

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ROBERT BOSCH LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 12-574-LPS
	)	(consolidated)
ALBEREE PRODUCTS, INC.,	)	
API KOREA CO., LTD.,	)	<b>JURY TRIAL DEMANDED</b>
SAVER AUTOMOTIVE PRODUCTS, INC.,	)	
and COSTCO WHOLESALE CORPORATION,	)	
	)	
Defendants.	)	
	)	
<hr style="border: 0.5px solid black;"/>		
COSTCO WHOLESALE CORPORATION,	)	
	)	
Third-Party Plaintiff,	)	
	)	
v.	)	
	)	
ROBERT BOSCH GMBH,	)	
	)	
Third-Party Defendant.	)	

**MEMORANDUM OF LAW OF SPECIALLY APPEARING  
THIRD-PARTY DEFENDANT ROBERT BOSCH GMBH  
IN SUPPORT OF ITS MOTION TO DISMISS**

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Dated: December 4, 2015  
1210933 / 39026

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## **I. NATURE AND STAGE OF THE PROCEEDINGS**

This is a consolidated patent case brought by Robert Bosch LLC (“Bosch LLC”) against Costco Wholesale Corporation and other defendants for the infringement of patents related to windshield-wiper blades. In its Answer and Counterclaims (D.I. 244) to Bosch LLC’s Second Amended Complaint (D.I. 95), Costco asserted third-party claims against non-party Robert Bosch GmbH (“Bosch GmbH”). Bosch GmbH specially appears in this case and respectfully submits this motion to dismiss Costco’s third-party claims against it for lack of personal jurisdiction and improper service.

## **II. SUMMARY OF THE ARGUMENT**

Costco’s claims against Bosch GmbH should be dismissed under Fed. R. Civ. P. 12(b)(2) and 12(b)(5) because Bosch GmbH is a German corporation that is not subject to personal jurisdiction here.

## **III. STATEMENT OF FACTS**

Bosch GmbH is not a plaintiff, and has not been a party in this case. Costco filed its third-party claims against Bosch GmbH, mistakenly labeled as counterclaims, on September 30, 2015 (D.I. 244 at 37–42). Costco waited over eleven months after plaintiff Bosch LLC first named Costco as a defendant on October 9, 2014 (D.I. 84), to assert these claims. Costco asserted two counts against Bosch GmbH, one based on a Washington State statute, and the other for declaratory judgment of non-infringement, invalidity, and unenforceability of patents that Bosch GmbH does not own (D.I. 244 at 37–42). In its pleading, Costco averred—correctly—that Bosch GmbH is a German corporation with its principal place of business in Germany (*id.* at 37; Ex. 1, Declaration of Bettina Holzwarth (“Holzwarth Decl.”) ¶ 2). Costco did not plead any jurisdictional facts.

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