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<p style="text-align: center;">A. HARVEY BELL, IV IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL APPEAL BOARD</p> <p>LKQ CORPORATION,))) Petitioner,)) vs.) Case IPR2013-00020 (SCM))) Patent 7,297,364) CLEARLAMP, LLC,))) Patent Owner.)) _____)</p> <p>The Deposition of A. HARVEY BELL, IV, Taken at 5445 Corporate Drive, Troy, Michigan, Commencing at 1:13 p.m., Tuesday, August 27, 2013, Before Renee J. Ogden, CSR-3455, RPR.</p>	<p style="text-align: center;">A. HARVEY BELL, IV TABLE OF CONTENTS</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">WITNESS</th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr> <td>A. HARVEY BELL, IV</td> <td></td> </tr> <tr> <td>EXAMINATION</td> <td></td> </tr> <tr> <td>BY MR. WEED</td> <td style="text-align: right;">5</td> </tr> <tr> <td>EXAMINATION</td> <td></td> </tr> <tr> <td>BY MR. ROBINSON</td> <td style="text-align: right;">97</td> </tr> </tbody> </table> <p style="text-align: center;">EXHIBITS</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">EXHIBIT</th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr> <td>(Exhibits not offered.)</td> <td></td> </tr> <tr> <td>(Exhibit 1001, Exhibit 1002, Exhibit 1003, Exhibit 1004 and Exhibit 2004, Exhibit 2012, Exhibit 2017 and Exhibit 2025 referenced in the deposition are attached.)</td> <td></td> </tr> </tbody> </table>	WITNESS	PAGE	A. HARVEY BELL, IV		EXAMINATION		BY MR. WEED	5	EXAMINATION		BY MR. ROBINSON	97	EXHIBIT	PAGE	(Exhibits not offered.)		(Exhibit 1001, Exhibit 1002, Exhibit 1003, Exhibit 1004 and Exhibit 2004, Exhibit 2012, Exhibit 2017 and Exhibit 2025 referenced in the deposition are attached.)	
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<p style="text-align: center;">A. HARVEY BELL, IV</p> <p>APPEARANCES:</p> <p>BENJAMIN E. WEED VIREN S. SONI K&L Gates, LLP 70 West Madison Street Suite 3100 Chicago, Illinois 60602 312.372.1121 benjamin.weed@klgates.com Viren.soni@klgates.com Appearing on behalf of the Petitioner.</p> <p>DOUGLAS A. ROBINSON Harness, Dickey & Pierce, P.L.C. 7700 Bonhomme Suite 400 Clayton, Missouri 63105 314.446.7683 drobinson@hdp.com Appearing on behalf of the Patent Owner.</p>	<p style="text-align: center;">A. HARVEY BELL, IV</p> <p>Troy, Michigan Tuesday, August 27, 2013 1:13 p.m.</p> <p style="text-align: center;">A. HARVEY BELL, IV,</p> <p>was thereupon called as a witness herein, and after having first been duly sworn to testify to the truth, the whole truth and nothing but the truth, was examined and testified as follows:</p> <p style="text-align: center;">EXAMINATION</p> <p>BY MR. WEED:</p> <p>Q. Good afternoon, sir.</p> <p>A. Good afternoon.</p> <p>Q. Would you please state and spell your name for the record.</p> <p>A. Albert Harvey Bell, IV. Albert is spelled, A-L-B-E-R-T. Harvey is spelled, H-A-R-V-E-Y. Bell is spelled, B-E-L-L. Roman numeral IV.</p> <p>Q. Thank you. What is your current residential address?</p> <p>A. 848 Pleasant, Birmingham, Michigan 48009.</p> <p>Q. Have you ever had your deposition taken before?</p> <p>A. Yes.</p> <p>Q. How many times?</p>																		

