

Case IPR2013-00020  
Patent 7,297,364

Trials@uspto.gov  
Tel: 571.272.7822

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LKQ CORPORATION  
Petitioner

v.

CLEARLAMP, LLC  
Patent OWNER

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Case IPR2013-00020  
Patent 7,297,364

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

MEDLEY, *Administrative Patent Judge.*

LKQ'S OBJECTIONS TO EVIDENCE SUBMITTED BY CLEARLAMP

Pursuant to 37 C.F.R. § 42.64, Petitioner LKQ serves and submits the following objections to evidence served with Patent Owner Clearlamp's Response.

Exhibit 2004

LKQ objects to all statements in Exhibit 2004 about original equipment ("OEM") standards and federal standards, including those related to quality, safety, longevity, and lamp characteristics, because such statements are irrelevant (FRE 402).

LKQ also objects to all evidence of LKQ's products and/or services because it is irrelevant (FRE 402). LKQ denies that its products and services infringe the '364 Patent, and the Board will not be determining infringement in this IPR. *See e.g., Garmin Int'l Inc. et al. v. Cuozzo Speed Tech. LLC*, IPR2012-00001, Paper 26, at 11-12 (explaining that the Board does not determine whether an IPR petitioner's accused product infringes the patents challenged in the IPR). Comments about LKQ's products and/or services say nothing about the non-obviousness of the '364 Patent. Furthermore, even if LKQ's products and/or services infringe the '364 Patent, the Board has recognized that infringement is not necessarily evidence of copying. *Id.*

LKQ reserves its right to further challenge Mr. Bell's testimony based upon a deposition of Mr. Bell.

The following chart lists objections to specific paragraphs in Exhibit 2004.

Objections to Paragraphs in Exhibit 2004	
Paragraph 17	Relevance (FRE 402)
Paragraphs 23 to 29	Foundation (FRE 702, 703)
Paragraph 34	Foundation (FRE 702, 703)
Paragraphs 42 and 43	Foundation (FRE 702, 703)
Paragraphs 53 to 56	Foundation (FRE 702, 703)  Authentication (FRE 901)  Inadmissible under § 42.65(b) for failing to provide affidavit regarding test
Paragraphs 75 to 79	Foundation (FRE 702, 703)  Relevance (FRE 402)
Paragraph 84	Foundation (FRE 702, 703)  Relevance (FRE 402)
Paragraphs 85 to 86	Relevance (FRE 402)

Objections to Paragraphs in Exhibit 2004	
Paragraphs 87 to 89	Foundation (FRE 702, 703)  Authentication (FRE 901)  Hearsay (FRE 802)  Relevance (FRE 402)
Paragraph 89	Foundation (FRE 702, 703)

Exhibit 2006

LKQ objects to Exhibit 2006 because it is irrelevant (FRE 402). LKQ denies that its products and services infringe the '364 Patent, and the Board will not be determining infringement in this IPR. *See e.g., Garmin Int'l Inc. et al. v. Cuozzo Speed Tech. LLC*, IPR2012-00001, Paper 26, at 11-12 (explaining that the Board does not determine whether an IPR petitioner's accused product infringes the patents challenged in the IPR). Comments about LKQ's products and/or services say nothing about the non-obviousness of the '364 Patent. Furthermore, even if LKQ's products and/or services infringe the '364 Patent, the Board has recognized that infringement is not necessarily evidence of copying. *Id.*

LKQ also objects to Exhibit 2006 because it is inadmissible under § 42.61 as

evidence not obtained under Subpart A (Trial Practice and Procedure) of Federal Register Vol. 77, No. 157, Rules of Practice for Trials Before the Patent Trial and Appeal Board.

LKQ also objects to Exhibit 2006 because it lacks foundation (FRE 602) and authentication (FRE 901) and is hearsay (FRE 802).

Exhibit 2007

The following chart lists objections to specific paragraphs in Exhibit 2007. LKQ reserves its right to further challenge Mr. Katsamberis' testimony based upon a deposition of Mr. Katsamberis.

Objections to Paragraphs in Exhibit 2007	
Paragraph 6	Foundation (FRE 702, 703)  Relevance (FRE 402)
Paragraph 37	Foundation (FRE 702, 703)
Paragraph 43	Relevance (FRE 402)
Paragraph 44	Relevance (FRE 402)
Paragraph 47	Foundation (FRE 702, 703)

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