carrying out the unparking maneuver (*e.g.*, steering angle movement for following Joos’s “predetermined” “unparking trajectory”). *Id.*, [0044]. In response to this initiating steering movement, the driver assistance system would intervene in one or more aspects of the vehicle’s operation (*e.g.*, steering, acceleration, braking) to carry out Joos’s autonomous or semi-autonomous unparking maneuver. TESLA-1004, [0008], [0017]; TESLA-1006, [0044]-[0047].

146. Once the vehicle arrives and stops at the end position of Joos’s unparking trajectory, and the pull-forward steering angle is set as taught in Joos, the controller of the driver assistance system in the Joos-Bettger vehicle changes from the reverse mode to drive mode by auto-shifting from a reverse gear to a drive gear as taught in each of Joos and Bettger. TESLA-1004, [0017], [0038]; TESLA-1006,

[0045], [0047]. Because the driver's steering input while reversing initiates the assisted unparking maneuver, the driver assistance system in the Joos-Bettger vehicle initiates the assisted unparking maneuver in response to the initiating steering input. Multiple reasons would have prompted a POSITA to implement Joos in accordance with Bettger's teachings in this manner.

147. First, Bettger's approach would promote safety and improve the user experience by allowing the driver to confirm that an assisted reverse-turning unparking maneuver should be initiated by adjusting the steering angle by at least a threshold value. As Bettger explains, by requiring driver confirmation, "unintentional performance of a reverse-turning maneuver can advantageously be prevented." TESLA-1006, [0021]. Thus, Bettger's driver confirmation allows the driver to retain control in accepting/rejecting a proposed reverse-turning unparking maneuver before the driver assistance system initiates operations for performing the maneuver, rather than leaving the determination entirely up to the vehicle. Indeed, a POSITA would have expected Bettger's solution to enhance drivers' overall satisfaction with the driver assistance system since the system would be restricted from initiating the assisted unparking maneuver without the driver's awareness and confirmation.

148. Second, a POSITA would have applied Bettger's suggestion for driver confirmation to initiate a reverse-turning unparking maneuver to ensure valets, new

drivers, or others who are unfamiliar with the driver assistance system are better capable of operating the vehicle and are not surprised by unexpected reverse-turning of the vehicle.

149. Third, a POSITA would have combined Joos and Bettger as described above because Bettger's suggestion for allowing the driver to confirm initiation of a reverse-turning maneuver via a steering input that "corresponds to the steering input that is necessary for carrying out the reverse-turning maneuver" provides a convenient and natural confirmation mechanism that avoids burdening the driver with offering confirmation via other controls that are not normally used when reversing the vehicle.

150. Fourth, a POSITA would have integrated Bettger's techniques in the combination because it merely involves the application of known techniques (*e.g.*, Bettger's confirmatory response to initiate a reverse-turning unparking maneuver) to improve a conventional system (*e.g.*, Joos's autonomous or semi-autonomous unparking assistant) to achieve predictable results. A POSITA would have reasonably expected success implementing the combination, because Joos and Bettger each describes driver assistance systems designed for use in similar contexts (*e.g.*, reverse-turning unparking maneuvers). Because Joos's motor vehicle already includes a driver assistance system and associated steering controls, it would be well suited to implement Bettger's techniques. The combination entails no more than

predictable electromechanical and software adaptations that were well within the skill of a POSITA by the Critical Date.

**B. Claims 1, 6, 11, and 16 are Rendered Obvious by Joos in view of Bettger (Ground 2A)**

151. Ground 2A incorporates the analysis of Ground 1A. Where Ground 1A relies on the teachings of Joos, Ground 2A relies on the combined teachings of Joos and Bettger. Integration of Bettger in Joos does not disturb the aspects of Joos mapped to each of the claim elements in claims 1, 6, 11, and 16 addressed in Ground 1A but not addressed below. To avoid repetition, and because the analysis of all other claim elements is substantively the same, only claim elements whose mappings are materially affected by the integration of Bettger in the combination are addressed below. Ground 2A relies on the mappings from Ground 1A for all other elements of claims 1, 6, 11, and 16 not addressed below.

*1[f]: the drive system operable to select a direction for driving the wheels in response to steering angle movements, without operator indication of a direction.*

*11[f]: the controller operable to select a direction for driving the wheels in response to steering angle movements, without operator indication of a direction.*

152. From my analysis of the references, the Joos-Bettger combination renders obvious 1[f] and 11[f].

153. As discussed above in §XII.A, the controller of the driver assistance system of the Joos-Bettger vehicle initiates Joos's assisted unparking maneuver—

*i.e.*, a type of reverse-turning maneuver like those taught in Bettger—only following confirmation by the driver. TESLA-1006, [0021], [0043]-[0047], FIGs. 1-2. More specifically, the driver would provide confirmation by “carrying out a certain steering movement, for example, a steering movement of an angle which lies above a certain threshold value and which corresponds to the steering movement that is necessary for carrying out the reverse-turning maneuver.” TESLA-1006, [0044]; *supra*, §VI.E. In the combination, the “the steering movement that is necessary for carrying out” Joos’s assisted unparking (reverse-turning) maneuver includes a steering movement that is necessary to reverse the vehicle to the target (end) position E of the unparking trajectory 9. TESLA-1004, [0008]-[0009], FIG. 2. As Joos shows in FIG. 2, this steering movement involves turning the wheels to the right while reversing. *Id.* Once the vehicle reaches and stops at the target (end) position E, a steering angle movement is made to turn the wheels in the opposite direction in anticipation that the driver will pull forward from the end position while maintaining this steering angle. TESLA-1004, [0010], [0015]-[0018], [0037]-[0038]. Because the steering movement in a first direction (*e.g.*, right) to confirm initiation of the unparking maneuver (as taught in Bettger) and then the steering movement in the opposite direction (*e.g.*, left) at the target (end) position E (as taught in Joos) must be carried out for the drive system/controller to select to engage the forward gear for a forward driving direction, Joos-Bettger’s drive system/controller is *operable to*

*select a direction for driving the wheels in response to steering angle movements.*

*Supra*, Ground 1A at 1[f], [4]. This is accomplished *without operator indication of a direction* for the reasons previously discussed. *Supra*, Ground 1A at 1[f].

***Claim 6: The motor vehicle of claim 1 wherein the drive system is operable to change the drive direction only in response to a steering input indicating steering in a first direction, then indicating steering in the opposite direction.***

***Claim 16: The motor vehicle of claim 11 wherein the controller is operable to change the drive direction only in response to a steering input indicating steering in a first direction, then indicating steering in the opposite direction.***

154. From my analysis of the references, the Joos-Bettger combination renders obvious Claims 6 and 16 for the reasons discussed above with respect to Ground 2A at Element 1[f].

### **XIII. ANALYSIS OF JOOS IN VIEW OF BETTGER AND KISCHKAT**

#### **A. A POSITA Would Have Combined Joos, Bettger, and Kischkat**

155. It would have been obvious to combine Joos (as modified by Bettger (*supra*, §XII.A)) with Kischkat for the reasons described above in Ground 1B. *Supra*, §IX.A. The resulting Joos-Bettger-Kischkat combination maintains the functionality of the Joos-Bettger combination from Ground 2A but further adds Kischkat's techniques as described above in Ground 1B. The Joos-Bettger-Kischkat combination would have rendered obvious the additional features recited in claims 2, 4-5, 7-10, 12, 14-15, and 17-20 for each of the reasons described above for the same claims in Ground 1B. *Supra*, §IX.B (Claims 2, 4-5, 7-10, 12, 14-15, 17-20).

The Joos-Bettger-Kischkat combination also provides claims 4 ad 14 for the reasons discussed below.

