AIRPRO DIAGNOSTICS, LLC

v.

DREW TECHNOLOGIES, INC., et al.

EXHIBIT F

TO COMPLAINT AND JURY DEMAND

Opus IVS, Inc.
Brian Herron, President
3915 Research Park Drive, Suite A8
Ann Arbor, MI 48108

RE: *Ford Motor Company, et al v. AirPro Diagnostics, LLC,* Case No: 2:20-cv-10518-GCS-APP (E.D. Mich.)

To: Ford Motor Company

You have requested that we review and provide commentary on AirPro's response to Interrogatory number 12 in AirPro's Amended Answers to Plaintiff's Second Set of Interrogatories in the above-referenced lawsuit.

In its response to Interrogatory 12, AirPro states, in relevant part, that:

[its use of the phrase] "OEM Software" is meant to refer to either (1) software provided directly from an OEM, such as the FJDS/FDRS software or (2) software based on an OEM source code that is placed by OEMs with the ETI Teknet Library. AirPro understands that the AutoEnginuity Giotto product falls within this definition because AutoEnginuity licenses OEM source code from the ETI Teknet library. By way of further response, AirPro states that any software that is based on licensed OEM source code from the ETI Teknet library would constitute OEM software.

Based solely upon our review of the above statement, Opus IVS offers the following comments.

1. The President of Opus IVS and AutoEnginuity, Brian Herron, also served as Board member for ETI from 2014-2017 and held the position as President of ETI from 2017-2018.

2. The statement from AirPro indicates that the ETI Teknet library contains OEM source code. Opus IVS considers the definition of source code to be computer code that can be compiled into an executable computer program. To our knowledge, the information provided by OEMs to ETI, including Ford, is not source code but rather scan-tool parameter databases that contain information on how to communicate with specific ECUs on a vehicle. The development of an aftermarket scan-tool requires not only the parameter databases, but also non-oem source code, a user interface, vehicle communications layers, and significant testing.

3. As the manufacturer of AutoEnginuity and several OEM tools, Opus IVS does not make any representations or believe that AutoEnginuity tools are OEM tools. We believe that

AutoEnginuity is a good multi-brand aftermarket scan-tool. In section 6.1 of our attached AutoEnginuity EULA, we state:

> *You further acknowledge and agree that You shall be fully liable for any and all decisions and actions You make as a result of using the Goods, Software and Services under this Agreement, and that any results from Goods, Software, and Services should be checked against an OEM factory information if such results are used to determine the functionality of safety equipment on a motor vehicle.*

4. After Opus IVS acquired AutoEnginuity in 2020, we became aware of allegations that AirPro was representing its use of AutoEnginiuty as an "OE Scan" or "OE Sourced Scan." Opus IVS sent the attached letter to AirPro on March 11, 2020. The letter contained the following statement:

Please confirm that AirPro is not representing to its customers or with the market that (i) a scan performed using an AutoEnginuity tool or product is originating from "OEM Scantool Software" or (ii) that a scan performed using AutoEnginuity Giotto is "an OE Scan or equivalent to an OE scan." While we believe that the AutoEnginuity tools and products are among the best in the industry with comprehensive coverage, we do not and have not represented that performing a scan with AutoEnginuity Giotto is the same as an OE scan performed using IDS, FDRS, or FJDS.

5. Further, AirPro has published several articles about Aftermarket scan-tools, which seems to indicate it understands the difference between an aftermarket and OEM scan-tool. In the following article AirPro articulates that a Bosch scan-tool is an aftermarket scan-tool:

https://www.fenderbender.com/articles/11400-scan-tool-debate-oem-aftermarket-or-both

If you have any other questions, please do not hesitate to contact us.

Best Regards,

Brian Herron

President, Opus IVS, Inc.