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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LKQ CORPORATION
Petitioner

v.

CLEARLAMP, LLC
Patent Owner

Case IPR2013-00020
Patent 7,297,364

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DEPOSITION OF MICHAEL ASSELTA

Taken on behalf of Petitioner

September 20, 2013

(Starting time of the deposition: 1:51 p.m.)

1 A. Pardon me. Could you restate that?

2 Q. Sure. What was American Bumper's business?

3 A. It's my understanding that Mo refinished
4 bumpers and headlamp assemblies and mirrors, I think.

5 Q. All under the title of the American Bumper
6 Company?

7 A. That's my understanding.

8 Q. Let's take a look at a document that's
9 marked as Exhibit 2012, which is several pages long.
10 And the document is called "SPO Headlamp Refinishing
11 Project," and then there's some codes underneath it.
12 Is this the document that you're referring to in
13 Paragraph 2, when you referenced Exhibit 2012?

14 A. Yes.

15 Q. And you say that Exhibit 2012 is a true and
16 correct copy of American Bumper testing package. Do
17 you see that in your Paragraph 2?

18 A. Yes.

19 Q. What did you mean when you wrote "testing
20 package" in Paragraph 2?

21 A. Simply that these are various tests that
22 have been performed by outside parties.

23 Q. So it's your testimony that Exhibit 2012
24 contains the results of multiple different tests; is
25 that right?

1 A. Yes.

2 Q. And do you have any understanding about why
3 the supplier's submission is indicated to be American
4 Bumper here on 2012?

5 A. Yes.

6 Q. Why is that?

7 A. Some of these tests were in process before
8 Clearlamp, and as a point of fact, some of the
9 entities that perform testing still refer to Mo as
10 American Bumper, and they use his old e-mail that he
11 had.

12 Q. Okay. What company performed the testing in
13 Exhibit 2012?

14 A. Well, there are a number of companies in
15 this exhibit.

16 Q. Let's go through it, then. Where do you see
17 the first testing results?

18 A. General Motors.

19 Q. And that is on Page 5 of the document; is
20 that right?

21 A. Yes.

22 Q. So what is the document at Pages 5, 6 and 7?

23 A. Five, 6 and 7 generally outline engineering
24 standards from General Motors.

25 Q. So 5, 6 and 7 aren't actually the results of

1 a test, right?

2 A. No, but they were presented to us at the
3 same time.

4 Q. Okay. So there you said, "They were
5 presented to us at the same time." What did you mean
6 by "us"?

7 A. I received them in an e-mail.

8 Q. From who?

9 A. It may have been forwarded from Mo, but
10 forwarded from a General Motors engineer.

11 Q. And then you also said in that answer a
12 couple of questions ago, you said "at the same time."
13 What did you mean when you said at the same time?

14 A. There were some other testing results that
15 General Motors sent, and at the same time, they sent
16 the standards, which they asked us to redact and
17 maintain those confidential.

18 Q. And so was this as -- did you receive that
19 e-mail during the course of this litigation with LKQ?

20 A. Yes.

21 Q. Do you remember approximately when?

22 MR. ROBINSON: I'm going to object as vague
23 as to that e-mail, because there's a couple of
24 potential e-mails that could be discussed there.

25 MR. WEED: There was only one e-mail that

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