

THE HONORABLE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ARRIVALSTAR S.A. and MELVINO TECHNOLOGIES LIMITED,)	Civil Action No. 2:12-cv-977-TSZ
Plaintiffs,)	SOUND TRANSIT’S RESPONSES TO PLAINTIFFS’ FIRST SET OF INTERROGATORIES
v.)	
CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY d/b/a Sound Transit,)	
Defendant.)	

TO: PLAINTIFFS
AND TO: PLAINTIFFS’ COUNSEL OF RECORD

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Central Puget Sound Regional Transit Authority (“Sound Transit”) hereby responds to the First Set of Interrogatories (“discovery requests”) propounded by Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited, as follows:

PRELIMINARY STATEMENT

1. This action (and discovery in this action) is on-going and will continue as long as permitted by statute, stipulation, or court order. Thus, the investigation of claims is in its early stages, and Sound Transit’s responses herein are made without prejudice to Sound Transit’s right to introduce any and all documents or evidence of any kind in the proceedings in this action. Sound Transit specifically reserves the right to introduce at trial or any proceeding

1 any document, evidence or testimony from any witness, even if the document or other evidence
2 has not been produced in these responses whether as the result of mistake, oversight,
3 inadvertence, misinterpretation, or otherwise.

4 2. Sound Transit is responding in good faith to defendant's discovery requests as
5 Sound Transit interprets and understands them. If defendant subsequently asserts an
6 interpretation of any of the discovery requests that differs from Sound Transit's present
7 understanding, Sound Transit reserves the right to supplement or modify its responses herein.

8 3. Except for explicit facts admitted herein, no admissions of any nature
9 whatsoever are implied or should be inferred from Sound Transit's response to these discovery
10 requests. The fact that an individual discovery request has been responded to should not be
11 taken as an admission or acceptance of the existence of any facts set forth or assumed by such
12 discovery request, or that such response constitutes admissible evidence.

13 4. Sound Transit objects to Plaintiffs' definition of "Accused Product(s)" as vague,
14 indefinite, and attempting to expand the scope of Plaintiffs' cause of action to systems that
15 were not subject to Plaintiffs' complaint, Local Patent Rule 120 disclosure of infringement
16 contentions, or Plaintiffs' 9/19/2012 responses to Sound Transit's interrogatories. Plaintiffs'
17 infringement contentions accuse Sound Transit of patent infringement through its Rider Alert
18 process. Accordingly, Sound Transit's objections and responses to Plaintiffs' discovery
19 requests are directed to Sound Transit's Rider Alert system.

20 5. Each response to an individual discovery request is subject to all appropriate
21 objections that would require the exclusion of any statement contained herein if the information
22 sought were requested of a witness present and testifying in court, or of any statement
23 contained herein if the answer were given by said witness. All such objections and grounds are
24 reserved and may be imposed at the time of trial.

25 6. Subject to the responses and objections to these discovery requests, Sound
26 Transit will provide only that information within its possession, custody, or control after
reasonable inquiry.

1 **CONTINUING OBJECTIONS**

2 Sound Transit objects to each discovery request set forth below to the extent the request
3 requires a response or imposes an obligation that goes beyond the requirements of the Federal
4 Rules of Civil Procedure. Sound Transit will respond in conformity with the requirements of
5 the Federal Rules of Civil Procedure. Sound Transit incorporates by reference the following
6 continuing objections and limitations into each of the following discovery responses, which
7 responses are expressly made subject to these objections and limitations.

8 **A. Privileged or Protected Material.**

9 Sound Transit objects to each and every discovery request to the extent it calls for
10 information: (a) that is protected from discovery pursuant to the attorney-client privilege,
11 common interest privilege, or other privilege and/or the right of privacy; (b) that is work
12 product prepared in anticipation of litigation; or (c) that is otherwise protected from disclosure
13 under the Federal Rules of Civil Procedure, other applicable procedural rules, or applicable
14 legal authority.

15 **B. Relevance or Discoverability.**

16 Sound Transit objects to each and every discovery request to the extent it calls for
17 information that neither is relevant to the subject matter of the pending proceedings, nor
18 appears reasonably calculated to lead to the discovery of admissible evidence related to a claim
19 or defense.

20 **C. Unduly Burdensome.**

21 Sound Transit objects to each and every discovery request to the extent it is unduly
22 burdensome and the time and effort required to attempt to compile all responsive information
23 or documents outweighs the potential discoverability or probative value thereof. For example,
24 to the extent any requests seek information that pre-dates any possible relevant time period in
25 this litigation, through this objection, Sound Transit requests that defendant clarify and explain
26 what time period is truly relevant for purposes of this litigation.

1 **D. Annoyance, Harassment, or Oppression.**

2 Sound Transit objects to each and every discovery request to the extent it is designed to
3 cause undue annoyance, harassment, or oppression.

4 **E. Overbreadth.**

5 Sound Transit objects to each and every discovery request to the extent it is overly
6 broad with respect to scope, context, and/or time period.

7 **F. Vagueness, Indefiniteness, or Ambiguity.**

8 Sound Transit objects to each and every discovery request to the extent it is vague,
9 indefinite, or ambiguous and as such would require Sound Transit to speculate as to the
10 meaning or scope of the discovery request and potentially responsive information.

11 **G. Information Otherwise or More Readily Available.**

12 Sound Transit objects to each and every request to the extent it calls for information
13 readily accessible to defendant or is in publicly available material, the public record, or
14 defendant's own files and would be less burdensome for defendant to obtain in producible form
15 therefrom rather than from Sound Transit.

16 **H. Information Exclusively Within Knowledge of Defendant or Third Parties.**

17 Sound Transit objects to each and every discovery request to the extent it seeks
18 information exclusively within the knowledge of defendant or third parties, and not yet
19 obtained through discovery.

20 **I. Redundant, Cumulative, Duplicative, or Unreasonable Demands.**

21 Sound Transit objects to each and every discovery request to the extent it is
22 unreasonably cumulative, duplicative, repetitive, or redundant with respect to any other
23 discovery demands propounded to Sound Transit in this action, or is obtainable from some
24 other source that is more convenient, less expensive, less burdensome, or that plaintiff has an
25 opportunity to seek from a more likely source, or where the burden or expense to Sound Transit
26 of the proposed discovery outweighs its likely (or unlikely) discoverability or probative value.

1 **J. Documents Not in Sound Transit’s Possession.**

2 Sound Transit objects to each and every discovery request to the extent the documents
3 sought are not within the possession, custody, or control of Sound Transit.

4 **K. Improper Analyses, Calculations, or Compilations.**

5 Sound Transit objects to each and every discovery request to the extent that responding
6 would improperly require Sound Transit or its witnesses, or both, to perform legal, expert, or
7 lay studies, analyses, or calculations, or otherwise create documents that do not currently exist.

8 **L. Definitions and Instructions.**

9 Sound Transit objects to the “Definitions” in defendant’s discovery requests to the
10 extent the definitions differ in scope or application from the Federal Rules of Civil Procedure
11 or purport to impose any requirements or obligations other than those set forth in the Federal
12 Rules of Civil Procedure and the Court’s orders. Sound Transit responds in good faith to
13 defendant’s discovery requests, in accordance with the Federal Rules of Civil Procedure, as
14 Sound Transit interprets and understands them. If defendant subsequently asserts an
15 interpretation of any of the discovery requests that differs from Sound Transit’s present
16 understanding, Sound Transit reserves the right to supplement or modify its responses herein.

17 **M. Proprietary or Confidential Information.**

18 Sound Transit generally objects to each and every discovery request to the extent that it
19 calls for the information that is subject to trade secret, patent, copyright, and/or other intellectual
20 property protections and privileges, and/or proprietary or confidential information, the disclosure
21 of which would be prejudicial to Sound Transit, its customers, suppliers, any witness testifying
22 in this matter, or any person or entity who provided the information or documents to Sound
23 Transit. Such disclosure of information without prior authorization may also subject Sound
24 Transit to claims that it has violated a confidentiality or secrecy obligation. Any such
25 information that Sound Transit does produce will only be produced subject to the terms of an
26 appropriate Protective Order entered by the Court.

