

Paper No. _____
Filed: October 9, 2015

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

Costco Wholesale Corporation
Petitioner

v.

Robert Bosch LLC
Patent Owner

U.S. Patent 6,973,698

PETITION FOR INTER PARTES REVIEW OF U.S. PATENT 6,973,698
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42

TABLE OF CONTENTS

I. Introduction.....1

II. Mandatory Notices Under 37 C.F.R. § 42.8.....1

III. Payment of Fees Under 37 C.F.R. §§ 42.15(a) and 42.1032

IV. Grounds for Standing.....3

V. Statement of Precise Relief Requested for Each Claim Challenged Under
37 U.S.C. § 312 and 37 C.F.R. §§ 42.22(a)(1) and 42.104(b)(1)-(2)3

A. Claims for Which Review is Requested - 37 C.F.R. § 42.104(b)(1)3

B. Statutory Grounds of Challenge - 37 C.F.R. § 42.104(b)(2)3

VI. The ‘698 Patent.....4

A. Prosecution and Issuance of the ‘698 Patent.....7

B. Claim Construction.....13

VII. Overview of Prior Art.....14

1. Arai (Ex. 1004).....15

2. Appel ‘551 (Ex. 1005).....18

3. Appel ‘770 (Ex. 1006).....20

4. DE 2 313 939 (“DE ‘939”) (Exs. 1007, 1008).....22

5. Swanepoel ‘564 (Ex. 1009).....24

VIII. Detailed Explanation of Grounds for Unpatentability26

A. Legal Standards26

1. Anticipation.....26

2. Obviousness27

3. Level of Skill in the Art28

B. Claim 1 Is Unpatentable29

1. Grounds #1 and #229

2. Grounds #3 and #442

IX. Conclusion50

LIST OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>
1001	U.S. Patent No. 6,973,698
1002	Certified file history for U.S. Patent No. 6,973,698
1003	October 10, 2014 Proof of Service filed by Patent Owner in Civil Action No. 12-574-LPS (consolidated)
1004 “Arai”	U.S. Patent No. 4,807,326
1005 “Appel ‘551”	U.S. Patent No. 3,192,551
1006 “Appel ‘770”	U.S. Patent No. 4,028,770
1007 “DE ‘939”	German Published Patent Application 2 313 939
1008	English Translation of German Published Patent Application 2 313 939 (Ex. 1007)
1009 “Swanepoel ‘564”	U.S. Patent No. 5,325,564
1010	German Published Patent Application No. 1 247 161
1011	English Translation of German Published Patent Application No. 1 247 161 (Ex. 1010)
1012	Robert Bosch LLC’s Opening Claim Construction Brief filed Apr. 24, 2015 in Civil Action No. 12-574-LPS
1013	Declaration of Dr. Gregory W. Davis

I. Introduction

Costco Wholesale Corporation (“Petitioner” or “Costco”) requests inter partes review (IPR) of Claim 1 of U.S. Patent No. 6,973,698 (“the ‘698 Patent”) (Ex. 1001). This petition demonstrates there is a reasonable likelihood that Petitioner will prevail in proving, by at least a preponderance of the evidence, that Claim 1 of the ‘698 Patent encompasses subject matter that is unpatentable under 35 U.S.C. § 102(b) (2006) and 35 U.S.C. § 103(a) (2006). Claim 1 of the ‘698 Patent should accordingly be canceled.

II. Mandatory Notices Under 37 C.F.R. § 42.8

Real Party-in-Interest: Costco is the real party-in-interest seeking IPR.

Related Matters: The ‘698 Patent is asserted in *Robert Bosch LLC v. Alberee Products Inc. et al.*, Civil Action No. 12-574-LPS (consolidated with Civil Action No. 14-142-LPS), currently pending in the United States District Court for the District of Delaware. U.S. Patents No. 6,292,974, No. 6,523,218, No. 6,530,111, No. 6,553,607, No. 6,611,988, No. 6,668,419, No. 6,675,434, No. 6,836,926, No. 6,944,905, No. 7,228,588, No. 7,293,321, No. 7,484,264, No. 7,523,520, No. 7,941,891, No. 8,099,823, No. 8,272,096, and No. 8,544,136 have also been asserted in this consolidated civil action. The ‘698 Patent was previously asserted in *Robert Bosch LLC v. Trico Prods. Corp.*, No. 12-cv-437 (N.D. Ill.), *Robert Bosch LLC v. Corea Autoparts Producing Corp. et al.*, No. 11-14019 (E.D. Mich.), *Rob-*

ert Bosch LLC v. UL Enterprises LLC et al., No. 1:11cv2437 (N.D. Ill.), *Robert Bosch LLC v. Jiujiang Yada Traffic Equipment Co. et al.*, No. 2:11cv1762 (D. Nev.), *Robert Bosch LLC v. Corea Autoparts Producing Corp. et al.*, No. 2:10-cv-1924 (D. Nev.), *Robert Bosch LLC v. ADM21 Co. et al.*, No. 2:10-cv-1930 (D. Nev.), and *In re Certain Wiper Blades*, Investigation No. 337-TA-816 (U.S. Int'l Trade Comm'n). Costco is concurrently petitioning for IPR of U.S. Patents No. 6,836,926, No. 6,944,905, No. 7,228,588, No. 7,484,264, No. 8,099,823, No. 6,292,974, and No. 8,544,136, which are also asserted in the District of Delaware matter. Petitioner is not aware of any other current judicial or administrative matters that would affect, or be affected by, a decision in this proceeding.

Lead and Back-Up Counsel and Service Information: The following designates lead counsel, backup counsel, and service information for the Petitioner. Petitioner consents to electronic service.

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III. Payment of Fees Under 37 C.F.R. §§ 42.15(a) and 42.103

The required fees are submitted herewith. If any additional fees are due at any time during this proceeding, the Office may charge such fees to Deposit Ac-

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