

**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.	)	

**ROBERT BOSCH LLC'S OPENING CLAIM CONSTRUCTION BRIEF**

OF COUNSEL:

Mark A. Hannemann  
Jeffrey S. Ginsberg  
Rose Cordero Prey  
Ksenia Takhistova  
KENYON & KENYON LLP  
One Broadway  
New York, NY 10004  
Tel.: (212) 425-7200

Richard L. Horwitz (#2246)  
David E. Moore (#3983)  
Bindu A. Palapura (#5370)  
POTTER ANDERSON & CORROON LLP  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, DE 19801  
Tel: (302) 984-6000  
[rhowitz@potteranderson.com](mailto:rhowitz@potteranderson.com)  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)  
[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)

*Attorneys for Plaintiff Robert Bosch LLC*

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## **I. INTRODUCTION**

Plaintiff Robert Bosch LLC (“Bosch”) respectfully submits this opening claim construction brief in support of its proposed claim constructions of certain of the disputed claim terms. Per the Court’s Scheduling Order (D.I. 67), the parties selected ten terms from nine of the asserted patents for early claim construction, which are addressed in this brief.<sup>d</sup>

## **II. THE PARTIES AND TECHNOLOGY AT ISSUE**

Bosch is a leading supplier of wiper blades and wiper blade systems in the United States, and is the owner of numerous United States patents on wiper blade technology, including beam-type (or “beam”) blades. Defendants Alberee Products, Inc., API Korea Co., Ltd., Saver Automotive Products, Inc. (collectively, “Saver”) manufacture, import and/or sell accused wiper blade products in the United States. Bosch filed suit against Saver in May 2012, accusing Saver’s Goodyear Assurance, Arc Flex Ultra, and Touring Ultra wiper blades of infringing twelve Bosch’s patents. D.I. 1. Since then, the case has expanded to eighteen patents and six accused wiper blade models—each of which is manufactured and distributed by Saver. In October 2014, Bosch was granted leave to add Costco Wholesale Corporation (“Costco”)—the primary retailer of Saver’s accused Goodyear Assurance and Goodyear Hybrid wiper blades—to this case. D.I. 84.

As explained in Bosch’s technical tutorial submitted herewith, there are two main types of wiper blades on the market today—conventional wiper blades, and beam wiper blades. Both types are shown below.

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<sup>1</sup> The parties’ proposed constructions for these ten terms were provided in their joint claim construction chart filed on April 1, 2015. D.I. 142, Ex. 1. In this case, Bosch asserts eighteen patents against four defendants and six accused products. D.I. 95. Bosch reserves the right to request construction of additional terms from these or other asserted patents as the case progresses.

asserted patents, as it is clear on its face and can be applied by the jury without construction. *See Phillips*, 415 F.3d at 1312; *see also, e.g., Silicon Graphics*, 607 F.3d at 798; *Finjan*, 626 F.3d at 1207; *U.S. Surgical Corp.*, 103 F.3d at 1568. Bosch’s position is consistent with an earlier construction of this term by an administrative body.<sup>6</sup>

Defendants, again, seek to improperly limit the claim scope to “the structure (12) depicted and described in the ’926 specification and drawings; no equivalents in light of narrowing amendments.” First, as discussed above in section III.A.1, reference numerals in the claims have no effect on the claim scope. *Ex parte Fressola*, 27 U.S.P.Q.2d at 1613; MANUAL OF PATENT EXAMINING PROCEDURE § 608.01(m) (8th ed.2010).

Second, the specification and prosecution history of the ’926 patent do not support limiting the claim scope to the embodiments disclosed in the patent specification and drawings. *See, e.g., Liebel-Flarsheim*, 358 F.3d at 906; *see also Acumed*, 483 F.3d at 807–08; *SanDisk*, 415 F.3d at 1286; *Comark*, 156 F.3d at 1187. Further, nothing in the prosecution history bars equivalents.

#### **E. U.S. Patent No. 6,973,698**

The ’698 patent is directed to a beam-type wiper blade that includes a support element that distributes pressure along the length of the wiper strip such that the contact force of the wiper strip with the window is greater in the center section of the wiper blade than in at least one of its ends. D.I. 142, Ex. 6, ’698 patent at Abstract, 1:59–62. The reduced force in the end section or sections encourages the wiper lip to flip over sequentially from the end or ends to the center, avoiding knocking noise that would otherwise occur. *Id.* at 1:65–2:4.

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<sup>6</sup> In the 816 Investigation, the ITC found that the term “support element” should be afforded its plain and ordinary meaning, as proposed by Bosch. Ex. 1, *In re Certain Wiper Blades*, Inv. 337-TA-816, Commission Op. at 35–41 (Apr. 24, 2013).

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