**B. Claims 2, 4-5, 7-10, 12, 14-15, and 17-20 are Rendered Obvious by Joos in view of Bettger and Kischkat (Ground 2B)**

*Claim 4: The motor vehicle of claim 1 wherein the drive system is operable to offer a driver a change in the drive direction only in response to detecting a steering input greater than a selected steering angle threshold.*

*Claim 14: The motor vehicle of claim 11 wherein the controller is operable to offer a driver a change in the drive direction only in response to detecting a steering input greater than a selected steering angle threshold.*

156. From my analysis of the references, the Joos-Bettger-Kischkat combination renders obvious Claims 4 and 14.

157. The driver of the Joos-Bettger-Kischkat vehicle provides confirmation to initiate Joos's assisted reverse-turning unparking maneuver by "carrying out a certain steering movement, for example, **a steering movement of an angle which lies above a certain threshold value** and which corresponds to the steering movement that is necessary for carrying out the reverse-turning maneuver" as taught in Bettger. TESLA-1006, [0043]-[0044]. Because this steering movement must be made in the Joos-Bettger-Kischkat combination for the assisted unparking procedure to be initiated and because the offer to auto-shift from reverse to drive as taught in Kischkat is made only at the end of (but always as part of) the assisted reverse-turning unparking maneuver that is initiated via Bettger's confirmatory steering input which lies above a selected threshold value, *the drive system is operable to*

*offer a driver a change in the drive direction only in response to detecting the steering input greater than a selected steering angle threshold. Supra, §§VI.E, XIII.A, IX.A.* Joos also teaches that the steering angle set at the end position E is a “maximum” angle that is greater than a selected threshold below the maximum. TESLA-1004, [0015], [0037]-[0039].

**XIV. ANALYSIS OF JOOS IN VIEW OF BETTGER, KISCHKAT, AND HOOP**

**A. Claims 3 and 13 are Rendered Obvious by Joos in view of Bettger, Kischkat, and Hoop (Ground 2C)**

158. It would have been obvious to combine Joos (as modified by Bettger and Kischkat (*supra*, §§XII.A, IX.A)) with Hoop for the reasons described above in Ground 1C. *Supra*, §X.A. The resulting Joos-Bettger-Kischkat-Hoop combination would have rendered obvious the additional features recited in claims 3 and 13 for each of the reasons described above for the same claims in Ground 1C. *Supra*, §X.B (Claims 3 and 13).

**XV. ANALYSIS OF JOOS IN VIEW OF BETTGER, KISCHKAT, AND ALEXI**

**A. Claims 5, 7, 15, and 17 are Rendered Obvious by Joos in view Bettger, Kischkat, and Alexi (Ground 2D)**

159. It would have been obvious to combine Joos (as modified by Bettger and Kischkat (*supra*, §§XII.A, IX.A)) with Alexi for the reasons described above in Ground 1C. *Supra*, §X.A. The resulting Joos-Bettger-Kischkat-Alexi combination would have rendered obvious the additional features recited in claims

5, 7, 15, and 17 for each of the reasons described above for the same claims in Ground 1C. *Supra*, §X.B (Claims 5, 7, 15, 17).

## **XVI. ANALYSIS OF JOOS IN VIEW OF BAYER**

### **A. A POSITA Would Have Combined Joos and Bayer**

160. A POSITA would have found it obvious to integrate Bayer’s “driving steering assistance” techniques in Joos’s semi-autonomous vehicle and unparking system. *supra*, §VI.A, §VI.F. In the resulting combination, Joos’s “driver assistance system” would implement Bayer’s “driving steering assistance” techniques such that the driver would be guided in steering the vehicle along a prescribed unparking trajectory as taught in Joos to the targeted “end position E” of the unparking trajectory. TESLA-1004, [0008], [0010], [0016]-[0018], FIG. 2. Based on Bayer’s teachings, the steering assistance would be indicated at least in part by “a steering torque applied to the steering wheel” and/or “steering stops” that would aid the driver in maintaining or adjusting the angle of the steering wheel while reversing to the angle(s) needed for the vehicle to be correctly steered along the unparking trajectory to the end position E. TESLA-1007, [0028]; *see also id.*, [0001]-[0006], [0049], [0054], [0064]-[0065], Abstract. The vehicle in the proposed combination would further include a “driver recognition module” and related capabilities as taught in Bayer “to determine whether the driver is properly monitoring” the unparking procedure and to check whether the driver is providing either not enough or too much

force to the steering wheel. TESLA-1005, [0045]; *see also id.*, [0046], [0057]-[0058], [0065]. Bayer's techniques would thus allow Joos's vehicle to attain the benefit of semi-autonomous steering interventions—*i.e.*, a type of intervention that Joos explicitly acknowledged was a suitable solution. TESLA-1004, [0008] (“the driver assistance system interven[ing] in the steering”).

161. Multiple reasons would have motivated a POSITA to pursue the combination before the earliest priority date of the '458 patent.

162. First, a POSITA would have applied Bayer's steering assistance techniques in Joos to assist drivers in properly following Joos's unparking trajectory, thereby improving the driver's ability to consistently, reliably, and efficiently reach the target end position of the trajectory. Joos explains that “[d]uring the unparking, the motor vehicle is manoeuvred from a parked position in the cross-parking space onto the road bounding on the cross-parking space” by following a “predetermined” unparking trajectory. TESLA-1004, [0008]. “The motor vehicle is moved along the unparking trajectory until it has reached an end position,” which is “defined at least as a position such that in the event of further movement from the end position . . . , manual driving of the motor vehicle can be carried out by a vehicle driver in a driving direction determined by the road without manoeuvring the motor vehicle in a forward movement.” *Id.*, [0006], [0008]-[0009]. Joos requires the motor vehicle to reach the targeted end position for the unparking maneuver to be completed,

meaning that it is important for the vehicle to reliably reach the end position if Joos's unparking procedure is to be successfully completed. Bayer's steering assistance techniques would have been well-suited to aid the driver in operating the vehicle to follow a trajectory to the end position, especially since Bayer's techniques are specifically designed for this purpose. TESLA-1007, [0065] ("prevents the driver from unintentionally departing from the preselected trajectory"), [0049], [0054], [0064], [0075].

163. Second, a POSITA would have applied Bayer's steering assistance techniques in Joos to increase safety by ensuring the driver remains engaged during the unparking maneuver and ready to assume control of the vehicle at a moment's notice. Bayer explains that "[f]ully automatic" steering assist systems (which could be employed even in a semi-autonomous vehicle where the driver is responsible for acceleration and/or braking) "entail the risk that the driver feels relieved of responsibility," which "could lead to an accident in the event of a system failure." TESLA-1007, [0008]. Bayer's steering assistance techniques, by contrast, "supports the driver and at the same time ensures that the driver can control the vehicle and thus retains responsibility" for the unparking procedure. *Id.*, [0009].

164. Third, a POSITA would have applied Bayer's steering assistance techniques in Joos to increase safety by monitoring the driver's compliance with the steering instructions and allow the driver to quickly abort a trajectory (*e.g.*, to avoid

collisions or for any other reason). For example, Bayer explains that “[t]he vehicle may ... be braked as a function of the driver recognition ... as soon as the driver’s torque has exceeded a threshold value.” TESLA-1007, [0065]. “The ... procedure is also terminated if the maximum torque of the artificial steering stop has been exceeded and the vehicle has come to a stop.” *Id.*, [0068], [0064]-[0070].

165. Fourth, a POSITA would have applied Bayer’s steering assistance techniques in Joos because Bayer’s techniques beneficially provide “haptic feedback [that] supports the driver in parking in a manner that is convenient for him.” TESLA-1007, [0013]

166. A POSITA would have pursued the Joos-Bayer combination because there were known problems associated with driver assistance systems available as of the Critical Date that fully relieved the driver of responsibility for steering during an autonomous or semi-autonomous parking/unparking maneuver like that described in Joos. TESLA-1007, [0008]-[0009]; TESLA-1004, [0008]. Bayer’s techniques helped address those problems and provided the other benefits discussed above.

167. A POSITA would have reasonably expected success implementing the Joos-Bayer combination, because it merely involves the application of known techniques (*e.g.*, Bayer’s steering assistance techniques) to improve a known system (*e.g.*, Joos’s semi-autonomous parking system) to achieve predictable results. Here,

there were known problems associated with driver assistance systems available as of the Critical Date that fully relieved the driver of responsibility for steering during an autonomous or semi-autonomous parking/unparking maneuver like that described in Joos. TESLA-1007, [0008]-[0009]; TESLA-1004, [0008]. Bayer's techniques helped address that problem (and provided the other benefits discussed above).

168. Furthermore, Joos and Bayer both describe driver steering assistance systems designed for use in similar contexts (*e.g.*, parking/unparking maneuvers). Bayer also confirms that its techniques can be applied broadly to a range of different motor vehicles including “compact vehicles having electric servo steering with an electronic brake system” and in “vehicles having hydraulic servo steering.” TESLA-1007, [0071]-[0072]. Because Joos's motor vehicle already includes a driver assistance system and associated steering and braking controls, it would be well suited to implement Bayer's techniques. The combination entails no more than predictable electromechanical and software adaptations that were well within the skill of a POSITA by the Critical Date.

