

Filed on behalf of Clearlamp, LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LKQ CORPORATION
Petitioner

v.

Patent of CLEARLAMP, LLC
Patent Owner

Case IPR2013-00020
Patent 7,297,364

Before SALLY C. MEDLEY, KEVIN F. TURNER and JOSIAH C. COCKS,
Administrative Patent Judges.

DECLARATION OF A. HARVEY BELL, IV

Clearlamp, LLC
Exhibit 2004

Declaration of A. Harvey Bell, IV 1 of 33 Case IPR 2013-00020 (SCM)

Declaration of A. Harvey Bell, IV

I, A. Harvey Bell, IV, declare as follows:

I. Overview

1. I am over 18 years of age and otherwise competent to make this declaration.
2. I have been retained as an expert witness to provide testimony on behalf of Clearlamp, LLC as a part of the above-captioned *inter partes* review (“IPR”). I make this Declaration based upon facts and matters within my own knowledge or on information provided to me by others. I am being compensated for my time in connection with this IPR at a rate of \$350/hr.
3. I understand that the Patent Office has instituted a review of all claims of U.S. Patent No. 7,297,364 (“the ‘364 patent”), and that the review is based on three references: U.S. Patent Application Publication No. 2005/0208210 (“Kuta”); U.S. Patent No. 6,106,648 (“Butt”); and a series of internet forum posts on the Eastwood ShopTalk Web site under the thread “Plastic headlight re-sealing” (“Eastwood”). More particularly, I understand that the Patent Office has granted review based on two grounds:
 - a. Claims 1–24 would have been obvious to a person of ordinary skill in the art based on the disclosures of Kuta and Butt; and

b. Claims 1–24 would have been obvious to a person of ordinary skill in the art based on the disclosures of Kuta and Eastwood.

4. In preparing this Declaration, I have reviewed the ‘364 patent and considered each document cited herein, in light of the general knowledge in the field of vehicle parts manufacturing, as it stood prior to the December 2005 filing date of the ‘364 patent.

5. As explained in more detail below, there are significant differences between the disclosures of Kuta, Butt, and Eastwood on one hand, and the teaching of the ‘364 patent on the other. Those differences include:

- a. Kuta fails to teach or suggest removing a vehicle lamp from the car before refinishing the lamp’s surface. As explained in detail below, leaving the lamp on the car when refinishing the surface negatively impacts the quality of the refinished lamp relative to the process described and claimed in the ‘364 patent;
- b. Kuta, Eastwood, and Butt all fail to teach or suggest the step of removing all the original clear coating from the lamp surface;
- c. Kuta, Eastwood, and Butt all fail to teach or suggest the step of “evening” the lamp surface to minimize troughs in the surface that are present after removing damage to the surface; and

- d. Kuta, Eastwood, and Butt all fail to teach or suggest the step of spraying a replacement clear coat finish on the lamp surface.
- e. Kuta, Eastwood, and Butt all fail to teach or suggest the step of statically neutralizing the lamp to remove debris before a coating is applied.

6. Further, these differences result from the different goals of the Kuta, Eastwood, and Butt processes on one hand, and that of the '364 patent on the other hand. Specifically, Kuta, Eastwood, and Butt are all directed to processes for creating a lamp that is acceptable to the consumer retail market. In contrast, the '364 patent is directed to a method for refurbishing a lamp to the point that its optical quality is equivalent to the optical quality of an original equipment (OEM) lamp. The Kuta, Eastwood, and Butt processes thus sacrifice quality in favor of lower expense. As such, the Kuta, Eastwood, and Butt processes do not result in lamps that meet OEM standards (*i.e.*, original equipment condition). The '364 patent's process result in a lamp that is of significantly higher quality, but that process is substantially more robust than that of Kuta, Eastwood, or Butt and thus more expensive.

7. Based on these differences, and as described further below, I believe that claims 1–24 of the '364 patent would *not* have been obvious to a person of ordinary skill before the filing of the '364 patent.

II. My Background and Qualifications

8. I am currently Professor of Engineering Practice and Co-Director of the Multidisciplinary Design Program at the University of Michigan. I have held that position since September 2010.

9. Prior to taking my current positions, I worked at General Motors Corporation from June 1969 to November 2008. From April 2006 to November 2008, I was the Executive Director of Advanced Vehicle Development (North America) at GM. In that position, my responsibilities included leading a matrix team of 400 advanced engineers in initiating six General Motors vehicle program. I was also responsible for ensuring that all designs met GM, as well as government, safety requirements

10. Before that, I was the Executive Director of Vehicle Performance from August 2001 to April 2006. In that position, I was responsible for evaluating the role of, *inter alia*, vehicle dynamics, noise, vibration, energy, and human factors on vehicle performance. My responsibilities included oversight of Vehicle Performance Managers, Systems Engineers, and Architecture Resources. In that role I managed an organization of over 1700 people, with a \$170MM budge and a development fleet of 8500 vehicles.

11. From January 2001 to August 2001, I was Engineering Director, Vehicle Dynamics, Noise and Vibration for GM's North American Car Group.

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