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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 No. IPR2013-00020
Patent 7,297,364

**PETITIONER'S OBSERVATIONS ON TESTIMONY OF MR. A. HARVEY
BELL IV**

Petitioner has the following observations on the November 12, 2013 crossexamination testimony (submitted as Exh. 1034) of Patent Owner's reply declarant, Mr. A. Harvey Bell IV:

1. In Exh. 1034, on page 7, lines 20 to 23, Mr. Bell testified that he did not know who performed the experiments described in paragraphs 54 and 55 of his initial declaration.

Q. Do you know who at Clearlamp performed this test?

A. I can find out. I talked to them. I don't remember their name at the moment.

This testimony is relevant to whether Mr. Bell's initial declaration disclosed the underlying facts or data on which his opinion is based under 37 CFR § 42.65(a) or explained how the experiments were performed and the data was generated under 37 CFR § 42.65(b).

2. In Exh. 1034, on page 7, line 24 to page 8, line 1, Mr. Bell testified that he was not present at any of the experiments.

Q. Were you present for this test?

A. I was not present for the test.

This testimony is relevant to whether Mr. Bell's initial declaration disclosed the

underlying facts or data on which his opinion is based under 37 CFR § 42.65(a) or explained how the experiments were performed and the data was generated under 37 CFR § 42.65(b).

3. In Exh. 1034, on page 8, lines 2 to 5, Mr. Bell testified that he does not know what clear coat was being removed in the paragraph 54 experiment.

Q. Do you know what the clear coat on the headlamp was as they were trying to remove?

A. No. I do not know exactly what the clear coat composition was on the lamp.

This testimony is relevant to whether Mr. Bell's initial declaration disclosed the underlying facts or data on which his opinion is based under 37 CFR § 42.65(a) or explained how the experiments were performed and the data was generated under 37 CFR § 42.65(b).

4. In Exh. 1034, on page 8, lines 6 to 9, Mr. Bell testified that he does not know if the lamps were braced in a jig.

Q. Do you know if the lamp was braced at all using any type of jig or other structure?

A. No. I do not know exactly the -- how it was -- whether it was

braced in a jig.

This testimony is relevant to whether Mr. Bell's initial declaration disclosed the underlying facts or data on which his opinion is based under 37 CFR § 42.65(a) or explained how the experiments were performed and the data was generated under 37 CFR § 42.65(b).

5. In Exh. 1034, on page 13, line 13 to page 15, line 10, Mr. Bell testified that a document describing the test results was emailed to him.

Q. I understand -- I understand the words in the sentence, Mr. Bell. I am trying to establish whether you know for a fact which sandpaper was applied to which reading and what your basis for that understanding is.

A. So obviously I was not at -- present at the test when they actually did it.

Q. And so the basis --

A. My basis is the -- is the -- is the document, the description that was provided to me.

Q. There was a document provided to you?

A. Well, in the -- in the e-mail description of -- much the same way as what we're looking at right now.

Q. Okay. Who sent you that e-mail?

MR. ROBINSON: Doug Robinson. Objection; misstates testimony.

THE WITNESS: I'm not sure, to tell you the truth.

BY MR. ENGEL:

Q. But did somebody at Clearlamp send you an e-mail?

A. To tell you the truth, I just said, I'm not sure. And I don't remember who exactly sent it to me.

Q. So your knowledge of which sandpaper was used to sand down part of the land surface comes entirely from outside of your own personal knowledge from another party; right?

MR. ROBINSON: Objection; misstates testimony.

THE WITNESS: So my -- my knowledge of what was -- happened here is based on the testing that -- in the description of the test.

BY MR. ENGEL:

Q. And how did you receive that description of the testing? Was it an e-mail or a telephone call or --

A. It's an e-mail.

Q. Okay.

A. I don't remember who -- I told you, I didn't remember who sent me the e-mail.

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