**B. Claims 1, 6, 11, and 16 are Rendered Obvious by Joos in view of Bayer (Ground 3A)**

169. Ground 3A incorporates the analysis of Ground 1A. Where Ground 1A relies on the teachings of Joos, Ground 3A relies on the combined teachings of Joos and Bayer. Integration of Bayer in Joos does not disturb the aspects of Joos mapped

to each of the claim elements in claims 1, 6, 11, and 16 addressed in Ground 1A but not addressed below. To avoid repetition, and because the analysis of all other claim elements is substantively the same, only claim elements whose mappings are materially affected by the integration of Bayer in the combination are addressed below. Ground 2A relies on the mappings from Ground 1A for all other elements of claims 1, 6, 11, and 16 not addressed below.

***1[f]: the drive system operable to select a direction for driving the wheels in response to steering angle movements, without operator indication of a direction.***

***11[f]: the controller operable to select a direction for driving the wheels in response to steering angle movements, without operator indication of a direction.***

170. From my analysis of the references, the Joos-Bayer combination renders obvious 1[f] and 11[f].

171. As described above (*supra*, §VIII.A (Ground 1A at 1[f])), Joos’s drive system/controller ***selects a direction for driving the wheels in response to a pattern of steering angle movements, without operator indication of a direction***, where the pattern includes includes (1) steering in a first direction (*e.g.*, right) while reversing to reach the end position E of the unparking maneuver and (2) steering in the opposite direction (*e.g.*, left) at the end position E to set “a predetermined or adjusted steering angle,” *e.g.*, “a maximum steering angle,” for the anticipated forward movement of the vehicle when manual control of the vehicle is returned to the driver at the end of the unparking maneuver. TESLA-1004, [0010], [0014]-[0015], [0037]-

[0038], FIG. 2; *supra*, §VIII.A (Ground 1A at 1[f]). In the combination, Bayer further teaches a parking/unparking procedure in which a steering assistance system guides the driver in steering the vehicle to follow a prescribed trajectory like Joos's unparking trajectory 9. TESLA-1007, [0001]-[0003], [0006], [0012], [0016]-[0018], [0020]-[0021], [0024], [0065]; *supra*, §VI.F.

172. The Joos-Bayer vehicle provides these same steering angle movements as Joos, except that the driver steers the vehicle during the unparking maneuver guided by Bayer's steering assistance. *Supra*, §XVI.A. The ***steering angle movements*** in the Joos-Bayer combination corresponds to the sequence of steering angle movements provided by the driver in compliance with the prescribed steering torque adjustments and steering stops indicated by Bayer's steering assistance necessary to follow Joos's unparking trajectory and set the pull-forward steering angle at the end position E. *Id.* The Joos-Bayer drive system/controller is operable to select a drive direction by auto-shifting to drive at the end position E in response to the steering angle movements for each of the reasons discussed above (*supra*, §VIII.A (Ground 1A at 1[f])), and further because Bayer's technique enforces compliance with the steering assistance; otherwise, the maneuver is aborted or the vehicle is stopped such that the vehicle would not successfully reach the end position E where the auto-shift would occur if the driver did not comply with the prescribed steering angle movements. TESLA-1007, [0020]-[0021], [0043], [0056]-[0057],

[0065].

***Claim 6: The motor vehicle of claim 1 wherein the drive system is operable to change the drive direction only in response to a steering input indicating steering in a first direction, then indicating steering in the opposite direction.***

***Claim 16: The motor vehicle of claim 11 wherein the controller is operable to change the drive direction only in response to a steering input indicating steering in a first direction, then indicating steering in the opposite direction.***

173. From my analysis of the references, the Joos-Bayer combination renders obvious Claims 6 and 16 for the reasons discussed above with respect to Ground 3A at Element 1[f].

## **XVII. ANALYSIS OF JOOS IN VIEW OF BAYER AND KISCHKAT**

### **A. A POSITA Would Have Combined Joos, Bayer, and Kischkat**

174. It would have been obvious to combine Joos (as modified by Bayer (*supra*, §XVI.A)) with Kischkat for the reasons described above in Ground 1B. *Supra*, §IX.A. The resulting Joos-Bayer-Kischkat combination maintains the functionality of the Joos-Bayer combination from Ground 2A but further adds Kischkat's techniques as described above in Ground 1B. The Joos-Bayer-Kischkat combination would have rendered obvious the additional features recited in claims 2, 4-5, 7-10, 12, 14-15, and 17-20 for each of the reasons described above for the same claims in Ground 1B. *Supra*, §IX.B (Claims 2, 4-5, 7-10, 12, 14-15, 17-20). The Joos-Bayer-Kischkat combination also provides claims 4 and 14 for the reasons discussed below.

**B. Claims 2, 4-5, 7-10, 12, 14-15, and 17-20 are Rendered Obvious by Joos in view of Bayer and Kischkat (Ground 3B)**

*Claim 4: The motor vehicle of claim 1 wherein the drive system is operable to offer a driver a change in the drive direction only in response to detecting a steering input greater than a selected steering angle threshold.*

*Claim 14: The motor vehicle of claim 11 wherein the controller is operable to offer a driver a change in the drive direction only in response to detecting a steering input greater than a selected steering angle threshold.*

175. From my analysis of the references, the Joos-Bayer-Kischkat combination renders obvious Claims 4 and 14.

176. The steering angle in the combination may also be set by the driver as a *steering input* guided by steering torque indicators provided in accordance with Bayer's steering assistance techniques. *Supra*, §§VI.F, XVI.A.

**XVIII. ANALYSIS OF JOOS IN VIEW OF BAYER, KISCHKAT, AND HOOP**

**A. Claims 3 and 13 are Rendered Obvious by Joos in view of Bayer, Kischkat, and Hoop (Ground 3C)**

177. It would have been obvious to combine Joos (as modified by Bayer and Kischkat (*supra*, §XVI.A, IX.A)) with Hoop for the reasons described above in Ground 1C. *Supra*, §X.A. The resulting Joos-Bayer-Kischkat-Hoop combination would have rendered obvious the additional features recited in claims 3 and 13 for each of the reasons described above for the same claims in Ground 1C. *Supra*, §X.B (Claims 3 and 13).

**XIX. ANALYSIS OF JOOS IN VIEW OF BAYER, KISCHKAT, AND BETTGER**

**A. Claims 4 and 14 are Rendered Obvious by Joos in view of Bayer, Kischkat, and Bettger (Ground 3D)**

178. It would have been obvious to combine Joos (as modified by Bayer and Kischkat (*supra*, §§XVI.A, IX.A)) with Bettger for the reasons described above in Ground 2A. *Supra*, §XII.A. The resulting Joos-Bayer-Kischkat-Bettger combination would have rendered obvious the additional features recited in claims 4 and 14 for each of the reasons described above for the same claims in Ground 2A. *Supra*, §XII.B (Claims 4, 14).

**XX. ANALYSIS OF JOOS IN VIEW OF BAYER, KISCHKAT, AND ALLEXI**

**A. Claims 5, 7, 15, and 17 are Rendered Obvious by Joos in view Bayer, Kischkat, and Alexi (Ground 3E)**

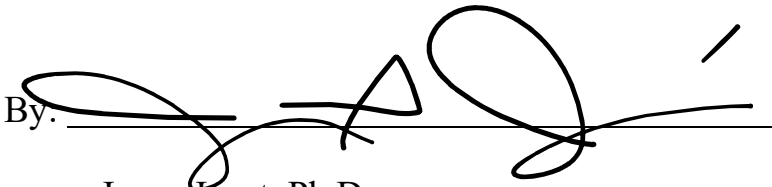
179. It would have been obvious to combine Joos (as modified by Bayer and Kischkat (*supra*, §§XVI.A, IX.A)) with Alexi for the reasons described above in Ground 1C. *Supra*, §XI.A. The resulting Joos-Bayer-Kischkat-Alexi combination would have rendered obvious the additional features recited in claims 5, 7, 15, and 17 for each of the reasons described above for the same claims in Ground 1C. *Supra*, §XI.B (Claims 5, 7, 15, 17).