1 **RESPONSES TO INTERROGATORIES**

2 **INTERROGATORY NO. 1:**

3 For each Accused Product which has been made, used or sold by Defendant, explain how
4 and by whom the products were developed, including without limitation, the chronology of the
5 research from conception to the development of the product through any commercial use of the
6 product and identify all persons believed to have significant knowledge of the foregoing.

7 **RESPONSE:**

8 Sound Transit incorporates by reference its *Preliminary Statement* and *Continuing*
9 *Objections* into this response as if fully set forth herein. Sound Transit specifically objects to
10 this request on the grounds that it is compound and includes multiple sub-parts without
11 delineating the same. Sound Transit specifically objects to Plaintiffs' definition of "Accused
12 Product(s)" as vague, indefinite, and attempting to expand the scope of Plaintiffs' cause of action
13 to systems that were not subject to Plaintiffs' complaint, Local Patent Rule 120 disclosure of
14 infringement contentions, or Plaintiffs' 9/19/2012 responses to Sound Transit's interrogatories.
15 Plaintiffs' infringement contentions accuse Sound Transit of patent infringement through its
16 Rider Alert process. Accordingly, Sound Transit's objections and responses to Plaintiffs'
17 discovery requests are directed to Sound Transit's Rider Alert system. Sound Transit further
18 objects to this discovery request as overbroad and not reasonably calculated to lead to the
19 discovery of admissible evidence to the extent that it requests information regarding product
20 research and development outside the scope of this action, and as unduly burdensome insofar as
21 it requires Sound Transit to gather third party information not in Sound Transit's possession,
22 custody, or control and to prepare a new document organizing it into a chronology for the benefit
of Plaintiffs.

23 Sound Transit reserves its right to supplement and revise these interrogatory responses
24 based on further discovery, analysis, and the Court's orders. Subject to and without waiving
25 these objections, Sound Transit directs Plaintiffs to Sound Transit's 7/30/2012 Fed. R. Civ. P.
26 26(a) initial disclosures and further responds as follows: Sound Transit's RiderAlerts are

1 provided pursuant to an SAS contract with GovDelivery to provide Rich Site Summary (RSS)
2 feeds.

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4 **INTERROGATORY NO. 2:**

5 State all facts known to Defendant which allegedly render the '781 patent invalid or
6 unenforceable, including a description and identification of any and all alleged prior art that
7 serves as a basis for the allegation and identify those persons having personal knowledge of such
8 facts.

9 **RESPONSE:**

10 Sound Transit incorporates by reference its *Preliminary Statement and Continuing*
11 *Objections* into this response as if fully set forth herein. Sound Transit specifically objects to
12 this request on the grounds that includes multiple sub-parts, including without limitation as to the
13 distinct issues of patent invalidity and patent unenforceability, without delineating the same.

14 Sound Transit reserves its right to supplement and revise these interrogatory responses
15 based on further discovery, analysis, and the Court's orders. Subject to and without waiving
16 these objections, Sound Transit asserts patent invalidity for the reasons detailed in and, therefore,
17 directs Plaintiffs to Sound Transit's 9/14/2012 invalidity disclosures and 7/30/2012 Fed. R. Civ.
18 P. 26(a) initial disclosures and further responds as follows. Sound Transit joins in and
19 incorporated by reference herein the bases for patent invalidity set forth in the administrative
20 reexamination and review proceedings in the United States Patent and Trademark Office initiated
21 against United States Patent No. 7,030,781 ("the '781 patent" or "patents-in-suit") and related
22 patents in the same family. Sound Transit further sets forth the following bases for patent
23 invalidity:

23 **UNITED STATES PATENT NO. 7,030,781**
24 **35 U.S.C. § 101 (UNPATENTABLE SUBJECT MATTER)**
25 **INVALIDITY CLAIM CHART**
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United States Patent No. 7,030,781 ("the '781 patent")	INVALIDITY (35 U.S.C. § 101)
Claim 1. A method, comprising the steps of:	Claim 1 of the '781 patent, as asserted against Sound Transit, does not constitute patentable subject matter. The invention asserted against Sound Transit is an unpatentable abstract idea that may be merely implemented by human beings using computers or user communications devices. The '781 patent's applying and limiting of the abstract idea of monitoring, comparing, and communicating with users regarding vehicle schedules, routes, and updated travel data to specific steps in a particular technological environment or adding post-solution components does not render the concept constitutionally patentable subject matter under Art. I, § 8, cl. 8; 35 U.S.C. § 101; <i>Graham v. John Deere Co.</i> , 383 U.S. 1, 5, 86 S. Ct. 684 (1966); or <i>Bilski v. Kappos</i> , 561 US —, 130 S. Ct. 3218 (2010).
monitoring travel data associated with the vehicle;	Claim 1 of the '781 patent, as asserted against Sound Transit, does not constitute patentable subject matter. The invention asserted against Sound Transit is an unpatentable abstract idea that may be merely implemented by human beings using computers or user communications devices. The '781 patent's applying and limiting of the abstract idea of monitoring travel data to specific steps in a particular technological environment or adding post-solution components does not render the concept constitutionally patentable subject matter under Art. I, § 8, cl. 8; 35 U.S.C. § 101; <i>Graham v. John Deere Co.</i> , 383 U.S. 1, 5, 86 S. Ct. 684 (1966); or <i>Bilski v. Kappos</i> , 561 US —, 130 S. Ct. 3218 (2010).

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<p>comparing planned timing of the vehicle along a route to updated vehicle status information;</p>	<p>Claim 1 of the '781 patent, as asserted against Sound Transit, does not constitute patentable subject matter. The invention asserted against Sound Transit is an unpatentable abstract idea that may be merely implemented by human beings using computers or user communications devices. The '781 patent's applying and limiting of the abstract idea of comparing planned timing of a vehicle along a route to updated vehicle status information to specific steps in a particular technological environment or adding post-solution components does not render the concept constitutionally patentable subject matter under Art. I, § 8, cl. 8; 35 U.S.C. § 101; <i>Graham v. John Deere Co.</i>, 383 U.S. 1, 5, 86 S. Ct. 684 (1966); or <i>Bilski v. Kappos</i>, 561 US — , 130 S. Ct. 3218 (2010).</p>
<p>contacting a user communications device before the vehicle reaches a vehicle stop along the route; and</p>	<p>Claim 1 of the '781 patent, as asserted against Sound Transit, does not constitute patentable subject matter. The invention asserted against Sound Transit is an unpatentable abstract idea that may be merely implemented by human beings using computers or user communications devices. The '781 patent's applying and limiting of the abstract idea of contacting a user communications device before a vehicle reaches a vehicle stop along a route to specific steps in a particular technological environment or adding post-solution components does not render the concept constitutionally patentable subject matter under Art. I, § 8, cl. 8; 35 U.S.C. § 101; <i>Graham v. John Deere Co.</i>, 383 U.S. 1, 5, 86 S. Ct. 684 (1966); or <i>Bilski v. Kappos</i>, 561 US — , 130 S. Ct. 3218 (2010).</p>

1 informing the user of the vehicle delay with
2 respect to the vehicle stop and of updated
3 impending arrival of the vehicle at the
4 vehicle stop, based upon the updated vehicle
5 status information and the planned timing.

Claim 1 of the '781 patent, as asserted against Sound Transit, does not constitute patentable subject matter. The invention asserted against Sound Transit is an unpatentable abstract idea that may be merely implemented by human beings using computers or user communications devices. The '781 patent's applying and limiting of the abstract idea of informing a user of a vehicle delay with respect to a vehicle stop and of updated impending arrival of the vehicle at the vehicle stop, based upon the updated vehicle status information and the planned timing to specific steps in a particular technological environment or adding post-solution components does not render the concept constitutionally patentable subject matter under Art. I, § 8, cl. 8; 35 U.S.C. § 101; *Graham v. John Deere Co.*, 383 U.S. 1, 5, 86 S. Ct. 684 (1966); or *Bilski v. Kappos*, 561 US —, 130 S. Ct. 3218 (2010).

