IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WBIP, LLC, *Plaintiff/Counterclaim Defendant,* v. KOHLER CO., *Defendant/Counterclaim Plaintiff.*	Civil Action No. 1:11-cv-10374-NMG

SUPPLEMENTAL DECLARATION OF ROBERT BROOKS REGARDING CLAIM CONSTRUCTION FOR U.S. PATENT NOS. 7,314,044 AND 7,832,196

I. INTRODUCTION

1. My name is Robert Brooks and I reside at 1450 W. Long Lake Traverse City, MI 49685.

2. I have been retained as an independent expert consultant in this case by Kohler Co. ("Kohler").

3. I understand that, in this case, WBIP, LLC ("WBIP") accuses Kohler of infringing certain claims of U.S. Patent Nos. 7,314,044 ("'044 patent") and 7,832,196 ("'196 patent").

4. In preparing this declaration, I have reviewed the ’044 and ’196 patents, their prosecution file histories and *Internal Combustion Fundamentals* by John Heywood. *Internal Combustion Fundamentals* is referenced in this declaration as Exhibit A.

5. This declaration sets forth my overview of the relevant technology relating to the ’044 and ’196 patents.

II. QUALIFICATIONS

6. My qualifications are stated in my May 23, 2012, Declaration (Dkt. No. 34).

III. DISPUTED CLAIM TERMS OF THE PATENTS-IN-SUIT

7. With regard to an engine, inject means forcing fluid into a cavity. The practical implementation of this is the fuel injector, which injects an amount of fuel under pressure into the cylinder of an engine. The injector is the device that does the injecting. This is the plain meaning of this term to one of ordinary skill in the art. *See* Exhibit A at 294-299, 491-535, 863.

8. As part of my work experience and education, described in my curriculum vitae attached as Ex. 1 to my May 23, 2012 Declaration (Dkt. No. 34), I have used and studied narrow-band oxygen sensors, and am knowledgeable with respect to the function and operation of narrow-band oxygen sensors. I am also knowledgeable with respect to the function and operation of wide-band oxygen sensors.

9. Narrow-band oxygen sensors may provide a voltage signal dependent on the oxygen concentration in the exhaust gas. Oxygen concentration is a measure of the quantity of oxygen in a certain volume. *See* Exhibit A at 301-304.

10. Narrow band oxygen sensors may function to output a voltage that is in accordance with the Nernst equation: $V = RT/4F \ln (pO''_2/ pO'_2)$. *See* Exhibit A at 301-304.

11. The partial pressure of oxygen is a representation of oxygen concentration or in other words, the quantity of oxygen.

12. In the equation above, R and F are constant values while pO''_2 (partial pressure of oxygen in the air) and T (temperature), are values that are known or can be measured.

13. Thus, the only unknown in the equation above, is the quantity of oxygen in the exhaust. And the narrow-band oxygen sensor voltage output may be a measurement of that quantity.

14. A wide band oxygen sensor outputs the voltage proportional to the oxygen concentration in the exhaust. A wide band oxygen sensor voltage output may be a measurement of that quantity of oxygen in the exhaust.

15. I reserve the right to amend or supplement this declaration upon further developments in this case.

I, Robert Brooks, declare under the penalties of perjury under the laws of the United States that the foregoing is true and correct.

Dated: June 8, 2012

/s/ Robert Brooks