

May 3, 2018

Dale Fowler
Indect USA, Inc.
1510 Randolph St., Suite 501
Carrollton, TX 75006

Re: Noninfringement of Park Assist Patent

Dear Mr. Fowler:

You have requested our opinion regarding whether the Indect system proposed for the Atlanta airport expansion project infringes Park Assist's 9,594,956 patent ('956 patent). A summary of our analysis is given below. The Indect system is superior to the patented Park Assist system in a number of ways and it is our opinion that the Indect system does not infringe any claim of the '956 patent.

Overview of the proposed Indect system.

As an overview, the Indect system is a fully automated system that is highly configurable, providing Atlanta with flexibility in managing its parking assets. In addition to basic occupied/unoccupied detection and indication, the system includes the ability to re-assign parking spaces between categories. For example, the number of handicap parking spaces can be expanded on-the fly. Additionally, general spaces can dynamically be designated as reserved and then re-assigned as needed. Specific information regarding who/how a spot is reserved for can be displayed uniquely by parking space. For example, a group of spaces could be designated as reserved for a given company or an individual space can show the name or other indicator for a specific individual. The color schemes can also be changed as desired for special events or seasonal effects. The basic monitoring functions all occur automatically while the additional capabilities are accessed through an easy user interface.

In contrast to the flexible system proposed by Indect, Park Assist's patent covers an undesirable feature that Indect does not use, does not want and which has not been proposed for use in Atlanta. It is not even clear that Park Assist would propose a system covered by their patent. To the extent Park Assist has proposed a system that actually uses their invention, it will be less reliable and more expensive to operate than the Indect system. Specifically, the Park Assist '956 patent requires constant human verification of the operation of the system. Indect does not require constant

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human monitoring to function. Indect's computer system is highly accurate and does not benefit from human verification.

Detailed basis for non-infringement of '956 patent.

To infringe a patent, a user must take steps required by at least one of the claims stated at the end of the patent. The '956 patent only has two claims and only one independent claim. Claim one, adds human monitoring to well-known technology for monitoring and managing parking spaces. Specifically, Claim 1 of the '956 Patent contains ten steps labeled (a)-(j).

Claim 1 states, *inter alia*, A method of managing a plurality of parking space, comprising ...

[steps "a" to "e" relate generally to determining whether a space is occupied by collecting and analyzing a digital image];

(f) displaying a thumbnail image of said parking space on a graphic user interface (GUI), said thumbnail image digitally processed from an image electronically communicated to said GUI from said imaging unit;

(g) deciding whether said occupied status is incorrect, based on a visual review of said thumbnail image on said GUI;

(h) correcting said occupied status, by inputting computer- readable instructions to a computer terminal of said GUI, if said parking space shown in said thumbnail image is vacant and said computer terminal electronically communicating a command to toggle said multicolor indicator to illuminate a second color, said second color predefined to indicate a vacant status.

The Indect system does not infringe the '956 patent at least because it does not include either step (g) or (h). Step (g) requires a "visual review" by a user, such as a manager, of a thumbnail image of a given parking space to determine whether the occupied status is incorrect (i.e., is the indicator light the wrong color). The Indect system when used as intended does not have personnel perform a visual review of any particular space in order to determine whether the system is functioning correctly. Thus, step (g) is not performed. Under U.S. patent law, the fact that neither Indect nor anyone using its system performs this step means that there is no infringement of Claim 1 of the '956 Patent.

Additionally, Step (h) requires correction of the occupied status if the thumbnail image reviewed by a human operator shows that a given parking space marked as "occupied" by the system is vacant. Again, Indect does not require personnel dedicated to reviewing thumbnail images and therefore does not correct status by relying on such analysis. Thus, step (h) is not performed which is an additional basis to conclude that there is no infringement.

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Claim 2 is necessarily also not infringed, because Claim 2 requires the performance of every step of Claim 1 plus one additional step.

Conclusion

We have compared the features and operation of the system proposed to Atlanta against the requirements of the '956 patent. There is no infringement of the '956 patent by this proposed system.

Sincerely,



Paul V. Storm

PVS:sel