**XXI. ADDITIONAL REMARKS**

180. I currently hold the opinions expressed in this declaration. But my analysis may continue, and I may acquire additional information and/or attain supplemental insights that may result in added observations.

181. I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare 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 the Title 18 of the United States Code.

Dated: 01/20/2026

By:   
Jason Janet, Ph.D.

# **APPENDIX A**

# Jason A. Janét, Ph.D.

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## Education

- Ph.D. Electrical & Computer Engineering, North Carolina State University, 1998
- M.S. Integrated Manufacturing Systems Engineering, North Carolina State University, 1994
- B.S. Mechanical Engineering, University of Virginia, 1990

## Employment History

### Applied Research Associates (ARA): 2018 - present

- **Corporate Director of IP and Product Commercialization (IP to Product—IP2P) | CTO-SSM:** Corporate/Business development, Intellectual Property Portfolio Build-out/Protection, and IP Transition to Product. Evaluate, quantify, present and recommend portfolios of IP, product lines and ventures on the basis of competitive landscapes, addressable markets, sales strategy, resource availability and technology readiness. Design, propose and mentor organizational structure(s), including cross-department and cross-sector relationships. Relevant technologies include medical technologies, augmented reality, non-GPS, synthetic environments, computer vision, machine intelligence, IoT sensors, robotics, automation, security, photogrammetry, weapons systems, unmanned systems, SaaS, BioTech, and precision agriculture for multiple market domains. Clearance Level: TOP SECRET & SCI.

### DeltaFive: 2014 - 2018

- **CEO & Co-Founder:** Lead corporate, business, IP and technical development for spinout focused on IoT sensors, computer vision, machine intelligence, mobile robots, SaaS, and Lure Formulation for hospitality, pest, IT, and security markets. Strategic and tactical direction for sales, marketing and client services teams.
- **Inventor:** Three awarded patents (USPTO) and patents pending.
- **Board of Directors:** Serve on and report to Board of Directors, and chair the Technical Advisory Board.
- See [www.deltafive.com](http://www.deltafive.com), <https://jgc.outgrow.us/deltafive> or [www.youtube.com/watch?v=LoQe6\\_Lxprs](http://www.youtube.com/watch?v=LoQe6_Lxprs).

### Transdigm [TDG] (Avionic Instruments | Acme Aerospace | Aerospace Cooling Solutions): 2002 – 2004, 2013 - 2014

- **VP/Director of Development (2002-2004), VP/Director of Sales, Program Management (2013-2014).** See [www.transdigm.com](http://www.transdigm.com), [www.avionicinstruments.com](http://www.avionicinstruments.com), [www.acme-aero.com](http://www.acme-aero.com), or [www.aerospacecoolingsolutions.com](http://www.aerospacecoolingsolutions.com).
  - Manage multiple product lines and cross-functional teams including product line managers (PLMs), account managers, inside sales, international sales, marketing, repair, engineers, technicians, distributors, legal, IP and rep organizations. (270 employees)
  - P&L, strategy, reporting, and forecasting for ~\$105M/yr, 50% EBITDA, and 10% YOY growth.
  - Product lines comprised ~600 SKUs for advanced aerospace systems.
  - Epicor ERP for standard resource planning, including inventory optimization and workflow.
  - Change-Agent: Sikorsky S97/JMR programs and supply chain for Aerospace Cooling Solutions.
  - Incubation, launch, growth and exits for **ShelfWorks**, **VortexHC** and **RxMedic** (below).
- **Programs:**
  - **S97 Raider Light Tactical Helicopter** – Autonomy, power distribution and electrical system (PDES) for the Sikorsky S97 LTH, including FAA-compliant software development per DO-178B. (2013 – 2014) See <http://www.youtube.com/watch?v=qy-Xb3X-bC0>.
  - **Joint Multi-Role (JMR) Helicopter** – Leveraging S97, JMR employs a scaled-up level of autonomy/PDES for Sikorsky-Boeing team, under U.S. Army funding. (2014)
  - **Blue Fans** – Aerospace Cooling Solutions supply chain optimization. (2013 – 2014)
  - **DARPA Distributed Micro-Robotics** – PI/PM for “Mobile Robots that Climb Vertical and Inverted Surfaces.” sponsored by DARPA – MTO. Develop mobile robots that climb walls and ceilings for surveillance, reconnaissance and breaching. Collaborated with Lockheed-Martin for automatic target recognition and Picatinny Arsenal for *Lamprey* SLAM holder. (2002 – 2004)

### Teledyne Technologies [TDY]: 2011 - 2013

- Senior Manager

- Lead cross-functional teams of scientists and engineers in CONUS
- M&A due-diligence, identification and recommendation (SeaBotix & BlueView)
- Lead contingents of cross-division teams to secure ~\$352M in funding over 24 months.
- Plan and execute CRAD, business development and coordinate with strategic business units
- **ONR/USMC Cargo UGV** – PM for ONR/USMC-sponsored Cargo Unmanned Ground Vehicle (CUGV) Program subcontract (2011-2012). Manage team of engineers and scientists, in coordination with contract prime (Oshkosh) for unmanned combat vehicle control, perception and navigation. Multi-sensor suite included EO/IR Vision, LIDAR, IMU, and GPS.
- **Army LTL** – PM for Army-sponsored Lighten-the-Load (LTL) Program subcontract (2012-2013). Manage team to develop perception system comprised of stereo EO and stereo LWIR cameras to find and track leader(s), perform optical odometry, detect and map obstacles, and enhance SIGINT. Interface with sensors (LIDAR, IMU, GPS), autonomy for ATV-sized unmanned ground vehicles.
- **NASA ESP** – PM for RTP-based tasks for NASA Engineering Services and Prototyping demonstration (2012-2013). Provide Teledyne Engineering Services (lead), SAIC, Oceanering, and Schafer with robot prototype and vision-based perception to detect, classify and track targets.
- **DARPA EXACTO** – PM for NC-based tasks for DARPA TTO Extreme Accuracy Tasked Ordnance (EXACTO) Program (2012-2013). Program developed first ever guided, small-caliber bullet with MEMS-based actuation, optical bullet tracking, optical target tracking, and bullet guidance to greatly improve accuracy and extend the day and nighttime range over current state-of-the-art sniper systems.
- **DARPA AngelFish/EagleRay** – PI/PM and inventor of the AngelFish Cross-Domain Submersible UAV, a man-portable, floodable airframe with tilt-thrusters capable of operating in and deliberately transitioning between the air, surface and underwater. Designed for optimal balance between hydro-/fluid-dynamics, materials, guidance/navigation/control, power conversion/storage, and perception for wing-in-ground flight.
- **Army PIRST** – Propose and capture the Pursuant In-stride Reconnaissance, Surveillance & Targeting (PIRST) program. By Army Night Vision & Electronics Sensors Directorate (NVESD) in 2013.

#### **RxMedic Systems:** 2003 – 2011 (*spinout from Avionic Instruments*)

- **Co-Founder/General Manager/Board Member** (2004-2007), **CTO** (2007-2010), and **Director of Robotic/Automated Systems** post-acquisition by JM Smith (2010-2011).
  - Manage launch from **Avionic Instruments** (2004)
  - Build and lead nationwide growth of cross-functional teams to 75+ employees
  - Direct product development, manufacturing, field support, sales and marketing
  - Manage IP Portfolio & Legal: Patents include USPTO# 7,726,514 and 8,091,733
  - Oversee P&L, accounting, raising of capital, and accounts receivable
- **RxMedic ADS:** Invent, develop, market and support automated pharmacy dispensation and packaging systems for retail, hospital, mail order and industrial fulfillment organizations.
- **RxMedic ACS:** Integrate, refine, market and support automated pharmacy-counting systems for retail and hospital fulfillment organizations.
- Co-negotiated the acquisition of RxMedic Systems by JM Smith, Inc. in May of 2010, established RxMedic as a division, and coordinated 12-month transition. Supported evaluation and integration of automated systems for JM Smith business units including Smith Drug.

