

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

KAWASAKI RAIL CAR, INC.
Petitioner,

v.

SCOTT BLAIR,
Patent Owner.

Case No. IPR2017-01036

Patent No. 6,700,602

Issue Date: March 2, 2004

Title: Subway TV Media System

**FOURTH SUPPLEMENTAL EXPERT
DECLARATION OF LOWELL MALO**

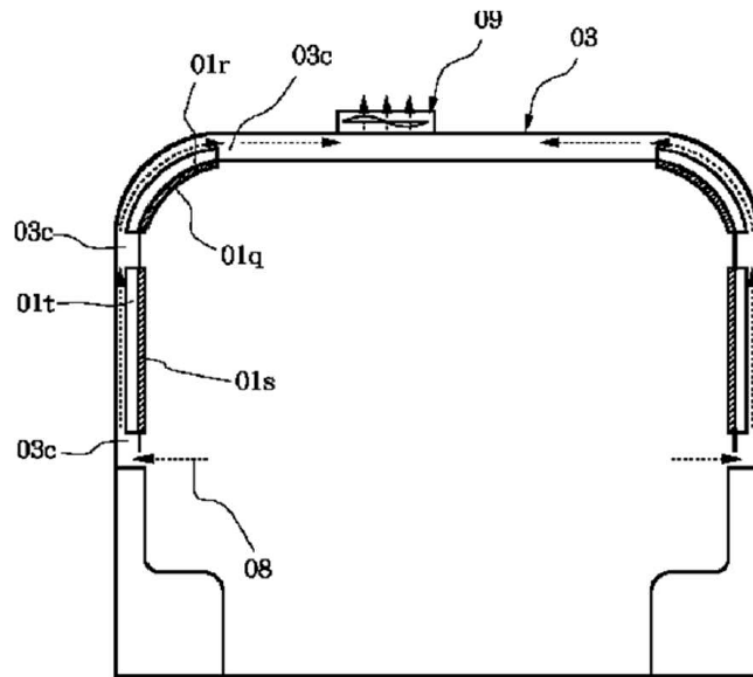
1. I submit this supplemental declaration in support of Petitioner's Supplemental Reply in response to Patent Owner's Supplemental Response (Paper No. 45).
2. In addition to the materials listed in paragraph 3 of my Second Supplemental Declaration (Ex. 1034), I have reviewed Patent Owner's Supplemental Response (Paper No. 45) and the transcript of my deposition on April 24, 2018 (Ex. 2010).

A. Patent Owner's Fire Safety Arguments

3. In my Second Supplemental Declaration (Ex. 1034), I responded to Patent Owner and its expert's "fire safety" arguments. Patent Owner and its expert argued that one of ordinary skill in the art ("POSITA") would not have been motivated to place the screens (or cover units) of Namikawa's LCD televisions substantially flush (or substantially contiguous or flush) with the adjacent wall surface because the LCD televisions (and back lit panels if included) would overheat and create a fire hazard. I explained in my declaration that these LCD televisions would not have overheated and that, even if they would have, a POSITA would have identified any fire safety risk and known how to safely address it by dissipating and ventilating any excess heat. (Ex. 1034, ¶¶ 4-27.)

4. In the Supplemental Response, Patent Owner applies his previous “fire safety” arguments to the LCD displays of Miyajima. In particular, Patent Owner argues that a POSITA would not have been motivated to place the screens (or cover units) of Miyajima’s LCD displays substantially flush (or substantially contiguous or flush) with the adjacent wall surface because the LCD displays (and back lit panels if included) would overheat and create a fire hazard. (Supp. Resp. 24-25, 37-38, 50-51, 79.)
5. I have reviewed and considered Patent Owner’s “fire safety” arguments as he now applies them to Miyajima. I have also reviewed my previous testimony in my Second Supplemental Declaration (Ex. 1034). My previous testimony in paragraphs 14 to 27 of my earlier declaration applies to Miyajima. In particular, a POSITA flush-mounting Miyajima’s LCD displays would have identified any fire safety risk and known how to safely address it by dissipating and ventilating any excess heat. (Ex. 1034, ¶¶ 14-27.)
6. The embodiment in Figure 23 of Miyajima (shown below) already includes a standard cooling ventilation system to dissipate heat from the backlights of the LCD displays, *i.e.*, cooling air passage gap 3c and fan 9.

[FIG. 23]



(Ex. 1007, 5, Fig. 23.) Fan 9 draws air through passage 3c (as shown by the arrows). As this air passes by backlight 01r, it draws heat away, which cools the backlight. The fact that Miyajima discloses this cooling mechanism for its LCD display backlights shows that those skilled in the art knew how to identify and address heat issues.

7. If a POSITA placed the screens (or cover units) of the LCD displays in Miyajima substantially flush (or substantially contiguous or flush) with the adjacent wall surface, he or she would have known how to safely address any fire safety risk by ensuring that the cooling provided by the cooling air passage and fan would remain adequate. Any required modifications would

have been straightforward and well within the knowledge of a POSITA in 1997, just like the techniques I discuss in paragraphs 14 to 27 of my earlier declaration. (Ex. 1034, ¶¶ 14-27.) For example, if necessary, a POSITA would have known how to implement a more powerful fan to ventilate more air and heat generated by the LCD display backlights in Miyajima.

8. Therefore, for the reasons discussed above and in paragraphs 14 to 27 of my earlier declaration (Ex. 1034), a POSITA in 1997 would not have been discouraged by fire safety concerns from placing: (a) the screens of the LCD displays in Miyajima substantially flushed with the adjacent wall surface as required by claims 5-7; (b) transparent cover units covering the LCD displays in Miyajima substantially flush with the adjacent surface structure of the transitional wall portion as required by claims 8, 9 and 11-14; (c) the screens of the LCD displays in Miyajima substantially contiguous with the exterior surface of the transitional segment as required by claims 15-19; (d) transparent cover units covering the LCD displays in Miyajima flushed with the adjacent wall surface structure as required by claims 20-29; and (e) back lit panels with the monitors as required by claims 11, 15-19 and 23.

B. Patent Owner’s “Junction” Arguments

9. Patent Owner argues that the televisions in Figure 1 of Namikawa are mounted on the ceiling, not “at the junction of the sidewall and ceiling.”

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.