11 **UNITED STATES PATENT NO. 7,030,781**

12 **35 U.S.C. § 102 (ANTICIPATION)**

13 **INVALIDITY CLAIM CHART**

14 **Gilles David, "THE FRENCH EXPERIENCE WITH AUTOMATIC VEHICLE LOCATION IN URBAN
15 TRANSPORTATION SYSTEMS" (Report Presented at the International Conference on
Automatic Vehicle Location System, Ottawa, Canada, September 19-21, 1988)**

16 NOTE: This claim chart is based on the copy of the David reference currently available
17 as produced together herewith. The David reference is in the public domain, and Sound Transit
18 reserves the right to update and supplement this disclosure and document production to the
extent Sound Transit locates, through discovery or otherwise, a better or more complete copy of
the David reference.

19 **United States Patent No. 7,030,781
20 ("the '781 patent")**

Gilles David, "The French Experience with
Automatic Vehicle Location in Urban
Transportation Systems" (Report Presented at
the International Conference on Automatic
Vehicle Location System, Ottawa, Canada,
September 19-21, 1988)

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22 Claim 1. A method, comprising the steps of:

David describes a method for monitoring,
comparing, and communicating with users
regarding travel data.

<p>1 monitoring travel data associated with the 2 vehicle; 3 4 5</p>	<p>David describes methods for monitoring travel data associated with a vehicle and transmitting that data to a central location, including at least using odometer readings together with door opening indicators and a system map, signpost locators, signpost locators and odometer readings, and radio transmitters onboard the vehicle picked up by signpost or fixed location detectors.</p> <p><i>See David at 5, 6, 7, 10, 11, 12, 13, 14, 15, 16.</i></p>
<p>6 comparing planned timing of the vehicle 7 along a route to updated vehicle status 8 information; 9 10 11</p>	<p>David describes a method for comparing planned timing of a vehicle along a route to updated vehicle status information by comparing the vehicle's actual speed and position with the planned vehicle route and schedule and determining whether the vehicle is on, ahead of, or behind schedule. David discloses performing this calculation either onboard the vehicle or at a central location.</p> <p><i>See David at 6, 8, 10, 11, 12, 13, 15, 16.</i></p>
<p>12 contacting 13 a user communications device 14 before the vehicle reaches a vehicle stop 15 along the route; and</p>	<p>David describes a method for contacting a user communications device before a vehicle reaches a vehicle stop along the route, including at least video radio, telephone or Minitel system telematics, and including while a user is at home or at a bus stop.</p> <p><i>See David at 4, 8, 13.</i></p>
<p>16 informing the user of the vehicle delay with 17 respect to the vehicle stop and of updated 18 impending arrival of the vehicle at the 19 vehicle stop, based upon the updated vehicle 20 status information and the planned timing.</p>	<p>David describes a method for informing a user of the vehicle delay with respect to a vehicle stop and of updated impending arrival of the vehicle at the vehicle stop, based upon the updated vehicle status information and the planned timing:</p> <p><i>See David at 4, 8, 13.</i></p>

UNITED STATES PATENT NO. 7,030,781

35 U.S.C. § 102 (ANTICIPATION)

INVALIDITY CLAIM CHART

**Labell, et al., "ADVANCED PUBLIC TRANSPORTATION SYSTEMS: THE STATE OF THE ART
UPDATE '92" (U.S. DOT April 1992)**

<p>1 United States Patent No. 7,030,781 2 ("the '781 patent")</p>	<p>Labell, et al., Advanced Public Transportation Systems: The State of the Art <i>Update</i> '92 (U.S. DOT April 1992)</p>
<p>3 Claim 1. A method, comprising the steps of: 4 5 monitoring travel data associated with the 6 vehicle; 7 8 9 10 11 12 13</p>	<p>Labell describes a method for monitoring, comparing, and communicating with users regarding travel data.</p> <p>Labell describes methods for monitoring travel data associated with a vehicle:</p> <p>Labell describes measuring the position of a vehicle through methods including Global Position System (GPS), LORAN-C, radio-transmitter signposts (including odometer-assisted signpost systems), dead reckoning (including signpost-assisted dead reckoning), inductive loop detectors, and combinations of these and similar approaches.</p> <p>Labell describes monitoring travel data by transmitting location information (or processed data or exception reports) from the vehicle or remote device to a central computer system at regular intervals.</p> <p><i>See Labell at xiii-xiv, 44-55.</i></p>
<p>14 comparing planned timing of the vehicle 15 along a route to updated vehicle status 16 information; 17 18 19 20 21</p>	<p>Labell describes a method for comparing planned timing of a vehicle along a route to updated vehicle status information:</p> <p>Labell describes comparing the vehicle's actual speed and position with the planned vehicle route and schedule.</p> <p>Labell also discloses using this information to determine whether the vehicle is on, ahead of, or behind schedule.</p> <p><i>See Labell at xii-xiv, 5, 31, 44-47, 51-52, 53, 54, 55, 56-57, 72-77.</i></p>

<p>1 contacting 2 a user communications device 3 before the vehicle reaches a vehicle stop 4 along the route; and</p>	<p>Labell describes a method for contacting a user communications device before a vehicle reaches a vehicle stop along the route:</p> <p>Labell describes contacting user communications devices, including via telephone, cable television, teletext, audiotex, videotex, cellular telephone, voicemail, in-vehicle displays and communication devices, electronic kiosks, and through personal computers.</p> <p>Labell also describes contacting the user communications device prior to the vehicle's arrival at a stop along the vehicle's route.</p> <p><i>See Labell at vii-ix, x-xi, 5-12, 25-31, 52, 54, 56, 72-77.</i></p>
<p>10 informing the user of the vehicle delay with 11 respect to the vehicle stop and of updated 12 impending arrival of the vehicle at the 13 vehicle stop, based upon the updated vehicle 14 status information and the planned timing.</p>	<p>Labell describes a method for informing a user of the vehicle delay with respect to a vehicle stop and of updated impending arrival of the vehicle at the vehicle stop, based upon the updated vehicle status information and the planned timing:</p> <p>Labell includes a description of informing the user of vehicle delays from schedule.</p> <p>Labell includes a description of informing the user of updated estimates of vehicle arrival times based on vehicle location and status information and the planned vehicle route.</p> <p><i>See Labell at vii-ix, x-xi, 5-12, 25-31, 43, 44, 52, 54, 56, 72-77.</i></p>

UNITED STATES PATENT NO. 7,030,781

35 U.S.C. § 102 (ANTICIPATION)

INVALIDITY CLAIM CHART

Davies, *et al.*, "ASSESSMENT OF ADVANCED TECHNOLOGIES FOR TRANSIT AND RIDESHARE APPLICATIONS" (NCTRP July 1991)

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<p>United States Patent No. 7,030,781 ("the '781 patent")</p>	<p>Davies, et al., Assessment of Advanced Technologies For Transit and Rideshare Applications (National Cooperative Transit Research and Development Program April 1992)</p>
<p>Claim 1. A method, comprising the steps of: monitoring travel data associated with the vehicle;</p>	<p>Davies describes a method for monitoring, comparing, and communicating with users regarding travel data.</p> <p>Davies describes methods for monitoring travel data associated with a vehicle:</p> <p>Davies describes measuring the position of a vehicle through methods including (alone or in combination) Global Position System (GPS), RDSS, U.S. Navy Transit System, LORAN-C, infra-red beacons radio-transmitter signposts (including odometer-assisted signpost systems), dead reckoning (including signpost-assisted dead reckoning), inductive loop detectors, vehicle-based transponders, and similar methods.</p> <p>Davies describes monitoring travel data by transmitting location information (or processed data) from the vehicle or remote device to a central computer system at regular intervals.</p> <p><i>See Davies at 53-62, 119-121.</i></p>
<p>comparing planned timing of the vehicle along a route to updated vehicle status information;</p>	<p>Davies describes a method for comparing planned timing of a vehicle along a route to updated vehicle status information:</p> <p>Davies describes comparing the vehicle's actual speed and position with the planned vehicle route and schedule.</p> <p>Davies also discloses using this information to determine whether the vehicle is on, ahead of, or behind schedule.</p> <p><i>See Davies at 11-14, 53-62, 75-78, 88-89, 119-121.</i></p>

