	A. HARVEY BELL, IV  IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL APPEAL BOARD  KQ CORPORATION, )  Petitioner, )  vs. ) Case IPR2013-00020 (SCM)	3 4 5 6	A. HARVEY BELL, IV TABLE OF CONTENTS  WITNESS PAGE A. HARVEY BELL, IV
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	KQ CORPORATION, ) Petitioner, ) )	3 4 5 6	WITNESS PAGE
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CI	)	6	A. HARVEY BELL, IV
CI	)		
CI	vs. ) Case IPR2013-00020 (SCM)	_	
CI	vs. ) Case IPR2013-00020 (SCM)	7	EXAMINATION
CI		8	BY MR. WEED 5
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	)	11	
I	Tatelle Owner,	12	EXHIBITS
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	)	14	EXHIBIT PAGE
		15	(Exhibits not offered.)
	The Deposition of A. HARVEY BELL, IV,	16	(Exhibit 1001, Exhibit 1002, Exhibit 1003,
	, - · · ,	17	Exhibit 1004 and Exhibit 2004, Exhibit 2012,
	m	18	Exhibit 2017 and Exhibit 2025 referenced in
	Commencing at 1:13 n m	19	
	Tuesday, August 27, 2013,		the deposition are attached.)
	Before Renee J. Ogden, CSR-3455, RPR.	20	
		21	
		22	
		23	
		24	
		25	
	Page 3		Page !
1	A. HARVEY BELL, IV	1	A. HARVEY BELL, IV
2 /	APPEARANCES:	2	Troy, Michigan
3		3	Tuesday, August 27, 2013
	BENJAMIN E. WEED	4	1:13 p.m.
		5	Tito pinni
	VIREN S. SONI		A HADNEY DELL IV
	K&L Gates, LLP	6	A. HARVEY BELL, IV,
	70 West Madison Street	7	was thereupon called as a witness herein, and after
8 5	Suite 3100	8	having first been duly sworn to testify to the truth,
9 (	Chicago, Illinois 60602	9	the whole truth and nothing but the truth, was
10 3	312.372.1121	10	examined and testified as follows:
11 b	benjamin.weed@klgates.com	11	EXAMINATION
	Viren.soni@klgates.com	12	BY MR. WEED:
13	Appearing on behalf of the Petitioner.	13	Q. Good afternoon, sir.
14	Typearing on behalf of the feltioner.	14	A. Good afternoon.
	DOUGLAS A. ROBINSON	15	Q. Would you please state and spell your name for the
		16	record.
	Harness, Dickey & Pierce, P.L.C.		
	7700 Bonhomme	17	A. Albert Harvey Bell, IV. Albert is spelled,
18 S	Suite 400	18	A-L-B-E-R-T. Harvey is spelled, H-A-R-V-E-Y. Bell
	Clayton, Missouri 63105	19	spelled, B-E-L-L. Roman numeral IV.
		20	Q. Thank you. What is your current residential address?
19 (	314.446.7683	40	2. I mank you. What is your current restuting address?
19 <b>(</b> 20 3		21	A. 848 Pleasant, Birmingham, Michigan 48009.
19 ( 20 3 21 d	drobinson@hdp.com		A. 848 Pleasant, Birmingham, Michigan 48009.
19 <b>(</b> 20 3		21	

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18 S	Suite 400	18	A-L-B-E-R-T. Harvey is spelled, H-A-R-V-E-Y. Bell
	Clayton, Missouri 63105	19	spelled, B-E-L-L. Roman numeral IV.
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19 ( 20 3 21 d	drobinson@hdp.com		A. 848 Pleasant, Birmingham, Michigan 48009.
