

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COSTCO WHOLESALE CORPORATION,

Petitioner,

v.

ROBERT BOSCH LLC,

Patent Owner.

CASE NO. IPR2016-00036

U.S. Patent No. 6,944,905

PATENT OWNER ROBERT BOSCH LLC'S NOTICE OF APPEAL

Please take notice that, pursuant to 37 C.F.R. §§ 90.2(a) and 90.3(a) and 35 U.S.C. §§ 141(c), 142, and 319, Patent Owner Robert Bosch LLC (“Bosch”) hereby appeals to the United States Court of Appeals for the Federal Circuit stemming from the Final Written Decision entered on April 24, 2017 (Paper No. 69) (the “Final Written Decision”) in the above-captioned *inter partes* review of U.S. Patent No. 6,944,905 (“the ’905 patent”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Bosch’s issues on appeal include at least the following: (i) in finding claims 13, 17, and 18 of the ’905 patent unpatentable as obvious under 35 U.S.C. § 103(a) over the combination of U.K. Patent App. No. GB 2 106 775 A to Prohaska (“Prohaska”) and German Patent No. 1,028,896 to Hoyler, the Board made factual findings unsupported by the evidence, and failed to make factual findings mandated by the evidence—for example, by finding that a person of ordinary skill in the art would have been motivated to apply the spoiler teachings of Prohaska to the beam blade disclosed by Hoyler, and by finding that Hoyler discloses the claimed “end caps”; (ii) any findings or determinations supporting or related to those issues, as well as other issues decided adversely to Bosch in any orders, decisions, rulings, and opinions; (iii) it would violate the Constitution of the United States for the Patent and Trademark Office to extinguish Bosch’s property rights in the ’905 patent by cancelling the claims at issue in this *inter partes* review.

Simultaneously with this submission, Bosch is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy (or copies) of the same, along with the required filing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

DATED: June 26, 2017

Respectfully submitted,

Shearman & Sterling LLP

/Patrick R. Colsher/

Patrick R. Colsher (Reg. No. 74,955)
Mark A. Hannemann (*pro hac vice*)
Joseph M. Purcell, Jr. (*pro hac vice*)
599 Lexington Ave
New York, NY 10022
Tel: (212) 848-7708

Counsel for Patent Owner
Robert Bosch LLC

CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through E2E, a true and correct copy of the above-captioned PATENT OWNER ROBERT BOSCH LLC'S NOTICE OF APPEAL is being filed by Express Mail (Label No. EL 788212426) with the Director on June 26, 2017, at the following address:

Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

The undersigned also hereby certifies that a true and correct copy of the above-captioned PATENT OWNER ROBERT BOSCH LLC'S NOTICE OF APPEAL and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on June 26, 2017.

DATED: June 26, 2017

Respectfully submitted,

/Patrick R. Colsher/
Patrick R. Colsher
Reg. No. 74,955
Shearman & Sterling LLP
599 Lexington Ave
New York, NY 10022
Tel: (212) 848-7708

*Counsel for Patent Owner
Robert Bosch LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PATENT OWNER ROBERT BOSCH LLC'S NOTICE OF APPEAL was served, in accordance with the parties' electronic service agreement, via electronic mail on June 26, 2017, on the following counsel of record for Petitioner:

Richard M. Koehl (richard.koehl@hugheshubbard.com)
James R. Klaiber (james.klaiber@hugheshubbard.com)
David E. Lansky (david.lansky@hugheshubbard.com)
Stefanie Lopatkin (stefanie.lopatkin@hugheshubbard.com)
James Dabney (james.dabney@hugheshubbard.com)

DATED: June 26, 2017

/Patrick R. Colsher/
Patrick R. Colsher
Reg. No. 74,955
Shearman & Sterling LLP
599 Lexington Ave
New York, NY 10022
Tel: (212) 848-7708

*Counsel for Patent Owner
Robert Bosch LLC*