#### **Vortex HC:** 2002 - 2009 (*spinout from Avionic Instruments*)

- **Vice President** (2004-2006), and **Facilities Security Officer (FSO)** (2005-2006)
  - Manage spin-out from **Avionic Instruments** (2004)
  - Lead cross-functional teams for product development, manufacturing, support, sales and marketing
  - Manage business and corporate strategy, execution, licensing, and ITAR/EAR-compliance
  - Support domestic and international legal and IP portfolio management, P&L, AP/AR
- **DARPA ARTEMIS** – PI and PM for “Vortex-Based AUVs for Counter-Mine and Counter-Obstacle Operations” sponsored by DARPA – ATO. Managed development of holonomic AUVs for landing on mines and performing soft-kill neutralization. Integrated CFD, rugged materials, MEMS-sensors for guidance, navigation and control. Collaborated with UT-ARL for development of circular synthetic aperture sonar and Teledyne RD Instruments for DVL. Developed high-precision acoustic underwater tracking system.
- **Products:** Managed development, manufacturing, world-wide marketing, and support of the following to military, law-enforcement, security, rescue, nuclear and entertainment customers:
  - VMRP Wall-Climbing Robot – Man-portable mobile robots that climb walls and ceilings.
  - Submersible Attractor – Rad-hardened attractor for nuclear energy market, BWR inspection
  - Submersible VMRP Robot – Man-portable underwater robots for bulkheads and tank interiors.

- Lamprey SLAM Holder – Surface-agnostic instant placement mechanism for Picatinny Arsenal’s Selectable Land- and Anti-personnel Mine (SLAM) breaching charge.
- **Licensing:** As part of exit strategy, instituted licensing and transition of VRAM technologies:
  - SeaBotix LBC – Little Benthic Crawler Remotely Operated Vehicle (ROV).
  - SeaRobotics HullBUG – Autonomous hull-grooming robot.
  - BDT – Attractors for high-speed, high-efficiency, low-overhead paper & fabric handling.
  - TMI – Attractors for inspection of nuclear boiler water reactor (BWR) facilities
- **ONR & NAVSEA HullBUG VRAM** – PI/Consultant for “Attractor Design for the Hull Biomimetic Underwater Grooming (HullBUG) Technology” and “HullBUG VRAM Design Optimization”. (2006–2009).

**ShelfWorks Technologies:** 2002 – 2006 (*spinout from Avionic Instruments*)

- **Charter Officer** (2004-2006).
  - Supported launch from **Avionic Instruments** (2002-2004)
  - Direct military product development, support commercial product development, sales & marketing
    - Bed, Bath & Beyond
    - Home Depot
  - Support IP Portfolio & Legal

**Nekton Research (iRobot [IRBT]):** 1998 - 2002

- **Vice President of R&D** (1998-2000) and **Director of Business Development** (2000-2002).
  - **Lead:** Cross-functional teams in marine-focused product/business development, production, deployment.
  - **IP Portfolio:** Co-inventor on USPTO# 6,378,801 (2002)
  - **Spinout:** Support incubation/launch of Parata Systems, a pharmacy automation company (1999-2002)
  - **M&A:** Provided early-stage due-diligence and introductions for acquisition by iRobot (2006)
- **Principal Investigator and Program Manager:**
  - **DARPA LSALS-SP3** – PI/PM for “3D Plume Tracing using Ranger™ MicroAUVs,” sponsored by DARPA – MTO. Joint effort with Sandia National Labs, and Woods Hole Oceanographic Institute. Developed multiple collaborative MicroAUVs that search for and localize plume sources and aircraft blackbox, to rescue and/or recover humans and assets.
  - **DARPA Distributed Micro-Robotics** – PI/PM for “Swimming Arrays for Anti-Submarine Warfare”, sponsored by DARPA – ATO. Joint effort with Draper Labs, Johns Hopkins University Applied Physics Lab, and Solers. Mobile acoustic array formations of multiple MicroAUVs. In contrast to towed arrays (e.g., TB-29), *Swimming Arrays* decouple tactical maneuvers from sensing maneuvers; enable protracted sensing, strong source direction discrimination, forward end-fire view, and dynamic array beamforming.
  - **DARPA Distributed Micro-AUVs** – PI/PM for “Aquatic Microbots”, sponsored by DARPA – MTO. Under *Distributed Robotics* program, design, build and demonstrate ultra-small AUVs, called “MicroHunters™”, which maneuver in 3D using only one moving part. Resulting navigation, called “Helical Klinotaxis” was validated on three different platforms and demonstrated to DARPA. Co-inventor on patent “3D Orientation for Aquatic Robots Using Helical Klinotaxis”, USPTO in April 2002.
  - **Forensics ROV** – PM and inventor of porthole-size ROV to perform forensic analyses of sunken assets. Based on a diametrically-opposed, large-diameter, low-velocity, vector thrusters, provide underwater telepresence to search for remains, assets and root-cause indicators. Unique design minimized silt disturbance, and maximized options for ingress and egress. (Private customer)
  - **Deepwater Towfish** – 6500m depth-rated towfish to carry sensor suite for applications in energy sector, telecommunications sector, sub-bottom profiling, and terrain mapping. (Private customer – EdgeTech)
  - **DARPA APLA/MGM** – PI/PM for “MicroHunter Guidance and Control of 60mm Mortars”, sponsored by DARPA – ATO. Under *Anti-Personnel Landmine Alternative/Minimally Guided Munitions* (APLA/MGM) program, collaborate with Battelle Memorial Institute to demonstrate feasibility, integrate microelectronic GNC sensors and actuators, and validate performance of single-actuator control force producer and guidance algorithm for indirect-fire munitions. Performance exceeded specifications.

**Parata Systems:** 1999 – 2002 (*spinout from Nekton Research serving as VP of Eng and Dir of BD*)

- Supported incubation and launch from **Nekton Research** (1999-2002)
- Robotic System for Retail & Mass-Fulfillment Pharmacy
- Technical & Business Development of Alpha- and Beta-level Products
- Supported initial IP Portfolio

### **Duke University, Pratt School of Engineering: 1999 - 2021**

- **Adjunct Associate Professor** (2005-2021) and **Adjunct Assistant Professor** (1999-2005).
  - Courses Taught Include:
    - Entrepreneurship & Tech Transition (Special Topics)
    - Robotics & Automation (MAE 442, ECE 383, ECE 142/442)
    - Control Theory (ECE 141/441)
- **MS Committee Member:** Serve on graduate student committees and advise research.
- **Advisor** and sponsor for Duke's Wall-Climbing Robot Team, which earned 1<sup>st</sup> place in the 2004 and 2005 International Climbing and Walking Robot (CLAWAR) Competitions in Madrid, Spain and London, England. Sponsored by the LORD Corporation and VortexHC.
- **Advisor** for Duke's DARPA Grand Challenge Team, in support of the Carnegie Mellon Red Team(s), which earned 2<sup>nd</sup> and 3<sup>rd</sup> places. Perception included RADAR, LIDAR, IMUs and GPS.
- **Advisor** and sponsor for Duke's Autonomous Underwater Vehicle (AUV) team, which earned finalist standings five times in the AUVSI/ONR International Autonomous Underwater Vehicle Competition. Participated in multiple annual competitions since 2001, with the following rankings: 2<sup>nd</sup> in 2006, 4<sup>th</sup> in 2005, 5<sup>th</sup> in 2004, 3<sup>rd</sup> in 2003, 4<sup>th</sup> in 2002, and 7<sup>th</sup> in 2001. Sponsored by LORD, VortexHC, and SeaBotix.

### **North Carolina State University, School of Engineering: 1992 - 2021**

- **Adjunct Assoc Professor** (2009-2020), **Board Integrated Manufacturing Systems Engineering Institute** (1998 – 2020), **Adjunct Asst Professor** (2000-2009), **Instructor** (1996-1999), **Researcher** (1992-1996).
  - Teaching Experience:
    - Robotics & Automation (ECE 444, ECE 591)
    - Control Theory (ECE 435)
    - Distributed (Non-Deterministic, Network- & Statistics-based) Controls (ECE 492Z)
  - **MS Committee Member:** Serve on graduate student committees, sponsor, and advise research.
  - **Advisor & Corporate Sponsor** for NCSU's Autonomous Underwater Vehicle (AUV) team, which began participating in the AUVSI/ONR International AUV Competition. Participated in 2005 and 2006.
- **NASA-HELIOS** – PM for development and demonstration of semi-autonomous robotic system for lunar habitation and transport. Under NASA's Exploration Office, and funding from United Technologies, Caterpillar, and North Carolina Space Grant Consortium. Managed team of 40+ people to build and competitively demonstrate lunar exploration and habitation mission including deployment of lunar lander, UGV, and personnel habitat modules. Mission was demonstrated in full and earned first place and NASA's *1998 Extra Terrestrial Award*. January 1996 to April 1998.
- **DARPA/ONR Outdoor Landmark Recognition** – Researcher for “Outdoor Landmark Recognition Using Hybrid Fractal Vision System and Neural Networks”, by DARPA and ONR. Validate new approach to detecting and recognizing outdoor landmarks using the Region-Feature Neural Network. (1993–1996)
- **Other Systems:** Bipedal robot (*Jenner*), a hexapod colony, an autonomous mobile robot (*Lazarus*), home automation & security based on decentralized control networks.

