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13 ACE PARKING MANAGEMENT, INC.

14   **UNITED STATES DISTRICT COURT**

15   **SOUTHERN DISTRICT OF CALIFORNIA**

16 | PARK ASSIST LLC, | Case No. 3:18-cv-02068-BEN-MDD |
|---|---|
17 | Plaintiff, | **DECLARATION OF MICHAEL DEGRAFFENREID IN SUPPORT OF ACE PARKING MANAGEMENT, INC.'S MOTION FOR RULE 11 SANCTIONS** |
18 | v. | |
19 | SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY AND ACE PARKING MANAGEMENT, INC., | Judge: Hon. Roger T. Benitez |
20 | | |
21 | | |
22 | Defendants. | |

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1   I, Michael DeGraffenreid, declare and state as follows:

2   1.   My name is Michael DeGraffenreid. I am a General Manager of Ace Parking

3   Management, Inc. ("Ace Parking"). I am in charge of Ace Parking's operations at the San

4   Diego Airport. I am over twenty-one (21) years of age. I make this declaration based upon

5   my personal knowledge, and if called upon to do so, I could and would competently testify

6   to the matters stated herein.

7   2.   The parking facility at Terminal 2 of the San Diego Airport has an automated

8   parking system. It uses the INDECT UPSOLUT camera-based system to determine

9   occupancy for each designated parking space in the lower two levels of the Terminal 2

10   parking facility. I am responsible for the operation of this system.

11   3.   The automated parking system in the Terminal 2 parking facility uses digital

12   cameras along with other sensors to monitor entrances, exits, and parking spaces to track

13   cars entering, leaving, and parking in the parking facility. This system makes parking

14   easier by informing drivers how many open parking spaces are available on a given

15   parking level and guiding them to open spaces using colored lights (*e.g.* green) to indicate

16   vacant parking spaces. Occupied parking spaces are indicated with their own color (*e.g.*

17   red). These systems also inform the parking facility with real-time information on number

18   and location of open spaces, parking patterns, duration of stays, management of parking

19   fees, and information on entry, exit, and location of cars. To make this information useful,

20   the monitoring occurs automatically in real-time. Typically, the information updates

21   several times per minute for every parking space as changes occur. If the information is

22   not updated quickly, the system could direct drivers to occupied parking spaces, causing

23   frustration.

24   4.   I understand that Park Assist has alleged that Ace Parking infringes its patent

25   U.S. Patent No. 9,594,956 ("the '956 patent") based, in part, on Park Assist's

26   interpretation of a document entitled "Division 11 – Equipment, Section 11 12 01, Parking

27   Guidance System" ("PGSR") attached as Exhibit C to Park Assist LLC's First Amended

28   Complaint for Patent Infringement.

5.   I have never seen the PGSR. It has never been referred to with respect to any of the operation of the San Diego Parking Airport parking facility.

6.   Prior to the lawsuit being filed I did not even know that the PGSR document existed.

7.   The PGSR document is not used or referenced by Ace in operating any of the automated system in the Terminal 2 parking facility, including the Indect system.

8.   Ace does not have the ability to display thumbnails of any image taken by the Indect system. Ace has no need for that information and no way to use it. Ace does not have any monitor connected to the Indect system nor any other way to review images obtained by the Indect system.

9.   This is true now and has been true since the Indect system was first placed into service.

10.   Ace does not have any personnel trained or assigned to review the occupancy determinations made automatically by the Indect system. Ace has never had such personnel. Ace has no plans to implement human review and override of occupancy determinations by the Indect system.

11.   Ace has not received any instruction or request from the San Diego Airport Parking Authority for the Indect camera-based parking guidance system to have the capability to display thumbnails for human review and correction of parking space occupancy determinations made by the system.

12.   I do not know the actual numerical accuracy of the Indect system. However, since the system has been installed, Ace has not received any comments or complaints that the system is inaccurate. At least as a practical matter, in operation it appears to be highly accurate.

13.   As far as I know, the INDECT system operated by ACE does not have the capability for anyone to manually change the occupancy status of a parking space.

14.   The automated parking system that Ace Parking operates does not require that the camera-based parking guidance system to be used at the San Diego Airport have

1   the capability to enforce permit parking.

2   15.   No permit parking is currently implemented or planned for the San Diego

3   parking facility.

4   16.   The San Diego parking system also has spaces allocated for handicapped

5   parking. If a car parks in a handicapped parking space without a handicap parking permit,

6   they are issued a ticket but no other action is taken. The determination that a car is

7   improperly parked in a handicapped parking space is made by visual inspection having no

8   connection to the Indect system.

9   17.   The INDECT UPSOLUT system currently in use at the San Diego Airport is

10   not used to enforce permit parking.

11   I declare under penalty of perjury under the laws of the United States of America

12   that the foregoing is true and correct.

13   Date: 2/15/2019

14   Michael Degraffenreid

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