

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COSTCO WHOLESALE CORPORATION  
Petitioner,

v.

ROBERT BOSCH LLC,  
Patent Owner,

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Case IPR2016-00035  
Patent 6,836,926 B1

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**PETITIONER'S REQUEST FOR REHEARING OF  
DECISION DENYING INSTITUTION OF *INTER PARTES* REVIEW OF  
U.S. PATENT NO. 6,836,926**

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Costco Wholesale Corporation (“Petitioner”) respectfully requests rehearing of the Board’s decision dated April 25, 2016 (Paper #16 [hereinafter the “Decision”]), which denied institution of *Inter Partes* Review of Claims 1-3 of U.S. Patent No. 6,836,926 (the “’926 Patent”; Ex. 1001).

### **STATEMENT OF RELIEF SOUGHT**

Petitioner requests that the Board institute *Inter Partes* Review of Claims 1, 2, and 3 of the ’926 Patent and consolidate this case with IPR2016-00034 and IPR2016-00036, which involve closely related subject matter.

### **REASONS FOR THE RELIEF REQUESTED**

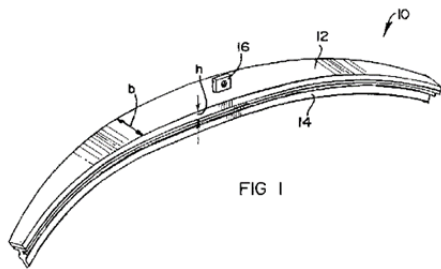
As to each of the challenged claims, the Board appears to have overlooked or misapprehended Petitioner’s evidence showing the desirability, and thus the obviousness, of providing a wiper support of *substantially constant* cross sectional profile with the stiffness that U.S. Patent No. 5,485,650 to Swanepoel (“Swanepoel ’650”; Ex. 1006) and U.S. Patent No. 5,325,564 (“Swanepoel ’564”; Ex. 1005) both teach is desirable in a flat spring wiper support of *varying* cross sectional profile.

As to challenged Claim 3, the Board appears to have overlooked or misapprehended the disclosure of German Patent No. 1,028,896 to Hoyler (“Hoyler”; Exs. 1013-1014). That reference clearly and explicitly discloses a windshield wiper support comprising *two* “longitudinal springs 5 . . . inserted in lateral slots, held together at the ends of the bar by the clamps 6.” Ex. 1013, Fig. 1; Ex. 1014 at p. 1 col. 2.

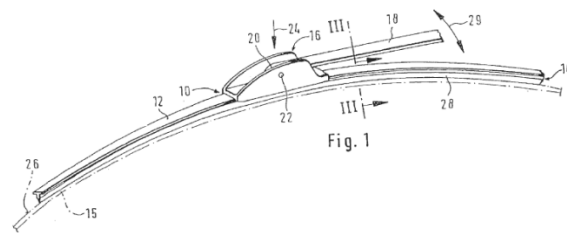
**A. The “Support Element” Limitations of '926 Patent Claims 1-3**

As noted in the Decision, the '926 Patent discloses a wiper assembly that comprises a pre-curved support element (12). Decision at 3. Swanepoel '650 also discloses a wiper assembly that comprises a pre-curved support element (12). Figure 1 of Swanepoel '650 and Figure 1 of the '926 Patent are reproduced below:

Swanepoel '650 Fig. 1



'926 Patent Fig. 1



In the '926 Patent, the support element (12) has a width (b) and thickness (d) as shown in Figure 4, below.

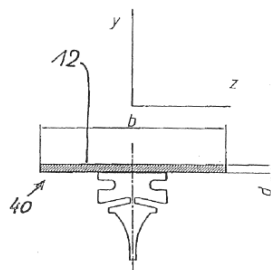


Fig. 4

The Swanepoel '650 support element is described as “having a suitably *varying* transverse cross sectional profile.” Ex. 1006 col. 1, lines 25-26 (emphasis added). The challenged '926 Patent claims 1-3 recite a support element (i) having a *substantially constant* width and thickness, and (ii) having a *stiffness* such that the

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