### **TMI Robotics: 1998 - 2013**

- **President**
  - **Robotic & Automation Systems:** Submersible Robotic Hull Crawlers & Attractors for *General Electric*, *Hitachi*, *Framatome/Areva*, *SeaRobotics*, *SeaBotix*, etc. (2009-2018); wall-climbing robots for *SignalScape* (2009-2013); Pioneer mobile robot end-effector and bipedal robot for *Adept MobileRobots* (1998-2004); decentralized fuel pump control systems for *Gilbarco* (1998); Autonomous Following Golf Caddy for *Caddy Master* (1998-1999); Universal rotary actuator system for *Real World Interface (RWI)* and *iRobot (IS Robotics)* (1998-2000), etc.
  - **Artificial Intelligence Software and Textbook:** “Computational Intelligence: Supervised and Unsupervised Learning with Neural Networks”, J.A. Janét and J.C. Sutton III. Copyright © 1998-2013. ISBN #0-9678493-0-6. Textbook included a time-limited single-user license for neural network software by TMI Robotics, Inc. Software included data, the Region-Feature Neural Network and the Hyper-Ellipsoid Clustering Neural Network for pattern analysis and machine intelligence. End-users/clients include *NCSU*, *National Technological University (NTU)* and *Video Based Engineering Education (VBEE)*, IBM, etc.

## Other Professional Highlights:

- **Intellectual Property Litigation Expert Witness:** Provided reports, descriptive imagery and testimony for litigation regarding intellectual property, contracts and trade secrets. Cases are listed below, clients in **bold**:
  - **AIIA** v Plus One Robotics (2025-pres) [CIVIL ACTION NO. 5:25-CV-01197-OLG, W. Dist of TX]
  - **Beatbot** v Zodiac (2025-pres) [USPTO PTAB IPR US Patent 11,003,191, 11,262,766, and 11,880,207]
  - **Tesla** v Bulletproof (2025-pres) [USPTO PTAB IPR US Patents 11,932,230; 12,221,104; 12,227,184; 12,233,871; 12,240,456; 12,240,457; and 12,240,458]
  - Perceptive Automata v. **Tesla** (2025-pres) [NO. 2:25-cv-00742, Eastern District of TX]
  - **Tesla** v Perceptive Automata (2025-pres) [USPTO PTAB IPR US Patents 10,614,344; 11,126,889; 11,467,579; 11,520,346; and 11,753,046]
  - **Hargrave** v. Locus Robotics (2025-pres) [NO. 3:23:CV-01521, Middle District of PA]
  - Spacemaker v. **Frazier** (2025-pres) [Civ. Action No. 3:24-CV-9279, Superior Court of NJ]
  - **USA v. Levchuk** (2025-pres) [8:23-cr-00184, MD District Court]
  - **FORTNA** v. Plus One Robotics (2025) [CIVIL ACTION NO. 5:24-CV-1274 OLG, W. Dist of TX]
  - Apple v. **Haptic** (2024-2025) [USPTO PTAB IPR2024-01475]
  - Apple v. **Haptic** (2024-2025) [USPTO PTAB IPR2024-01476]
  - **Tyson** v Primus (2025) [Civil Action #22-A-04543-10, Superior Ct of Gwinnett County, GA]
  - **Airspace Systems** v. Dedrone (2024-pres) [1-24-cv-01625-7413 [Eastern Dist of VA Alexandria Div]
  - **Tesla** v Autonomous Devices (2023-2025) [USPTO PTAB EX PARTE REEXAM] 11,055,583
  - **Tesla** v Autonomous Devices (2023-2025) [USPTO PTAB EX PARTE REEXAM] 10,452,974
  - **Tesla** v Autonomous Devices (2023-2025) [USPTO PTAB EX PARTE REEXAM] 10,607,134
  - NxtGen v. **ZipString** (2024-pres) [Case IPR2024-01213]
  - **Boston Dynamics** v Ghost Robotics (2024-2025) [1:22-cv-01484, District Court of DE]
  - **ATLeisure** v Treasure Garden (2024-pres) [1:24-cv-02270, Northern District of Georgia]
  - **Stryker** v Ferno-Washington (2024-pres) C.A. No. 1:22-cv-00588-MRB
  - **Squaregles** v Laltitude (2024-pres) Case No. 2:23-cv-09751 (C.D. Cal.)
  - **Demand Vape** v. RAI (2024) [337-TA-1410, U.S. International Trade Commission]
  - Hesai v. **Ouster** (2024) [USPTO PTAB IPR2023-01421]
  - Hesai v. **Ouster** (2024) [USPTO PTAB IPR2023-01456]
  - Hesai v. **Ouster** (2024) [USPTO PTAB IPR2023-01457]
  - Hesai v. **Ouster** (2024) [USPTO PTAB IPR2023-01422]
  - A360 v **Toyota/Bastian** (2024) [No. 1:23-cv-00198-JRS-TAB, Southern District of Indiana]
  - **Motive** v Samsara (2024) [337-TA-1393, U.S. International Trade Commission]
  - **Good Sportsman** v Hangzhou ZH Tech (2024) [USPTO PTAB PGR]
  - **Tesla** v Autonomous Devices (2024-2024) [USPTO PTAB (IPR)] ‘474 Patent
  - **Becton Dickenson v JFCRx** (2023-2024) [Contract, trade secret compliance/audit]
  - Juul v **NJOY** – (2023-2024) [337-TA-1368, U.S. International Trade Commission]
  - Juul v **NJOY** – (2023-2024) [1:2023cv00917, District Court of DE]
  - **NJOY** v Juul– (2023-2024) [IPR2024-00267 USPTO PTAB]
  - **NJOY** v Juul– (2023-2024) [IPR2024-00268 USPTO PTAB]
  - Textron v **DJI** – (2023-2024) [Case No. 2:22-cv-351-RWS-RSP (E.D. Tex)]
  - Solmetex v. **Dental Recycling** (2023-2024) [Pre-IPR: USPTO]
  - **Daifuku** v. ControlLogix [IPR2024-00475 USPTO PTAB]
  - Autonomous Devices v **Tesla** (2023-pres) [C.A. No. 22-1466 (MN), District Court of DE]
  - **Tesla** v Autonomous Devices (2023-2024) [USPTO PTAB IPR2023-01172] ‘583 Patent
  - **Tesla** v Autonomous Devices (2023-2024) [USPTO PTAB IPR2023-01055] ‘344 Patent
  - **Tesla** v Autonomous Devices (2023-2024) [USPTO PTAB IPR2023-01054] ‘974 Patent
  - **Tesla** v Autonomous Devices (2023-2024) [USPTO PTAB IPR2023-01169] ‘134 Patent
  - **Tesla** v Autonomous Devices (2023-2024) [USPTO PTAB IPR2023-01170] ‘449 Patent
  - **Tesla** v Autonomous Devices (2023-2024) [USPTO PTAB IPR2023-01171] ‘585 Patent
  - **Ouster** v. Hesai et al, Lidar Systems (2023-2024) [337-TA-1363, U.S. International Trade Commission]
  - **Ouster** v. Hesai et al, (2023-pres) [No. 1:23-cv-00406, District Court of DE]
  - **Boston Dynamics** v Ghost Robotics (2023-2025) [1:22-cv-01483-MN, District Court of DE]
  - Vivint v **SkyBell** Technologies (2022-pres) [2:21-cv-09472, Central Dist of DC]
  - Moog v **SkyRyse** (2022-2024) [1:22-cv-00187, Western Dist of NY]
  - Velodyne v **Ouster** (2022-2023) [337-TA-1322, U.S. International Trade Commission]