19 <b>(</b> 20 3		21	

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

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

Page 14  A. HARVEY BELL, IV  your work in this case?  A. January of 2013.  Q. Do you remember the date of the invoice that that cheek was for?  A. Not exactly, but it was around the end of Docember because I set up QuickBooks. My wife is an accountant. She helped me. It was around then.  Q. So in other words, you didn't ask for your payment to be delayed until the start of 2013?  A. No.  Q. Do you remember the amount of that invoice in January  A. No.  Q. Do you remember the amount of the check that you received in January of 2013?  A. No.  A. No.  Well, the first thing you have to do is put in a record of intention and document it, then the attorney shock at it and tell you whether or not it's worth filing for a patent. The whole process takes a mailing down a specific set of claims relative to the  Page 15  A. HARVEY BELL, IV  various prior art.  A. HARVEY BELL, IV  vario	1 A. HARVEY BELL, IV 2 your work in this case? 2 Q. You can answer if your work in this case? 3 A. January of 2013. 4 Q. Do you memember the date of the invoice that that 5 check was for? 5 Check was for? 5 Check was for? 6 A. Not exactly, but it was around the end of December 6 because I set up QuickBooks. My wife is an 7 Power of the care of the interpretation of the check 10 power of the care of the country of the delayed until the start of 2013? 10 patent law? 10 patent law? 11 A. No. 11 A. Well, the first thing: 11 power of the check 12 power of the check 13 patent law? 14 Do you remember the amount of the check 14 A. Well, the first thing: 15 record of intention an attorneys look at it and attorneys look at it and an interparty and the current matter 20 power of which you are giving a deposition? 12 A. It's under an interparty's review. 12 and an interparty sore with filing a patent of the current work in filing for a pate long time. The patent together a patent. 14 page 15	4 (Pages 14 to 17)
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? 5 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. 13 of strike that. 14 Do you remember the amount of the check that you received in January of 2013? 15 A. No. 16 Q. Was it a few hundred dollars? 17 cremember the exact number. 18 A. No. It was more than a hundred dollars? 19 remember the exact number. 20 Q. Okay. What's your understanding of the current matter for which you are giving a deposition? 21 A. It's under an interpurty's review. 22 A. It's under an interpurty's review. 23 Q. What's your understanding of an interpurty's review? 24 A. The court is trying to understand the facts and 25 maining down a specific set of claims relative to the 26 A. Yes. 27 Q. And so ol you understand that there is a difference between the interpurty's review hat being conducted by the United States Patent 5 Office? 28 A. Yes. 29 Q. And so ol you understand that there is a difference between the interpurty's review that you are here for today and the district court case between LKQ and 10 Clearlamp? 10 A. HarkVery Bell, IV 21 A. It believe I do. 22 Q. So do you know if the work you did in December of 20 Q. So do you know if the work you did in December of 20 Q. Do you bave an understanding that there is a difference between the interpurty's review that you are here for today as a challenge to an already issued patent? 23 Q. Do you bave an understanding that there is a difference between the interpurty's review that you are here for today as a challenge to an already issued patent? 24 A. The court is trying to understand that there is a difference between the interpurty's review that you are here for today as a challenge	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? 5 A. Not exactly, but it was around the end of December 6 because I set up QuickBooks. My wife is an accountant. She helped me. It was around then. 9 Q. So in other words, you didn't ask for your payment to be delayed until the start of 2013? 11 A. No. 12 Q. Do you remember the amount of that invoice in January 12 Q. What is your very bis law? 13 of - strike that. 14 Do you remember the amount of the check 14 A. No. 146 A. No. 16 A. No. 17 A. No. 18 A.	Page 16
3 A. January of 2013. 4 Q. Do you remember the date of the invoice that that check was for? 5 A. Not exactly, but it was around the end of December because 1 set up QuickBooks. My wife is an a countant. She helped me. It was around then. 9 Q. So in other words, you didn't ask for your payment to be delayed until the start of 2013? 11 A. No. 12 Q. Do you remember the amount of that invoice in January 12 Q. Do you have any understanding of the basics of U.S. patent law? 13 of - strike that. 14 Do you remember the amount of the check that you received in January of 2013? 16 A. No. 17 Q. Was if a few hundred dollars? 18 A. No. It was more than a hundred dollars? 19 remember the exact number. 20 Q. Okay, What's your understanding of the current matter for which you are giving a deposition? 