1 2 3 4 5 6 7 8 9	<p>contacting a user communications device before the vehicle reaches a vehicle stop along the route; and</p>	<p>Davies describes a method for contacting a user communications device before a vehicle reaches a vehicle stop along the route:</p> <p>Davies describes contacting user communications devices, including (alone or in combination) via telephone, cable television, teletext, videotex, Minitel, Teletel, in-vehicle displays, and similar methods.</p> <p>Davies also describes contacting the user communications device prior to the vehicle’s arrival at a stop along the vehicle’s route.</p> <p><i>See Davies at 11-14, 22, 59, 75-78, 88-89, 118-119.</i></p>
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10 11 12 13 14 15 16 17 18 19	<p>informing the user of the vehicle delay with respect to the vehicle stop and of updated impending arrival of the vehicle at the vehicle stop, based upon the updated vehicle status information and the planned timing.</p>	<p>Davies describes a method for informing a user of the vehicle delay with respect to a vehicle stop and of updated impending arrival of the vehicle at the vehicle stop, based upon the updated vehicle status information and the planned timing:</p> <p>Davies includes a description of informing the user of vehicle delays from schedule.</p> <p>Davies includes a description of informing the user of updated estimates of vehicle arrival times based on vehicle location and status information and the planned vehicle route.</p> <p><i>See Davies at 11-14, 22, 43, 59, 75-78, 88-89, 118-119.</i></p>
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UNITED STATES PATENT NO. 7,030,781
35 U.S.C. § 102 (ANTICIPATION)
INVALIDITY CLAIM CHART
Casey, et al., “ADVANCED PUBLIC TRANSPORTATION SYSTEMS: THE STATE OF THE ART”
(U.S. DOT April 1991)

<p>United States Patent No. 7,030,781 (“the ‘781 patent”)</p>	<p>Casey, et al., Advanced Public Transportation Systems: The State of the Art (U.S. DOT April 1991)</p>
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<p>1 Claim 1. A method, comprising the steps of:</p>	<p>Casey describes a method for monitoring, comparing, and communicating with users regarding travel data.</p>
<p>2 monitoring travel data associated with the 3 vehicle;</p>	<p>Casey describes methods for monitoring travel data associated with a vehicle:</p> <p>Casey describes measuring the position of a vehicle through methods including Global Position System (GPS), LORAN-C, radio-transmitter signposts (including odometer-assisted signpost systems), dead reckoning (including signpost-assisted dead reckoning), and inductive loop detectors.</p> <p>Casey describes monitoring travel data by transmitting location information from the vehicle or remote device to a central computer system at regular intervals.</p> <p><i>See Casey at xiii, 28-29, 30, 32- 40.</i></p>
<p>11 comparing planned timing of the vehicle 12 along a route to updated vehicle status 13 information;</p>	<p>Casey describes a method for comparing planned timing of a vehicle along a route to updated vehicle status information:</p> <p>Casey describes comparing the vehicle's actual speed and position with the planned vehicle route and schedule.</p> <p>Cases also discloses using this information to determine whether the vehicle is on, ahead of, or behind schedule.</p> <p><i>See Casey at 6, 21, 22-23, 28-29, 30, 33, 35, 36.</i></p>
<p>18 contacting 19 a user communications device 20 before the vehicle reaches a vehicle stop 21 along the route; and</p>	<p>Casey describes a method for contacting a user communications device before a vehicle reaches a vehicle stop along the route:</p> <p>Casey describes contacting user communications devices, including via telephone, cable television, teletext, minitel, in-vehicle displays, and the Internet.</p> <p>Casey also describes contacting the user communications device prior to the vehicle's arrival at a stop along the vehicle's route.</p> <p><i>See Casey at ix, xiii, 6, 7, 8, 20, 22-23, 28-29.</i></p>

1 informing the user of the vehicle delay with
2 respect to the vehicle stop and of updated
3 impending arrival of the vehicle at the
4 vehicle stop, based upon the updated vehicle
5 status information and the planned timing.

Casey describes a method for informing a user of
the vehicle delay with respect to a vehicle stop
and of updated impending arrival of the vehicle
at the vehicle stop, based upon the updated
vehicle status information and the planned
timing:

Casey includes a description of
informing the user of vehicle delays from
schedule.

Casey includes a description of
informing the user of updated estimates
of vehicle arrival times based on vehicle
location and status information and the
planned vehicle route.

See Casey at 6, 7, 8, 20, 21, 22-23, 28-29, 35.

UNITED STATES PATENT NO. 7,030,781

35 U.S.C. § 103 (OBVIOUSNESS)

INVALIDITY CLAIM CHART

COMBINATION OF:

**Labell, et al., “ADVANCED PUBLIC TRANSPORTATION SYSTEMS: THE STATE OF THE ART
UPDATE '92” (U.S. DOT April 1992)**

COMBINED WITH

**Casey, et al., “ADVANCED PUBLIC TRANSPORTATION SYSTEMS: THE STATE OF THE ART”
(U.S. DOT April 1991)**

Sound Transit believes each prior art reference cited in this claim chart invalidates the
claims of the patents-in-suit via anticipation under 35 U.S.C. § 102. Nevertheless, insofar as the
claims of the patent have not yet been construed and discovery has not yet been obtained,
including from Plaintiffs, Sound Transit submits these Section 103 disclosures as further bases of
patent invalidity irrespective of the independent grounds for invalidity under 35 U.S.C. §§ 101,
102, and 112. In addition, insofar as the prior art of record, including the prior art cited on pages
1-5 of the patent-in-suit and in the prosecution history thereof, is cumulative and redundant with
parts of the references cited in this claim chart, that prior art of record is incorporated by
reference herein.

**United States Patent No. 7,030,781
("the '781 patent")**

Labell, et al., Advanced Public Transportation
Systems:
The State of the Art *Update* '92 (U.S. DOT
April 1992)
COMBINED WITH
Casey, et al., Advanced Public Transportation
Systems:
The State of the Art (U.S. DOT April 1991)

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Claim 1. A method, comprising the steps of:	Labell and Casey, in combination, describe a method for monitoring, comparing, and communicating with users regarding travel data.
monitoring travel data associated with the vehicle;	<p>Labell and Casey, in combination, describe methods for monitoring travel data associated with a vehicle:</p> <p>Labell describes measuring the position of a vehicle through methods including Global Position System (GPS), LORAN-C, radio-transmitter signposts (including odometer-assisted signpost systems), dead reckoning (including signpost-assisted dead reckoning), inductive loop detectors, and combinations of these and similar approaches.</p> <p>Labell describes monitoring travel data by transmitting location information (or processed data or exception reports) from the vehicle or remote device to a central computer system at regular intervals. <i>See Labell at xiii-xiv, 44-55.</i></p> <p>Casey describes measuring the position of a vehicle through methods including Global Position System (GPS), LORAN-C, radio-transmitter signposts (including odometer-assisted signpost systems), dead reckoning (including signpost-assisted dead reckoning), and inductive loop detectors.</p> <p>Casey describes monitoring travel data by transmitting location information from the vehicle or remote device to a central computer system at regular intervals. <i>See Casey at xiii, 28-29, 30, 32- 40.</i></p>

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comparing planned timing of the vehicle along a route to updated vehicle status information;

Labell and Casey, in combination describe a method for comparing planned timing of a vehicle along a route to updated vehicle status information:

Labell describes comparing the vehicle's actual speed and position with the planned vehicle route and schedule.

Labell also discloses using this information to determine whether the vehicle is on, ahead of, or behind schedule.

See Labell at xii-xiv, 5, 31, 44-47, 51-52, 53, 54, 55, 56-57, 72-77.

Casey describes comparing the vehicle's actual speed and position with the planned vehicle route and schedule.

Cases also discloses using this information to determine whether the vehicle is on, ahead of, or behind schedule.

See Casey at 6, 21, 22-23, 28-29, 30, 33, 35, 36.

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contacting a user communications device before the vehicle reaches a vehicle stop along the route; and

Labell and Casey, in combination, describe a method for contacting a user communications device before a vehicle reaches a vehicle stop along the route:

Labell describes contacting user communications devices, including via telephone, cable television, teletext, audiotex, videotex, cellular telephone, voicemail, in-vehicle displays and communication devices, electronic kiosks, and through personal computers.