- **IQRIS** v Point Blank (2022-2023) [21-CV-61976-BB, Southern District of FL]
  - **Opex** v HC Robotics/Invata (2022) [337-TA-1293, U.S. International Trade Commission]
  - **iAqua** v Cayago (2022) [Reexam-EPR814 of 90/014,995 USPTO]
  - Cayago v **iAqua** (2022) [21-CV-61035, Southern District of FL]
  - Cayago v **iAqua** (2022) [Civil No. 21-1212, Puerto Rico]
  - Bacon Sons v **Perception Robotics** (2021-2022) [Case No: 30-2018-01000372, Orange Co, CA]
  - **AutoStore** v Ocado (2021-2023) [IPR2022-00443 USPTO]
  - **AutoStore** v Ocado (2021-2022) [IPR2022-00673 USPTO] (pre-institution)
  - **AutoStore** v Ocado (2021-2022) [IPR2021-00274 USPTO]
  - **AutoStore** v Ocado (2021-2022) [IPR2021-00311 USPTO]
  - **AutoStore** v Ocado (2021-2022) [IPR2021-00398 USPTO] (pre-lit)
  - **AutoStore** v Ocado (2021-2022) [IPR2021-00412 USPTO] (pre-lit)
  - **AutoStore** v Ocado (2021-2022) [PGR2021-00038 USPTO] (pre-lit)
  - **AutoStore** v Ocado (2021-2022) [HP-2020-000035, United Kingdom]
  - **AutoStore** v Ocado (2021-2022) [Spain – Pre-lit]
  - **AutoStore** v Ocado (2021-2022) [Case No. 2:20-cv-494, Eastern District of VA]
  - Ocado v **AutoStore** (2021-2022) [1-21-cv-00041, USDC - DNH]
  - Ocado v **AutoStore** (2021-2022) [1-21-cv-00806, USDC - DNH]
  - **iRobot** v SharkNinja (2021-2022) [337-TA-1252, U.S. International Trade Commission]
  - **Airborne Systems** v Wamore – Steerable parachute systems (2019-pres) [Arbitration – NJ]
  - **AutoStore** v Ocado (2020-2021) [337-TA-1228, U.S. International Trade Commission]
  - Interactive Play Devices v **Spin Master** (2020-2021) [Civil Action File No. 6:20-cv-00066, W.D. TX]
  - **DJI** v Autel – (2017-2021) RC UAV Systems [C.A. No. 16-706-LPS-CJB, District Court of DE]
  - Velodyne v **RoboSense** (2019-2020) [337-TA-1173, U.S. International Trade Commission]
  - Odyssey Marketing v **Spin Master** (2018) Unmanned Air Vehicles [IPR, USPTO]
  - Mattel v **Spin Master** (2018) Transformable Devices [IPR2018-01672, USPTO]
  - Mattel v **Spin Master** (2018) Transformable Devices [IPR2018-01673, USPTO]
  - Mattel v **Spin Master** (2018) Transformable Devices [IPR2018-01674, USPTO]
  - MPV v **DJI** – (2018) [Case No. 2:18-cv-02210-RGK-AGR, Central District Court of CA]
  - **Samsung** v Cywee – (2017) IMU Pose & AR [Case No. 2:2017cv00140, Eastern District of TX]
  - **DJI** v Autel – (2017-2018) [2:17-cv-00776-RAJ, Western District of WA]
  - Synergy Drone v **DJI**– (2017-2018) [Case No. 1:17-cv-00242, TX Western District Court]
  - **iRobot** v Bissell – (2017-2018) [337-TA-1057, U.S. International Trade Commission]
  - **Hayward Industries** – (2015-2016) Evaluate IP and Enabling Technologies for Submersible Systems
  - Choirock v **Spin Master** (2016-2018) Transformable Devices [Case No. IPR2017-00030, USPTO]
  - **Spin Master** v Sphero, Inc. (2016-2017) [Case No. IPR2017-01272, USPTO]
  - Sphero, Inc. v **Spin Master Ltd.** (2017) [New York Southern District Court, Case No. 1:17-cv-05428]
  - Razor/Chen/Inventist v **Jetson Electric Bikes** (2016-2017) [337-TA-1000, U.S. Int. Trade Commission]
  - Razor/Chen/Inventist v **Powerboard** (2016-2017) [337-TA-1000, U.S. International Trade Commission]
  - Segway/DEKA/Ninebot v **Jetson** (2016-2017) [337-TA-1007, U.S. Int. Trade Commission]
  - Segway/DEKA/Ninebot v **Powerboard** (2016-2017) [337-TA-1007, U.S. Int. Trade Commission]
  - Segway/DEKA/Ninebot v **Jetson** (2016-2017) [337-TA-1021, U.S. Int. Trade Commission]
  - Segway/DEKA/Ninebot v **Powerboard** (2016-2017) [337-TA-1021, U.S. Int. Trade Commission]
  - **DJI** v Yuneec [No. 5:16-cv-595, U.S. District Court, Central District of CA]
  - Rehco LLC v **Spin Master Ltd.** (2015-2020) [No. 1:2013cv02245, Northern District of IL]
  - Segway/DEKA v **Ninebot** [Inv. No. 337-TA-935, U.S. International Trade Commission]
  - Segway v **Shenzen Inmotion** – [Inv. No. 337-TA-935, U.S. International Trade Commission]
  - ScriptPro v **Innovation** – Pharmacy Automation (2015) [2:06-cv-2468-CM-JPO U.S. Dist Court, KS]
  - ScriptPro v **Innovation** – Pharmacy Automation (2011-2015) [06-2468-CM U.S. District Court, KS]
  - Spinmaster v **YourStoreOnline** – Wall-Climbers (2009-2010) [CV 09-5803 CAS]
  - SpinMaster v **YourStoreOnline** – RC Helicopters (2009-2010) [CV 09-2121 CAS]
- **Patent Inventorship:** Other patents pending
    - 6,378,801: Devices and methods for orienting and steering in three-dimensional space.
    - 7,726,514: Automated article dispensation mechanism.
    - 8,091,733: Automated article dispensation mechanism.

- 8,751,035: Automated laundry drop-off and retrieval system.
- 9,664,813: Automated Insect Monitoring
- 9,999,211: Automated Insect Monitoring (Removable Chambers with Transparent Sides for Inspection)
- 9,999,212: Automated Insect Monitoring (Signal Processing to Detect and Recognize Invasive Pest)
- 11,382,324: Insect Traps and Monitoring System (IoT Monitoring System with Detect/Classify Ability)
- **Board of Directors/Advisors Experience:** Provide strategic technology, business and corporate expertise.
  - **Delta Five** – Distributed unattended sensors, automation, SaaS and IoT.
  - **Panacea BioMatx Inc** - Automated customized medications and nutraceuticals. ([www.panacea.me](http://www.panacea.me))
  - **Lealear** – Automated storage and retrieval systems.
  - **RxMedic** – Automation for preparing prescription orders in retail, government, and hospital pharmacies.
  - **VortexHC** – Non-dexterous gripping, robot climbers (air and underwater), and 6DOF holonomic AUVs.
  - **NCSU Integrated Manufacturing Systems Engineering Institute** – Multi-disciplinary graduate school

