

Date: June 14<sup>th</sup> 2017

## **Indect does not infringe U.S. Patent No. 9,594,956 (assigned to Park Assist LLC)**

To Whom it May Concern

Indect has been informed that U.S. Patent 9,594,956 (“the ‘956 patent”) has been issued. The Indect parking guidance systems do not infringe the ‘956 patent. This letter states some of the reasons why there is no infringement. This letter does not attempt to set forth every reason why that parking system does not infringe the ‘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 1. Claim one, while generally related to a method of managing a group of parking spaces, relies on human intervention to operate. In contrast, Indect’s systems are fully automated and do not use or rely on human intervention to function properly. Specifically, Claim 1 of the ‘956 Patent contains ten steps labeled (a)-(j). Using the Indect system does not infringe because such used would not perform at least steps (g) and (h) as set forth below.

Claim 1. A method of managing a plurality of parking space, comprising ...

(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[.]

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). Indect does not have personnel perform a visual review of any particular space in order to determine whether the system is functioning correctly in real time. Thus, step (g) is not performed. Under U.S. patent law, the fact that Indect (or someone using its system) does not perform this step means that there is no liability for infringement of Claim 1 of the ‘956 Patent, because at least one step of the claimed method is not performed. Because at least one step of Claim 1 is missing, Claim 2 is necessarily also not infringed, because Claim 2 requires the performance of every step of Claim 1 plus one additional step.

Additionally, Step (h) requires correction of the occupied status if the thumbnail image shows that a given parking space is vacant. Again, Indect does not have anyone reviewing thumbnail images and therefore does not correct status by relying on such analysis. Thus, step (h) is not performed.


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As explained above, Indect (or someone using its system) does not perform every step of either Claim 1 or Claim 2 of the '956 Patent and therefore would not be liable for infringement of that patent.

Sincerely,



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**INDECT**  
performance counts