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<p>1 A. HARVEY BELL, IV 2 APPEARANCES: 3 4 BENJAMIN E. WEED 5 VIREN S. SONI 6 K&L Gates, LLP 7 70 West Madison Street 8 Suite 3100 9 Chicago, Illinois 60602 10 312.372.1121 11 benjamin.weed@klgates.com 12 Viren.soni@klgates.com 13 Appearing on behalf of the Petitioner. 14 15 DOUGLAS A. ROBINSON 16 Harness, Dickey & Pierce, P.L.C. 17 7700 Bonhomme 18 Suite 400 19 Clayton, Missouri 63105 20 314.446.7683 21 drobinson@hdp.com 22 Appearing on behalf of the Patent Owner. 23 24</p>	<p>1 A. HARVEY BELL, IV 2 Troy, Michigan 3 Tuesday, August 27, 2013 4 1:13 p.m. 5 6 A. HARVEY BELL, IV, 7 was thereupon called as a witness herein, and after 8 having first been duly sworn to testify to the truth, 9 the whole truth and nothing but the truth, was 10 examined and testified as follows: 11 EXAMINATION 12 BY MR. WEED: 13 Q. Good afternoon, sir. 14 A. Good afternoon. 15 Q. Would you please state and spell your name for the 16 record. 17 A. Albert Harvey Bell, IV. Albert is spelled, 18 A-L-B-E-R-T. Harvey is spelled, H-A-R-V-E-Y. Bell is 19 spelled, B-E-L-L. Roman numeral IV. 20 Q. Thank you. What is your current residential address? 21 A. 848 Pleasant, Birmingham, Michigan 48009. 22 Q. Have you ever had your deposition taken before? 23 A. Yes. 24 Q. How many times?</p>

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<p>1 A. HARVEY BELL, IV</p> <p>2 Q. Do you know if either of those depositions were taken</p> <p>3 as an expert witness?</p> <p>4 A. Yes.</p> <p>5 Q. Were they both taken as expert witnesses?</p> <p>6 A. Yes. It might have only been one. I'm trying to</p> <p>7 remember. Let's go with the one.</p> <p>8 Q. Okay.</p> <p>9 A. But it was taken as an expert witness.</p> <p>10 Q. Can you recall when that deposition happened?</p> <p>11 A. 1987.</p> <p>12 Q. So it's been a while?</p> <p>13 A. Mm-hmm.</p> <p>14 Q. Let's go over a few of the ground rules for the day.</p> <p>15 I'm sure that you have talked about some of this with</p> <p>16 your counsel. As you can see, I'll be asking you</p> <p>17 questions and you will be answering them on the</p> <p>18 record. The court reporter is taking down everything</p> <p>19 everybody says, so as a result it's important that we</p> <p>20 try not to speak over each other; is that fair?</p> <p>21 A. Mm-hmm.</p> <p>22 Q. Another thing that is important is that if you answer</p> <p>23 a question that I ask, I'm going to assume you</p> <p>24 understood the question. If you don't understand a</p> <p>25 question, please let me know and I'll rephrase it.</p>	<p>1 A. HARVEY BELL, IV</p> <p>2 Q. Were you employed by General Motors at that point?</p> <p>3 A. I was.</p> <p>4 Q. And I assume you were acting as an expert on behalf of</p> <p>5 GM?</p> <p>6 A. That is correct.</p> <p>7 Q. Can you give me a one sentence overview of what the</p> <p>8 merits of that case were about?</p> <p>9 A. There was an elderly woman that was in a car and when</p> <p>10 she backed up, she hit a child and the child was</p> <p>11 comatose. Her counsel alleged that there was a</p> <p>12 malfunction on the automobile.</p> <p>13 Q. Do you remember what aspect of the automobile was</p> <p>14 alleged to have malfunctioned?</p> <p>15 A. The idler control system.</p> <p>16 Q. Did you ever give testimony at trial in that case?</p> <p>17 A. Yes.</p> <p>18 Q. Where was the venue of that case, if you remember?</p> <p>19 A. Springfield, Missouri.</p> <p>20 Q. Was it a district court case?</p> <p>21 A. Federal.</p> <p>22 Q. Did you prepare an expert report in that case?</p> <p>23 A. I don't think so. Boy, I was deposed in that case.</p> <p>24 Q. But you can't recall being shown a written report that</p> <p>25 you prepared during your deposition?</p>