## Selected Publications (of ~40)

- IoT Solutions Enabling Hotelier's to Monitor for Bed Bugs, [www.deltafive.com/wp-content/uploads/2018/06/DeltaFive\\_BedBugAwarenessWeek2018\\_PressRelease.pdf](http://www.deltafive.com/wp-content/uploads/2018/06/DeltaFive_BedBugAwarenessWeek2018_PressRelease.pdf), June 2018.
- New York City Challenged by Bed Bugs, [www.newswire.com/news/new-york-city-challenged-by-bed-bugs-delta-five-offers-green-solution-20043137](http://www.newswire.com/news/new-york-city-challenged-by-bed-bugs-delta-five-offers-green-solution-20043137), November 2017.
- On the Heels of the Largest Bed Bug Lawsuit Judgement, Delta-Five Has a Proven Green Solution for Hotels, [www.newswire.com/news/on-the-heels-of-the-largest-bed-bug-lawsuit-judgement-delta-five-has-a-19990567](http://www.newswire.com/news/on-the-heels-of-the-largest-bed-bug-lawsuit-judgement-delta-five-has-a-19990567), October 2017.
- Hoteliers Find Delta Five's Innovative Bed Bug Solution Catches Bugs Faster and More Consistently, [www.newswire.com/news/hoteliers-find-delta-fives-innovative-bed-bug-solution-catches-bugs-19940513](http://www.newswire.com/news/hoteliers-find-delta-fives-innovative-bed-bug-solution-catches-bugs-19940513), September 2017.
- As Hoteliers Look to Combat Bed Bug Rise Delta Five Offers Researched Solution, [www.newswire.com/news/as-hoteliers-look-to-combat-bed-bug-rise-delta-five-offers-researched-19846348](http://www.newswire.com/news/as-hoteliers-look-to-combat-bed-bug-rise-delta-five-offers-researched-19846348), August 2017.
- Green Approach to Prevention and Early Detection, [www.eprnews.com/delta-five-highlights-green-approach-to-prevention-and-early-detection-during-bed-bug-awareness-week-138925/](http://www.eprnews.com/delta-five-highlights-green-approach-to-prevention-and-early-detection-during-bed-bug-awareness-week-138925/), June 2017
- Delta Five Raises the Bar in Battle Against Bed Bugs, [www.newswire.com/news/delta-five-raises-the-bar-in-battle-against-bed-bugs-19547330](http://www.newswire.com/news/delta-five-raises-the-bar-in-battle-against-bed-bugs-19547330), May 2017.
- Automated Bed Bug and Insect Monitoring System, [www.newswire.com/news/delta-five-launches-automated-bed-bug-and-insect-19224593](http://www.newswire.com/news/delta-five-launches-automated-bed-bug-and-insect-19224593), April 2017.
- “Think It, Build It, Win It: Vision-Based Robot Design Secures Teledyne a \$350M NASA Engineering Contract” H. Neale. *NASA Tech Briefs* 2013/2014.
- “Automation is Changing Pharmacy: How Reducing Repetition Behind the Counter Improves Over the Counter Care” J. Janét. October 2010. *Insight Magazine*.
- “Automate Your Profits” J. Janét. October 2009. *Insight Magazine*.
- DTIC #ABV 299170 (NATICK/TR-04/013L): “Vortex Regenerative Air Movement: Attraction and Attachment on Vertical and Inverted Surfaces— A Simple Method for Static and Mobile Robots for Climbing Walls and Ceilings” J. Janét, D. Reinfeld, B. Wiedeman. October 2003. (Contract No. DAAD16-00-C-9259; US Army Soldier Systems Command, Natick, MA)
- DTIC #AD B267 288 (NATICK/TR-01/009L): “MicroHunter Control Applications for Elimination of Anti-Personnel Landmines: Low-Cost, Minimally Guided Munitions – A Simple Method for Controlling the Trajectory of Spinning Projectiles” M. Kemp, J. Janét, and C. Pell. May 2001. (Contract No. DAAN02-98-C-4030; US Army Soldier Systems Command, Natick, MA)
- “Development of a Micro Autonomous Underwater Vehicle for Complex 3-D Sensing”, *IEEE/MTS Oceans 2001 Conference*; Honolulu, HI; Nov 2001; B. Hobson, B. Schulz, J. Janet, R. Moody, C. Pell, and H. Pinnix.
- “MicroAUVs I: Platform Design and Multi-Agent System Deployment”, *Unmanned Untethered Submersible Technology (UUST)*; August 2001; Durham, NH; B. Schulz, B. Hobson, J. Janét, M. Kemp, R. Moody, C. Pell, H. Pinnix, J. Pollard, and H. Crenshaw.
- “Assessing the Performance of Oscillating Fin Thruster Vehicles”, *Unmanned Untethered Submersible Technology (UUST)*; August 2001; Durham, NH; M. Kemp, B. Hobson, J. Janét, C. Pell, and E. Tytell.

- “Using Control Networks to Control Multiple Autonomous Mobile Robots: Biped, a Hexapod Colony, and a Complex Autonomous Mobile Robot”, *IEEE Int’l Conf. on Robotics & Automation*; Detroit, MI; May 1998; J. Janet, B. Wiseman, R. Michelli, S. Scoggins, and A. Walker.
- “Autonomous Mobile Robot Global Self-Localization Using Kohonen and Region-Feature Neural Networks”, *Jnl of Robotic Systems*; Vol. 14, No.4, 1997; J. Janet, R. Gutierrez, T. Chase, M. White, J. Sutton.
- “Combining Self-Organizing Geometric Certainty Maps with the Unscented Kalman Filter”, *Proc. of IEEE Int’l Conf. on Robotics & Automation*; Leuven, Belgium; May 1998; J. Janét, J. Brickley, M. Kay, M. White, and J. Sutton.
- “Modeling of Sonar Sensors for Localization of Autonomous Mobile Robots”, *IEEE Transactions on Industrial Electronics*; October 1998; R. Gutierrez, J. Janet, and R. Luo.
- “Autonomous Mobile Robot Global Motion Planning and Geometric Beacon Collection Using Traversability Vectors”, *IEEE Trans on Robotics & Automation*; Vol.13, No.1, 1997, Pages:132–140; J. Janét, M. Kay, and R. Luo.

## Skills Brief

- *Executive Leadership.* Provided fiscal, strategic, IP and operational leadership in application and development of heavily engineered systems for software, robotics and automation, medical, pharmacy, maritime, aviation, government, military, law enforcement, security, entertainment, hospitality, analytics, pattern analysis, and energy markets. Demonstrated ability to develop and implement business plans, integrate emerging technologies, raise capital, be an effective change agent, and transition product and client service concepts to commercial viability. Effective collaborator with companies, academic institutions, military, government and foreign entities. Experienced with legal aspects of launch, operations, equity, M&A, intellectual property & litigation. Successful manager of sales, marketing and finance including, ROI tool development, market research, prospecting, sales presentations, competitive analysis, brand development, multi-media advertising, contract negotiation, deal closure, A/P and A/R.
- *Board Member.* Effective strategic contributor and communicator on behalf of corporations (Delta Five, RxMedic, Panacea Biomatix, Lelear, and VortexHC) and an academic institution (NCSU IMSEI).
- *Engineering and Product Development.* Demonstrated ability to develop and deploy hardware and software products, including automated retrieval systems, fixed-base robots, medical systems, mobile robots, autonomous and remote-control unmanned ground robots, wall-climbing robots, hull inspection & cleaning robots, nuclear vessel inspection robots, autonomous underwater vehicles, non-destructive inspection robots, retail automation, and mine neutralization robots.

## Additional

- **Security Clearance.** Personal clearance level – TOP SECRET & SCI. Facilities Security Officer (FSO) for Vortex HC. Coordinated processing of SECRET level Facility Clearances (FCL) and Personnel Clearances (PCL).
- **Institute of Electrical & Electronic Engineers (IEEE):** Robotics, Controls & Pattern Analysis.
- **Autonomous Unmanned Vehicle Systems International (AUVSI)**
- **American Society for Engineering Education (ASEE)**
- **American Society of Mechanical Engineers (ASME)**
- **PADI SCUBA:** Professional diver for underwater mobile robots, hull inspection, underwater video, counter-mine, ASW, etc.
- **Commercial Driver’s License:** Class-A CDL, base registrations in North Carolina (and Virginia).
- **USPA Skydiving:** (1991 – 1997) USPA Jumpmaster certification in 1996. D-license with 400 jumps including instruction, tandem master training support, demonstrations, accuracy, and freefall relative work (RW). National collegiate RW championship team in 1994 (Richmond, IN). Carolina Sky Sports Accuracy Champion in 1993 (Louisburg, NC).
- **Pyrotechnician:** Class-A/B levels.
- **Master Mason:** Foundation of ~20 years of construction experience, primarily with ornamental stone, brick, and concrete. Experience initially gained as a youth within family-owned and operated business (Dogwood

Quarries) in DC-metropolitan area; summers and school breaks from 1981 until 1997. Since 1998, all work has been *pro bono* including for Habitat for Humanity.

## **Computer Tools**

**Proficient:** SalesForce, PowerPoint, Excel, Word, Project, MATLAB

**Prior experience:** Epicor ERP, QuickBooks, AutoCAD, SolidWorks, OrCAD, LabView, C/C++, Assembly