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 naiting down a specific set of claims relative to the page 15 21 A. HARVEY BELL, IV various prior art. 22 Q. On you have an understanding that the interparty's review is being conducted by the United States Patent of Office? 24 A. The court is trying to understand that there is a difference between the interparty's review that you are here for today and the district court case between LKQ and 10 Clearlamp? 10 A. Helievel Ido. 11 A. Helievel Ido. 12 Q. So do you know if the work you did in December of 20 Q. So do you know if the work you did in December of 20 Q. Do you read documents, the '364 patent and then Kuta and the Arets and the facts	3 A. January of 2013. 4 Q. Do you remember the date of the invoice that that check was for? 5 check was for? 6 A. Not exactly, but it was around the end of December because I set up QuickBooks. My wife is an accountant. She helped me. It was around then. 9 Q. So in other words, you didn't ask for your payment to be delayed until the start of 2013? 11 A. No. 12 Q. Do you remember the amount of that invoice in January of 20. Basic, very basic, ye of that you received in January of 2013? 13 of — strike that. 14 Do you remember the amount of the check that you received in January of 2013? 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 remember the exact number. 20 Q. Okay. What's your understanding of the current matter for which you are giving a deposition? 21 A. It's under an interparty's review. 22 Q. What's your understanding of 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 nailing down a specific set of claims relative to the  Page 15  1 A. HARVEY BELL, IV 2 various prior art. 3 Q. Do you have an understanding that the interparty's review is being conducted by the United States Patent Office? 4 A. Yes. 5 Q. And so do you understand that there is a difference between the interparty's review that you are here for today and the district court case between LKQ and Clearlamp? 10 Clearlamp? 11 A. I believe I do. 12 Q. So do you know if the work you did in December of 20 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	YEY BELL, IV
4 Q. Do you remember the date of the invoice that that check was for? 5 A. Not exactly, but it was around the end of December 5 because I set up QuickBooks. My wife is an a accountant. She helped me. It was around then. 9 Q. So in other words, you didn't ask for your payment to be delayed until the start of 2013? 10 be delayed until the start of 2013? 11 A. No. 12 Q. Do you remember the amount of that invoice in January 12 Q. Do you remember the amount of the check that you received in January of 2013? 13 of - strike that. 14 Do you remember the amount of the check that you received in January of 2013? 15 that you received in January of 2013? 15 a. No. 17 Q. Was it a few hundred dollars? 16 A. No. 18 was more than a hundred dollars. I don't remember the exact number. 17 years and the difference between validity an infringement? 18 that you are giving a deposition? 18 that you received in January of 2013? 18 years and the difference between validity an infringement? 19 Q. What is your understanding of the basics of U.S. 20 Do you have any understanding of the basics of U.S. 21 January of 2013? 21 January of 20	4 Q. Do you understand it check was for?  A. Not exactly, but it was around the end of December because I set up QuickBooks. My wife is an accountant. She helped me. It was around then.  9 Q. So in other words, you didn't ask for your payment to be delayed until the start of 2013?  10 patent law?  11 A. No.  12 Q. Do you remember the amount of that invoice in January 12 Q. What is your very be law?  13 of strike that.  14 Do you remember the amount of the check that you received in January of 2013?  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 remember the exact number.  20 Q. Okay. What's your understanding of the current matter for which you are giving a deposition?  21 A. It's under an interparty's review.  22 A. It's under an interparty serview.  23 Q. What's your understanding of an interparty's review?  24 A. The court is trying to understand the facts and nailing down a specific set of claims relative to the product of the district court case between the sheing conducted by the United States Patent Office?  A. Yes.  7 Q. And so do you understand that there is a difference between the interparty's review that you are here for today and the district court case between the finerparty's review that you are here for today and the district court case between LKQ and Clearlamp?  10 Clearlamp?  11 A. I believe I do.  12 Q. So do you know if the work you did in December of 20 Q. Sure. So do you understand that there is a difference between the interparty's review that you are here for today and the district court case between the interparty's today and the district court case between LKQ and of infringing the 364?  14 A. Fight.  A. Fight.  A. Fight and the same of that work in December of 20 Q. Sure. So do you understand that there is a difference between the interparty's today and the district court case or the interparty's today is a challenge to This is a copy of 10 pour patent to the 25 pour has a many patent	ou understand.
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