<p>Page 7</p> <p>1 A. HARVEY BELL, IV</p> <p>2 Okay?</p> <p>3 A. Okay.</p> <p>4 Q. I want us to be on the same page on the questions and</p> <p>5 answers. The other thing is, it's not an endurance</p> <p>6 test. If you want to take a break, please let me</p> <p>7 know. We will not be here all afternoon. If you want</p> <p>8 to take a break, let me know.</p> <p>9 The last thing is, and probably for your</p> <p>10 benefit it's worth pausing after I ask a question in</p> <p>11 case your counsel wants to interpose an objection,</p> <p>12 however, you will still need to answer my question</p> <p>13 even if he objects, okay, to the extent that you</p> <p>14 understand the question. Is that fair?</p> <p>15 A. Yes.</p> <p>16 Q. You testified that you gave a deposition as an expert</p> <p>17 in about 1987; is that right?</p> <p>18 A. That's correct.</p> <p>19 Q. Was it a patent case?</p> <p>20 A. No.</p> <p>21 Q. What kind of case was it?</p> <p>22 A. Product liability case.</p> <p>23 Q. Do you remember the parties that were involved in that</p> <p>24 case?</p>	<p>Page 9</p> <p>1 A. HARVEY BELL, IV</p> <p>2 A. No.</p> <p>3 Q. Do you remember how long that deposition lasted?</p> <p>4 A. Three hours maybe.</p> <p>5 Q. Do you remember what the outcome of that case was?</p> <p>6 A. Yes, it was found for General Motors. General Motors</p> <p>7 was not liable.</p> <p>8 Q. Do you recall whether in that case any argument was</p> <p>9 made that you were biased toward your employer?</p> <p>10 A. No, there was no argument made.</p> <p>11 Q. Do you recall what your rate per hour was in that</p> <p>12 case?</p> <p>13 A. I was not compensated other than my standard salary.</p> <p>14 Q. Other than that deposition, have you ever given any</p> <p>15 testimony of any kind in a legal proceeding?</p> <p>16 A. I was selected for a jury one time and I was</p> <p>17 cross-examined and tossed off.</p> <p>18 Q. Okay. Was that a patent case?</p> <p>19 A. No.</p> <p>20 Q. Have you been approached to serve as an expert witness</p> <p>21 since that experience in 1987?</p> <p>22 A. Yes.</p> <p>23 Q. Aside from this case, have you been approached to</p> <p>24 appear as an expert witness?</p>

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<p>1 A. HARVEY BELL, IV</p> <p>2 Q. Have you declined those requests?</p> <p>3 A. No.</p> <p>4 Q. So you have served as an expert witness between that</p> <p>5 1987 case and today aside from this case, right?</p> <p>6 A. Yes.</p> <p>7 Q. I think it's your testimony that you just haven't</p> <p>8 given a deposition in any of those cases, right?</p> <p>9 A. That's correct.</p> <p>10 Q. Have you prepared any expert reports in any of the</p> <p>11 cases you have been involved in between 1987 and</p> <p>12 today?</p> <p>13 A. Yes.</p> <p>14 Q. Were any of those cases about patent infringement?</p> <p>15 A. No.</p> <p>16 Q. Were those all products liability cases?</p> <p>17 A. No.</p> <p>18 Q. Aside from products liability, what was the subject</p> <p>19 matter of those cases?</p> <p>20 A. The subject matter is still confidential. I signed a</p> <p>21 confidentiality statement. Suffice it to say there's</p> <p>22 an international arbitration between two automotive</p> <p>23 companies and that's all at this point that I feel at</p> <p>24 liberty to discuss.