Labell also describes contacting the user communications device prior to the vehicle's arrival at a stop along the vehicle's route.

See Labell at vii-ix, x-xi, 5-12, 25-31, 52, 54, 56, 72-77.

Casey describes contacting user communications devices, including via telephone, cable television, teletext, minitel, in-vehicle displays, and the Internet.

Casey also describes contacting the user communications device prior to the vehicle's arrival at a stop along the vehicle's route.

See Casey at ix, xiii, 6, 7, 8, 20, 22-23, 28-29.

1 informing the user of the vehicle delay with
2 respect to the vehicle stop and of updated
3 impending arrival of the vehicle at the
4 vehicle stop, based upon the updated vehicle
5 status information and the planned timing.

Labell and Casey describe, in combination, a
method for informing a user of the vehicle delay
with respect to a vehicle stop and of updated
impending arrival of the vehicle at the vehicle
stop, based upon the updated vehicle status
information and the planned timing:

Labell includes a description of
informing the user of vehicle delays from
schedule.

Labell includes a description of
informing the user of updated estimates
of vehicle arrival times based on vehicle
location and status information and the
planned vehicle route.

See Labell at vii-ix, x-xi, 5-12, 25-31, 43, 44, 52,
54, 56, 72-77.

Casey includes a description of
informing the user of vehicle delays from
schedule.

Casey includes a description of
informing the user of updated estimates
of vehicle arrival times based on vehicle
location and status information and the
planned vehicle route.

See Casey at 6, 7, 8, 20, 21, 22-23, 28-29, 35

15 **UNITED STATES PATENT NO. 7,030,781**

16 **35 U.S.C. § 103 (OBVIOUSNESS)**

17 **INVALIDITY CLAIM CHART**

18 **COMBINATION OF:**

19 **Labell, *et al.*, “ADVANCED PUBLIC TRANSPORTATION SYSTEMS: THE STATE OF THE ART
UPDATE ’92” (U.S. DOT April 1992)**

20 **COMBINED WITH**

21 **Casey, *et al.*, “ADVANCED PUBLIC TRANSPORTATION SYSTEMS: THE STATE OF THE ART”
(U.S. DOT April 1991)**

22 **AND/OR**

23 **Gilles David, “THE FRENCH EXPERIENCE WITH AUTOMATIC VEHICLE LOCATION IN URBAN
TRANSPORTATION SYSTEMS” (Report Presented at the International Conference on
Automatic Vehicle Location System, Ottawa, Canada, September 19-21, 1988)**

24
25 Sound Transit believes each prior art reference cited in this claim chart invalidates the
26 claims of the patents-in-suit via anticipation under 35 U.S.C. § 102. Nevertheless, insofar as the
claims of the patent have not yet been construed and discovery has not yet been obtained,

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including from Plaintiffs, Sound Transit submits these Section 103 disclosures as further bases of patent invalidity irrespective of the independent grounds for invalidity under 35 U.S.C. §§ 101, 102, and 112. In addition, insofar as the prior art of record, including the prior art cited on pages 1-5 of the patent-in-suit and in the prosecution history thereof, is cumulative and redundant with parts of the references cited in this claim chart, that prior art of record is incorporated by reference herein.

NOTE: This claim chart is based on the copy of the David reference currently available as produced together herewith. The David reference is in the public domain, and Sound Transit reserves the right to update and supplement this disclosure and document production to the extent Sound Transit locates, through discovery or otherwise, a better or more complete copy of the David reference.

<p>United States Patent No. 7,030,781 ("the '781 patent")</p>	<p>Labell, et al., Advanced Public Transportation Systems: The State of the Art <i>Update '92</i> (U.S. DOT April 1992) COMBINED WITH Casey, et al., Advanced Public Transportation Systems: The State of the Art (U.S. DOT April 1991) AND/OR Gilles David, "The French Experience with Automatic Vehicle Location in Urban Transportation Systems" (Report Presented at the International Conference on Automatic Vehicle Location System, Ottawa, Canada, September 19-21, 1988)</p>
<p>Claim 1. A method, comprising the steps of:</p>	<p>Labell and Casey and/or David, in combination, describe a method for monitoring, comparing, and communicating with users regarding travel data.</p>

1 monitoring travel data associated with the
2 vehicle;

Labell and Casey and/or David, in combination,
describe methods for monitoring travel data
associated with a vehicle:

3 Labell describes measuring the position
4 of a vehicle through methods including
5 Global Position System (GPS), LORAN-
6 C, radio-transmitter signposts (including
7 odometer-assisted signpost systems),
8 dead reckoning (including signpost-
9 assisted dead reckoning), inductive loop
10 detectors, and combinations of these and
11 similar approaches.

12 Labell describes monitoring travel data
13 by transmitting location information (or
14 processed data or exception reports) from
15 the vehicle or remote device to a central
16 computer system at regular intervals.

17 *See Labell at xiii-xiv, 44-55.*

18 Casey describes measuring the position
19 of a vehicle through methods including
20 Global Position System (GPS), LORAN-
21 C, radio-transmitter signposts (including
22 odometer-assisted signpost systems),
23 dead reckoning (including signpost-
24 assisted dead reckoning), and inductive
25 loop detectors.

26 Casey describes monitoring travel data
by transmitting location information from
the vehicle or remote device to a central
computer system at regular intervals.

See Casey at xiii, 28-29, 30, 32- 40.

David describes methods for monitoring
travel data associated with a vehicle and
transmitting that data to a central
location, including at least using
odometer readings together with door
opening indicators and a system map,
signpost locators, signpost locators and
odometer readings, and radio transmitters
onboard the vehicle picked up by
signpost or fixed location detectors.

See David at 5, 6, 7, 10, 11, 12, 13, 14, 15, 16.

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comparing planned timing of the vehicle along a route to updated vehicle status information;

Labell and Casey and/or David, in combination describe a method for comparing planned timing of a vehicle along a route to updated vehicle status information:

Labell describes comparing the vehicle's actual speed and position with the planned vehicle route and schedule.

Labell also discloses using this information to determine whether the vehicle is on, ahead of, or behind schedule.

See Labell at xii-xiv, 5, 31, 44-47, 51-52, 53, 54, 55, 56-57, 72-77.

Casey describes comparing the vehicle's actual speed and position with the planned vehicle route and schedule.

Casey also discloses using this information to determine whether the vehicle is on, ahead of, or behind schedule.

See Casey at 6, 21, 22-23, 28-29, 30, 33, 35, 36.

David describes a method for comparing planned timing of a vehicle along a route to updated vehicle status information by comparing the vehicle's actual speed and position with the planned vehicle route and schedule and determining whether the vehicle is on, ahead of, or behind schedule. David discloses performing this calculation either onboard the vehicle or at a central location.

See David at 6, 8, 10, 11, 12, 13, 15, 16.

1 contacting
2 a user communications device
3 before the vehicle reaches a vehicle stop
4 along the route; and

Label and Casey and/or David, in combination,
describe a method for contacting a user
communications device
before a vehicle reaches a vehicle stop along the
route:

Label describes contacting user
communications devices, including via
telephone, cable television, teletext,
audiotex, videotex, cellular telephone,
voicemail, in-vehicle displays and
communication devices, electronic
kiosks, and through personal computers.

Label also describes contacting the user
communications device prior to the
vehicle's arrival at a stop along the
vehicle's route.

See Label at vii-ix, x-xi, 5-12, 25-31, 52, 54, 56,
72-77.

Casey describes contacting user
communications devices, including via
telephone, cable television, teletext,
minitel, in-vehicle displays, and the
Internet.

Casey also describes contacting the user
communications device prior to the
vehicle's arrival at a stop along the
vehicle's route.

See Casey at ix, xiii, 6, 7, 8, 20, 22-23, 28-29.

David describes a method for contacting
a user communications device before a
vehicle reaches a vehicle stop along the
route, including at least video radio,
telephone or Minitel system telematics,
and including while a user is at home or
at a bus stop.

See David at 4, 8, 13.

