

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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KAWASAKI RAIL CAR, INC.  
Petitioner,

v.

SCOTT BLAIR,  
Patent Owner.

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Case No. IPR2017-00117

Patent No. 6,700,602

Issue Date: March 2, 2004

Title: Subway TV Media System

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**EXPERT DECLARATION OF LOWELL MALO**

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## **I. INTRODUCTION**

1. I, Lowell Malo, have been retained by counsel for Kawasaki Rail Car, Inc. (hereinafter “Petitioner”).
2. I submit this declaration in support of Petitioner’s Petition for *Inter Partes* Review of U.S. Pat. No. 6,700,602, No. IPR2017-00117.

## **II. QUALIFICATIONS**

3. I am currently Vice President of Engineering Services for RailPlan International Inc.
4. I hold a Bachelor of Science degree in Aerospace Engineering from St. Louis University (awarded in December of 1971). I graduated first in my class.
5. I have over 42 years of experience in the design of rail cars, including 20 years of experience in the design of subway cars.
6. Between 1983 and 1991, I was a Site Manager for the Southeastern Pennsylvania Transportation Authority (SEPTA) and Viewliner Programs at Amtrak.
7. The SEPTA Program was a contract for 26 cars to be used on the Norristown High Speed Line. The contract provided for a joint project between Amtrak and ABB Group (ASEA Brown Boveri), with the first cars

- built in the Amtrak facility in Beech Grove, Indiana. The project was finished in ABB's shop in Elmira, NY.
8. As a Site Manager for the SEPTA Program, I established a \$44 million production effort to design and construct rapid transit rail cars for SEPTA. I also wrote all engineering and quality assurance policies and procedures, and directed 70% of the engineering and all of the purchasing and manufacturing efforts.
  9. The Viewliner Program focused on designing and building two sleeper cars and one diner car as prototypes for an upcoming contract. The program was wholly implemented by Amtrak, including the manufacturing of the three cars at the Amtrak facility in Beech Grove, Indiana.
  10. As a Site Manager for the Viewliner Program, I directed 60% of the engineering and all of the manufacturing efforts to construct prototypes of the Viewliner sleeper and diner cars for Amtrak, which was a \$15 million program. Construction and testing of these prototypes resulted in the purchase of 50 additional cars.
  11. Between September 1995 and December 1997, I was a Project Manager and Vice President of Engineering at Colorado Railcar Manufacturing. I directed all engineering and manufacturing efforts required to deliver luxury passenger rail coach cars. In doing so, I directed a group of 35 engineering

personnel. The luxury passenger rail coach cars included double deck sleeper, diner and lounge cars, and a 22,500 kW power car. One additional unique railcar included 5 hot tubs and two massage rooms.

12. Between June 1998 and September 2005, I was a Director for Design Engineering at ALSTOM Transportation, Inc. I had technical responsibility for all phases of mechanical, electrical, and systems design for all projects and research and development efforts in the ALSTOM, Hornell facility.
13. Between September 2005 and June 2008, I was Vice President of Product Development and Vice President of Engineering at Colorado Railcar Manufacturing. I represented Colorado Railcar in all matters pertaining to the Federal Railroad Administration (FRA) as well as various industry groups. I directed a group of over 30 engineers and designers in the design, construction, and testing of various unique rail cars, including dome touring cars and Diesel Multiple Unit (DMU) commuter cars. In addition to directing the engineering effort on other projects, I personally managed the effort to transform a “working prototype” double deck DMU and trailer car into a fully CFR-compliant marketable product. This included an 11,000 pound weight reduction, a 9 dB reduction in noise, and re-design, analysis, testing, and document preparation to meet the requirements of the Code of Federal Regulations (CFR).

14. Between June 2008 and April 2011, I was Director of Engineering at RailPlan International. I worked with a major rail car component supplier to develop products for the U.S. market. This effort included designing, manufacturing, and testing products to meet the U.S. expectations.
15. At RailPlan, I also led the U.S. portion of the technical effort to aid a car builder in the preparation and presentation of a proposal for the design and manufacture of passenger rail cars for Amtrak. During this process, in addition to making sure that the proposal was technically correct in all aspects, it was my responsibility to ensure that the car builder would meet all federal, American Public Transit Association (APTA), and Amtrak requirements throughout the life of the contract.
16. My resume more fully describes my background, education, and professional experience. (*See* Ex. 1015).

### **III. MATERIALS CONSIDERED**

17. I have reviewed the following:
  - a. U.S. Pat. No. 6,700,602 (“the ’602 Patent”) including the claims thereof;
  - b. The translation of Japan Train Operation Association Magazine, Vol. 37, issue no. 3 (March 1, 1995) (Ex. 1003, “JTOA Magazine”);

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