</p> <p>25 Q. That's fair. I assume that the identity of those</p>	<p>1 A. HARVEY BELL, IV</p> <p>2 A. No deposition. What is scheduled maybe is a hearing</p> <p>3 in front of the arbitration board.</p> <p>4 Q. How did Clearlamp find you in this case, do you know?</p> <p>5 A. No.</p> <p>6 Q. Do you recall whether Clearlamp used an expert search</p> <p>7 firm to find you?</p> <p>8 A. No.</p> <p>9 Q. No, you don't recall?</p> <p>10 A. I have no idea. I was standing on a test track and I</p> <p>11 got a call from the counsel's associate.</p> <p>12 Q. Was that Mr. Robinson?</p> <p>13 A. No.</p> <p>14 Q. Do you remember the name of the person who first</p> <p>15 called you?</p> <p>16 A. Matthew Cutler.</p> <p>17 Q. Do you remember when Mr. Cutler called you?</p> <p>18 A. June of 2012.</p> <p>19 Q. At some point did you sign an agreement to be an</p> <p>20 expert in this case?</p> <p>21 A. Yes.</p> <p>22 Q. Do you remember when that agreement was signed?</p> <p>23 A. No.</p> <p>24 Q. Was it after June of 2012?</p> <p>25 A. Yes.</p>
Page 11	Page 13
<p>1 A. HARVEY BELL, IV</p> <p>2 companies is probably confidential as well.</p> <p>3 A. It is.</p> <p>4 Q. Can you tell me what your billing rate in those cases</p> <p>5 is?</p> <p>6 A. Yes.</p> <p>7 Q. What is it?</p> <p>8 A. \$500 an hour.</p> <p>9 Q. What is your billing rate in this case?</p> <p>10 A. \$350 an hour.</p> <p>11 Q. Is there any reason why the billing rate here is 30</p> <p>12 percent lower?</p> <p>13 A. Sequence of events.</p> <p>14 Q. Can you elaborate?</p> <p>15 A. I took this case and then I was later approached for</p> <p>16 the international arbitration case.</p> <p>17 Q. So the international arbitration case is still</p> <p>18 currently ongoing; is that right?</p> <p>19 A. Shall we say it's suspended animation.</p> <p>20 Q. Fair enough. Have you prepared any expert reports in</p> <p>21 that case?</p> <p>22 A. Yes.</p> <p>23 Q. You haven't given any deposition yet; is that right?</p> <p>24 A. That's correct.</p>	<p>1 A. HARVEY BELL, IV</p> <p>2 Q. Was it before September of 2012?</p> <p>3 A. Boy, I don't remember.</p> <p>4 Q. Do you recall signing what's called an undertaking in</p> <p>5 a district court case between LKQ and Clearlamp?</p> <p>6 A. I signed some documents for the legal firm. What</p> <p>7 exactly the technical name of those documents were,</p> <p>8 boy, it's beyond me.</p> <p>9 Q. Understood. Do you recall signing any documents that</p> <p>10 allowed you to see LKQ's confidential information at</p> <p>11 some point in the district court case?</p> <p>12 A. There was a nondisclosure to keep everything</p> <p>13 confidential, which I signed.</p> <p>14 Q. Do you know if by the time you signed that agreement</p> <p>15 you had already signed the agreement you referenced</p> <p>16 with the law firm in this case?</p> <p>17 A. I quite honestly do not remember the sequence or how</p> <p>18 all that went down.</p> <p>19 Q. Fair enough. Do you remember -- strike that.</p> <p>20 Approximately how many hours have you</p> <p>21 worked on this case from your retention to date?</p> <p>22 A. I guess 15 maybe, not a lot.</p> <p>23 Q. Have you been paid for any of those hours yet?</p> <p>24 A. Yes.</p>

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1 A. HARVEY BELL, IV
 2 your work in this case?