1 informing the user of the vehicle delay with
2 respect to the vehicle stop and of updated
3 impending arrival of the vehicle at the
4 vehicle stop, based upon the updated vehicle
5 status information and the planned timing.

Labell and Casey and/or David, in combination,
a method for informing a user of the vehicle
delay with respect to a vehicle stop and of
updated impending arrival of the vehicle at the
vehicle stop, based upon the updated vehicle
status information and the planned timing:

Labell includes a description of
informing the user of vehicle delays from
schedule.

Labell includes a description of
informing the user of updated estimates
of vehicle arrival times based on vehicle
location and status information and the
planned vehicle route.

See Labell at vii-ix, x-xi, 5-12, 25-31, 43, 44, 52,
54, 56, 72-77.

Casey includes a description of
informing the user of vehicle delays from
schedule.

Casey includes a description of
informing the user of updated estimates
of vehicle arrival times based on vehicle
location and status information and the
planned vehicle route.

See Casey at 6, 7, 8, 20, 21, 22-23, 28-29, 35.

David describes a method for informing a
user of the vehicle delay with respect to a
vehicle stop and of updated impending
arrival of the vehicle at the vehicle stop,
based upon the updated vehicle status
information and the planned timing:

See David at 4, 8, 13.

18
19 **UNITED STATES PATENT NO. 7,030,781**

20 **35 U.S.C. § 103 (OBVIOUSNESS)**

21 **INVALIDITY CLAIM CHART**

22 **COMBINATION OF:**

23 **Labell, et al., “ADVANCED PUBLIC TRANSPORTATION SYSTEMS: THE STATE OF THE ART
UPDATE '92” (U.S. DOT April 1992)**

24 **COMBINED WITH**

25 **Casey, et al., “ADVANCED PUBLIC TRANSPORTATION SYSTEMS: THE STATE OF THE ART”
26 (U.S. DOT April 1991)**

1 AND/OR

2 Gilles David, "THE FRENCH EXPERIENCE WITH AUTOMATIC VEHICLE LOCATION IN URBAN
3 TRANSPORTATION SYSTEMS" (Report Presented at the International Conference on
4 Automatic Vehicle Location System, Ottawa, Canada, September 19-21, 1988)

4 AND/OR

5 Davies, *et al.*, "ASSESSMENT OF ADVANCED TECHNOLOGIES FOR TRANSIT AND RIDESHARE
6 APPLICATIONS" (NCTRP July 1991)

6 Sound Transit believes each prior art reference cited in this claim chart invalidates the
7 claims of the patents-in-suit via anticipation under 35 U.S.C. § 102. Nevertheless, insofar as the
8 claims of the patent have not yet been construed and discovery has not yet been obtained,
9 including from Plaintiffs, Sound Transit submits these Section 103 disclosures as further bases of
10 patent invalidity irrespective of the independent grounds for invalidity under 35 U.S.C. §§ 101,
11 102, and 112. In addition, insofar as the prior art of record, including the prior art cited on pages
12 1-5 of the patent-in-suit and in the prosecution history thereof, is cumulative and redundant with
13 parts of the references cited in this claim chart, that prior art of record is incorporated by
14 reference herein.

11 NOTE: This claim chart is based on the copy of the David reference currently available
12 as produced together herewith. The David reference is in the public domain, and Sound Transit
13 reserves the right to update and supplement this disclosure and document production to the
14 extent Sound Transit locates, through discovery or otherwise, a better or more complete copy of
15 the David reference.

14 **United States Patent No. 7,030,781**
15 **("the '781 patent")**

14 Labell, et al., Advanced Public Transportation
15 Systems:
16 The State of the Art *Update* '92 (U.S. DOT
17 April 1992)
18 COMBINED WITH
19 Casey, et al., Advanced Public Transportation
20 Systems:
21 The State of the Art (U.S. DOT April 1991)
22 AND/OR
23 Gilles David, "The French Experience with
24 Automatic Vehicle Location in Urban
25 Transportation Systems" (Report Presented at
26 the International Conference on Automatic
Vehicle Location System, Ottawa, Canada,
September 19-21, 1988)
AND/OR
Davies, et al., Assessment of Advanced
Technologies For Transit and Rideshare
Applications (National Cooperative Transit
Research and Development Program April 1992)

24 Claim 1. A method, comprising the steps of:

24 Labell and Casey and/or David and/or Davies,
25 in combination, describe a method for
26 monitoring, comparing, and communicating with
users regarding travel data.

1 monitoring travel data associated with the
2 vehicle;

Labell and Casey and/or David and/or Davies, in
combination, describe methods for monitoring travel
data associated with a vehicle:

3 Labell describes measuring the position of a
4 vehicle through methods including Global
5 Position System (GPS), LORAN-C, radio-
6 transmitter signposts (including odometer-
7 assisted signpost systems), dead reckoning
8 (including signpost-assisted dead reckoning),
9 inductive loop detectors, and combinations of
10 these and similar approaches.

11 Labell describes monitoring travel data by
12 transmitting location information (or processed
13 data or exception reports) from the vehicle or
14 remote device to a central computer system at
15 regular intervals.

16 *See Labell at xiii-xiv, 44-55.*

17 Casey describes measuring the position of a
18 vehicle through methods including Global
19 Position System (GPS), LORAN-C, radio-
20 transmitter signposts (including odometer-
21 assisted signpost systems), dead reckoning
22 (including signpost-assisted dead reckoning),
23 and inductive loop detectors.

24 Casey describes monitoring travel data by
25 transmitting location information from the
26 vehicle or remote device to a central computer
system at regular intervals.

See Casey at xiii, 28-29, 30, 32- 40.

David describes methods for monitoring travel
data associated with a vehicle and transmitting
that data to a central location, including at least
using odometer readings together with door
opening indicators and a system map, signpost
locators, signpost locators and odometer
readings, and radio transmitters onboard the
vehicle picked up by signpost or fixed location
detectors.

See David at 5, 6, 7, 10, 11, 12, 13, 14, 15, 16.

Davies describes measuring the position of a
vehicle through methods including (alone or in
combination) Global Position System (GPS),
RDSS, U.S. Navy Transit System, LORAN-C,
infra-red beacons radio-transmitter signposts
(including odometer-assisted signpost
systems), dead reckoning (including signpost-
assisted dead reckoning), inductive loop
detectors, vehicle-based transponders, and
similar methods.

Davies describes monitoring travel data by
transmitting location information (or processed
data) from the vehicle or remote device to a
central computer system at regular intervals.

See Davies at 53-62, 119-121.

1 comparing planned timing of the vehicle
2 along a route to updated vehicle status
3 information;

Labell and Casey and/or David and/or Davies, in
combination describe a method for comparing
planned timing of a vehicle along a route to
updated vehicle status information:

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Labell describes comparing the vehicle's
actual speed and position with the
planned vehicle route and schedule.

Labell also discloses using this
information to determine whether the
vehicle is on, ahead of, or behind
schedule.

*See Labell at xii-xiv, 5, 31, 44-47, 51-52, 53, 54,
55, 56-57, 72-77.*

Casey describes comparing the vehicle's
actual speed and position with the
planned vehicle route and schedule.

Casey also discloses using this
information to determine whether the
vehicle is on, ahead of, or behind
schedule.

See Casey at 6, 21, 22-23, 28-29, 30, 33, 35, 36.

David describes a method for comparing
planned timing of a vehicle along a route
to updated vehicle status information by
comparing the vehicle's actual speed and
position with the planned vehicle route
and schedule and determining whether
the vehicle is on, ahead of, or behind
schedule. David discloses performing
this calculation either onboard the
vehicle or at a central location.

See David at 6, 8, 10, 11, 12, 13, 15, 16.

Davies describes comparing the vehicle's
actual speed and position with the
planned vehicle route and schedule.

Davies also discloses using this
information to determine whether the
vehicle is on, ahead of, or behind
schedule.

*See Davies at 11-14, 53-62, 75-78, 88-89, 119-
121.*

1 contacting
2 a user communications device
3 before the vehicle reaches a vehicle stop
4 along the route; and

Label and Casey and/or David, in combination,
describe a method for contacting a user
communications device
before a vehicle reaches a vehicle stop along the
route:

Label describes contacting user
communications devices, including via
telephone, cable television, teletext,
audiotex, videotex, cellular telephone,
voicemail, in-vehicle displays and
communication devices, electronic
kiosks, and through personal computers.