 3 A. January of 2013.
 4 Q. Do you remember the date of the invoice that that
 5 check was for?
 6 A. Not exactly, but it was around the end of December
 7 because I set up QuickBooks. My wife is an
 8 accountant. She helped me. It was around then.
 9 Q. So in other words, you didn't ask for your payment to
 10 be delayed until the start of 2013?
 11 A. No.
 12 Q. Do you remember the amount of that invoice in January
 13 of -- strike that.
 14 Do you remember the amount of the check
 15 that you received in January of 2013?
 16 A. No.
 17 Q. Was it a few hundred dollars?
 18 A. No. It was more than a hundred dollars. I don't
 19 remember the exact number.
 20 Q. Okay. What's your understanding of the current matter
 21 for which you are giving a deposition?
 22 A. It's under an interparty's review.
 23 Q. What's your understanding of an interparty's review?
 24 A. The court is trying to understand the facts and
 25 nailing down a specific set of claims relative to the

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1 A. HARVEY BELL, IV
 2 various prior art.
 3 Q. Do you have an understanding that the interparty's
 4 review is being conducted by the United States Patent
 5 Office?
 6 A. Yes.
 7 Q. And so do you understand that there is a difference
 8 between the interparty's review that you are here for
 9 today and the district court case between LKQ and
 10 Clearlamp?
 11 A. I believe I do.
 12 Q. So do you know if the work you did in December of 2012
 13 was for the district court case or the interparty's
 14 review?
 15 A. To tell you the truth, I don't really know.
 16 Q. Do you recall the nature of that work in December of
 17 2012?
 18 A. I've read documents, the '364 patent and then Kuta and
 19 the associated prior art.
 20 Q. So in other words, the work you did in December of
 21 2012 was related to the validity of the '364 patent as
 22 opposed to infringement of the '364 patent?
 23 MR. ROBINSON: Objection, misstates
 24 testimony.

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1 A. HARVEY BELL, IV
 2 Q. You can answer if you understand.
 3 A. I don't.
 4 Q. Do you understand the difference between validity and
 5 infringement?
 6 A. No.
 7 Q. Are you the named inventor on any U.S. patents?
 8 A. No.
 9 Q. Do you have any understanding of the basics of U.S.
 10 patent law?
 11 A. Basic, very basic, yes.
 12 Q. What is your very basic understanding of U.S. patent
 13 law?
 14 A. Well, the first thing you have to do is put in a
 15 record of intention and document it, then the
 16 attorneys look at it and tell you whether or not it's
 17 worth filing for a patent. The whole process takes a
 18 long time. The patent attorneys work with you and put
 19 together a patent.
 20 Q. Okay. Now, you said the attorneys tell you whether or
 21 not it's worth filing a patent. Do you have any
 22 general understanding of what would make something
 23 worth filing a patent on?
 24 A. Boy, I'm foggy on it, but my general understanding is
 25 that it's got a unique characteristic to it that makes

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1 A. HARVEY BELL, IV
 2 it patentable.
 3 Q. That's pretty good. That's pretty fair.
 4 So do you have an understanding then about
 5 whether the interparty's review that we're here for
 6 today is a challenge to an already issued patent?
 7 A. Not -- I do not understand the very, very super fine
 8 points of law on this subject.
 9 Q. Sure. So do you understand that Clearlamp accused LKQ
 10 of infringing the '364?
 11 A. Yes, I understand that.
 12 Q. So based on that, would it be your understanding that
 13 the '364 patent is an issued patent?
 14 A. Yes. I mean, yeah.
 15 Q. I'll just hand you the '364 patent so we're all on the
 16 same page. You can look at it if you want to.
 17 This is a copy of the '364 patent --
 18 A. Right.
 19 Q. -- stamped with Exhibit 1001. That's the '364 patent
 20 that you are referring to, right?
 21 A. Right.
 22 Q. At some point in your work for Clearlamp you created a
 23 declaration; is that right?
 24 A. That's correct.

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