Label also describes contacting the user
communications device prior to the
vehicle's arrival at a stop along the
vehicle's route.

See Label at vii-ix, x-xi, 5-12, 25-31, 52, 54, 56,
72-77.

Casey describes contacting user
communications devices, including via
telephone, cable television, teletext,
minitel, in-vehicle displays, and the
Internet.

Casey also describes contacting the user
communications device prior to the
vehicle's arrival at a stop along the
vehicle's route.

See Casey at ix, xiii, 6, 7, 8, 20, 22-23, 28-29.

David describes a method for contacting
a user communications device before a
vehicle reaches a vehicle stop along the
route, including at least video radio,
telephone or Minitel system telematics,
and including while a user is at home or
at a bus stop.

See David at 4, 8, 13.

Davies describes contacting user
communications devices, including
(alone or in combination) via telephone,
cable television, teletext, videotex,
Minitel, Teletel, in-vehicle displays, and
similar methods.

Davies also describes contacting the user
communications device prior to the
vehicle's arrival at a stop along the
vehicle's route.

See Davies at 11-14, 22, 59, 75-78, 88-89, 118-
119.

1 informing the user of the vehicle delay with
2 respect to the vehicle stop and of updated
3 impending arrival of the vehicle at the
4 vehicle stop, based upon the updated vehicle
5 status information and the planned timing.

Labell and Casey and/or David, in combination,
a method for informing a user of the vehicle
delay with respect to a vehicle stop and of
updated impending arrival of the vehicle at the
vehicle stop, based upon the updated vehicle
status information and the planned timing:

Labell includes a description of
informing the user of vehicle delays from
schedule.

Labell includes a description of
informing the user of updated estimates
of vehicle arrival times based on vehicle
location and status information and the
planned vehicle route.

See Labell at vii-ix, x-xi, 5-12, 25-31, 43, 44, 52,
54, 56, 72-77.

Casey includes a description of
informing the user of vehicle delays from
schedule.

Casey includes a description of
informing the user of updated estimates
of vehicle arrival times based on vehicle
location and status information and the
planned vehicle route.

See Casey at 6, 7, 8, 20, 21, 22-23, 28-29, 35.

David describes a method for informing a
user of the vehicle delay with respect to a
vehicle stop and of updated impending
arrival of the vehicle at the vehicle stop,
based upon the updated vehicle status
information and the planned timing:

See David at 4, 8, 13.

Davies includes a description of
informing the user of vehicle delays from
schedule.

Davies includes a description of
informing the user of updated estimates
of vehicle arrival times based on vehicle
location and status information and the
planned vehicle route.

See Davies at 11-14, 22, 43, 59, 75-78, 88-89,
118-119.

UNITED STATES PATENT NO. 7,030,781

35 U.S.C. § 112 (ENABLEMENT AND WRITTEN DESCRIPTION)

INVALIDITY CLAIM CHART

<p>1 2 3 4 5 6 7 8 9</p> <p>United States Patent No. 7,030,781 ("the '781 patent")</p>	<p>INVALIDITY (35 U.S.C. § 112, ¶1)</p>
<p>10 11 12 13</p> <p>Claim 1. A method, comprising the steps of:</p>	<p>The specification of the '781 patent does not describe the purported invention in such full, clear, concise, and exact terms as to enable one of ordinary skill in the art to practice the invention without undue experimentation.</p>
<p>14 15 16 17</p> <p>monitoring travel data associated with the vehicle;</p>	<p>The specification of the '781 patent does not describe how the monitoring of travel data associated with a vehicle is to be accomplished by a vehicle control unit in such full, clear, concise, and exact terms as to enable one of ordinary skill in the art to practice the invention without undue experimentation.</p>
<p>18 19 20 21 22</p> <p>comparing planned timing of the vehicle along a route to updated vehicle status information;</p>	<p>The specification of the '781 patent does not describe how the planned timing of a vehicle along a route is to be compared to updated vehicle status information in such full, clear, concise, and exact terms as to enable one of ordinary skill in the art to practice the invention without undue experimentation.</p>
<p>23 24 25 26</p> <p>contacting a user communications device before the vehicle reaches a vehicle stop along the route; and</p>	<p>The specification of the '781 patent does not describe how a user communications device is to be contacted by a base station control unit before the vehicle reaches a vehicle stop along the route in such full, clear, concise, and exact terms as to enable one of ordinary skill in the art to practice the invention without undue experimentation.</p>
<p>informing the user of the vehicle delay with respect to the vehicle stop and of updated impending arrival of the vehicle at the vehicle stop, based upon the updated vehicle status information and the planned timing.</p>	<p>The specification of the '781 patent does not describe how a user is to be informed via a base station control unit of a vehicle delay with respect to a vehicle stop and of the updated impending arrival of the vehicle at the vehicle stop, based upon the updated vehicle status information and the planned timing, in such full, clear, concise, and exact terms as to enable one of ordinary skill in the art to practice the invention without undue experimentation.</p>

Sound Transit's asserts patent unenforceability against Plaintiffs as a result of the manner in which Plaintiffs have sought to license the '781 under threat of litigation. Pursuant to Plaintiff's' '781 patent monetization and licensing campaign, they have filed over 25 separate lawsuits and threatened and licensed over 66 separate entities representing, *inter alia*, the

1 airlines, railroad, travel, trucking, freight, logistics, communications, software, and public
2 transportation industries. Plaintiffs '781 patent monetization and licensing campaign is based on
3 an overbroad interpretation of the patent claims that renders the patent claims invalid *ab initio*.

4 Plaintiffs' have misused the '781 patent by wrongfully alleging and asserting claims of
5 infringement against Sound Transit and third parties when they knew or should have known that
6 such claims were not supported by a proper infringement, validity, and enforceability analysis in
7 light of the prior art set forth in, *inter alia*, Sound Transit's invalidity claim charts. Had such a
8 proper analysis been performed, Plaintiffs would never have initiated legal action against Sound
9 Transit or third parties. Such misuse renders the patent unenforceable.

10
11 **INTERROGATORY NO. 3:**

12 Identify all of Sound Transit's financial plans and marketing plans for the Accused
13 Product, including actual or anticipated gross margin, profits, income or sales volume resulting
14 from the use or implementation of the Accused Product.

15 **RESPONSE:**

16 Sound Transit incorporates by reference its *Preliminary Statement* and *Continuing*
17 *Objections* into this response as if fully set forth herein. Sound Transit specifically objects to
18 this request on the grounds that it is compound and includes multiple sub-parts without
19 delineating the same. Sound Transit also objects to this request and to Plaintiffs' definition of
20 "Accused Product(s)" as vague, indefinite, and attempting to expand the scope of Plaintiffs'
21 cause of action to systems that were not subject to Plaintiffs' complaint, Local Patent Rule 120
22 disclosure of infringement contentions, or Plaintiffs' 9/19/2012 responses to Sound Transit's
23 interrogatories. Plaintiffs' infringement contentions accuse Sound Transit of patent infringement
24 through its Rider Alert process. Accordingly, Sound Transit's objections and responses to
25 Plaintiffs' discovery requests are directed to Sound Transit's Rider Alert system.

26 Sound Transit reserves its right to supplement and revise these interrogatory responses

1 based on further discovery, analysis, and the Court's orders. Subject to and without waiving
2 these objections, Sound Transit directs Plaintiffs to Sound Transit's 7/30/2012 Fed. R. Civ. P.
3 26(a) initial disclosures and further responds as follows:

4 Sound Transit has no such financial plans or marketing plans for the Rider Alerts.
5 Nevertheless, to the extent there are other types of documents or plans that mention Rider Alerts,
6 they will be produced to Plaintiffs pursuant to Fed. R. Civ. P. 33(d) at a mutually agreement time
7 and place.

8
9 **INTERROGATORY NO. 4:**

10 Identify the employee(s) or agent(s) of Defendant who first became aware of, or who
11 acquired any knowledge regarding the '781 patent and, for each such person identified, describe
12 when, and the circumstances under which, the person first acquired knowledge, or became aware
13 of the '781 patent as well as the person's actions, if any, in response to such information or
14 knowledge.

15 **RESPONSE:**

16 Sound Transit incorporates by reference its *Preliminary Statement* and *Continuing*
17 *Objections* into this response as if fully set forth herein. Sound Transit reserves its right to
18 supplement and revise these interrogatory responses based on further discovery, analysis, and the
19 Court's orders. Subject to and without waiving these objections, Sound Transit directs Plaintiffs
20 to Sound Transit's 9/14/2012 invalidity disclosures and 7/30/2012 Fed. R. Civ. P. 26(a) initial
21 disclosures and further responds as follows:

22 Sound Transit became aware of Plaintiffs' '781 patent when Plaintiffs' counsel (Anthony
23 Dowell) wrote a letter dated July 8, 2010 to Sound Transit's CEO, Joni Earl. In response, Ms.
24 Earl referred the matter to legal counsel, who then responded to Plaintiffs' counsel in writing on,
25 *inter alia*, July 13, 2010, April 7, 2011, and through this litigation.
26

1 **INTERROGATORY NO. 5:**

2 Please describe and identify any investigation, evaluation or analysis conducted to
3 determine whether any vehicle tracking system used or created by Sound Transit would infringe
4 any claim of the '781 patent and provide the precise date(s), persons involved and results of any
5 such investigation, evaluation or analysis.

6 **RESPONSE:**

7 Sound Transit incorporates by reference its *Preliminary Statement* and *Continuing*
8 *Objections* into this response as if fully set forth herein. Sound Transit specifically objects to
9 this request on the grounds that it is compound and includes multiple sub-parts without
10 delineating the same. Sound Transit also objects to this discovery request as premature and as
11 seeking information protected by the attorney-client privileged and work product doctrine.
12 Sound Transit reserves its right to supplement and revise these interrogatory responses based on
13 further discovery and analysis in accordance with the timetable and requirements of the Court's
14 orders and rules.

15
16 **INTERROGATORY NO. 6:**

17 For each of Interrogatories above, identify the individual within Defendant's employ who
18 is believed to be the most knowledgeable with respect to the subject matter of each Interrogatory,
19 and each individual who was consulted in connection with providing answers to the above
20 Interrogatories.

21 **RESPONSE:**

22 Sound Transit incorporates by reference its *Preliminary Statement* and *Continuing*
23 *Objections* into this response as if fully set forth herein. Sound Transit specifically objects to
24 this request on the grounds that it is compound and includes multiple sub-parts without
25 delineating the same. Sound Transit also objects to this discovery request as vague and
26 ambiguous insofar as there is no single Sound Transit employee that is the most knowledgeable

1 about all of the subject matter covered by each of Plaintiffs' interrogatories or a particular
 2 interrogatory — rather, several people have different levels of information, quantitatively and
 3 qualitatively, responsive to Plaintiffs' questions. Subject to and without waiving these
 4 objections, Sound Transit lists the following Sound Transit employees and other personnel who
 5 are among the most knowledgeable about the information provided in responses to Plaintiffs'
 6 interrogatories:

<p>7 Marcus Clark 8 Sound Transit 9 401 South Jackson Street 10 Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)</p>	<p>Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit customer service, and the public transit industry and prior art.</p>
<p>11 Julie Shibuya 12 Sound Transit 13 401 South Jackson Street 14 Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)</p>	<p>Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit customer service, and the public transit industry and prior art.</p>
<p>15 Denene Dean 16 Sound Transit 17 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)</p>	<p>Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit customer service, and the public transit industry and prior art.</p>
<p>18 Robert Nedrow 19 Sound Transit 20 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)</p>	<p>Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit customer service, and the public transit industry and prior art.</p>
<p>22 Martin Young 23 Sound Transit 24 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)</p>	<p>Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit customer service, and the public transit industry and prior art.</p>

1 2 3 4	Weylin Doyle Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit customer service, and the public transit industry and prior art.
5 6 7 8	Brian Freerks Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit customer service, and the public transit industry and prior art.
9 10 11 12	Ed Fredericks Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit security and dispatch, and the public transit industry and prior art.
13 14 15	Saundra Ready Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit security and dispatch, and the public transit industry and prior art.
16 17 18 19	Christina Snyder Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit security and dispatch, and the public transit industry and prior art.
20 21 22	Joshua Larsen Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit security and dispatch, and the public transit industry and prior art.
23 24 25 26	Matt Willison Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit security and dispatch, and the public transit industry and prior art.

1	Erik Dunn Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit security and dispatch, and the public transit industry and prior art.
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5	Eva Jakubowicz Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit security and dispatch, and the public transit industry and prior art.
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9	Philip Cane Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit security and dispatch, and the public transit industry and prior art.
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12	Janice Kimberling Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit security and dispatch, and the public transit industry and prior art.
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16	Basil Lumba Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit security and dispatch, and the public transit industry and prior art.
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19	Jon Roche Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit security and dispatch, and the public transit industry and prior art.
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23	De Meyers Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit information technology, and the public transit industry and prior art.
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1	Adam Schmitt Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit information technology, and the public transit industry and prior art.
2	Jennifer Dice Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, GovDelivery RSS feeds, Sound Transit information technology, and the public transit industry and prior art.
3	Jamie Vogt Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the development, function, and operation of the Sound Transit Rider Alert system, Sound Transit information technology, and the public transit industry and prior art.
4	Brian McCartan Sound Transit 401 South Jackson Street Seattle, WA 98104 (206) 398-5000 (Contact through Defendant's counsel)	Knowledge regarding Sound Transit, the function and operation of the Sound Transit Rider Alert system, Sound Transit information technology and finances, and the public transit industry and prior art.
5	Amtrak 303 South Jackson Street King Street Station Seattle, WA 98104 (206) 296-0100	Knowledge regarding Sound Transit, the Sound Transit Rider Alert system, and the public transit industry and prior art.
6	Burlington Northern Santa Fe Railroad 2650 Lou Menk Drive Fort Worth, TX 76131-2830 (800) 795-2673	Knowledge regarding Sound Transit, the Sound Transit Rider Alert system, and the public transit industry and prior art.
7	GovDelivery 408 St. Peter Street, Suite 600 Saint Paul, MN 55102 (866) 276-5583	Knowledge regarding Sound Transit, the Sound Transit Rider Alert system, and the public transit industry and prior art.
8	Community Transit 7100 Hardeson Road Everett, WA 98203 (425) 353- 7433	Knowledge regarding Sound Transit, the Sound Transit Rider Alert system, and the public transit industry and prior art.

<p>1 King County Metro 201 South Jackson Street 2 Seattle, WA (206) 553-3000 3</p>	<p>Knowledge regarding Sound Transit, the Sound Transit Rider Alert system, and the public transit industry and prior art.</p>
<p>4 Pierce Transit 3701 96th Street Southwest 5 Lakewood, WA 98499 (253) 581-8080 6</p>	<p>Knowledge regarding Sound Transit, the Sound Transit Rider Alert system, and the public transit industry and prior art.</p>

7 Sound Transit reserves its right to supplement and revise these interrogatory responses
8 based on the Court's orders and further analysis and discovery (including from Plaintiffs).
9

10 DATED this 8th day of November, 2012.

11 Respectfully submitted,

12 STOEL RIVES LLP

13 /s/ Brian C. Park

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CERTIFICATE OF SERVICE

I, Brian C. Park, certify under penalty of perjury under the laws of the United States that, on November 8, 2012, I caused the foregoing document to be served by the method indicated below on the parties listed below:

Anthony Dowell
Geoffrey D. Smith
DOWELL BAKER P.C.
201 Main Street, Suite 710
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Email: aedowell@dowellbaker.com
Email: gsmith@dowellbaker.com

- hand delivery
- e-mail delivery
- facsimile transmission
- overnight delivery
- regular U.S. Mail

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- hand delivery
- e-mail delivery
- facsimile transmission
- overnight delivery
- regular U.S. Mail

Executed on November 8, 2012, at Seattle, Washington.

/s/ Brian C. Park
Brian C. Park