

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 NO. IPR2016-00038  
U.S. Patent No. 6,292,974

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**PATENT OWNER'S PRELIMINARY RESPONSE PURSUANT TO 35  
U.S.C. § 313 AND 37 C.F.R. § 42.107**

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## I. INTRODUCTION

Patent Owner, Robert Bosch LLC (“Bosch”), submits this preliminary response to the Petition filed by Costco Wholesale Corporation (“Petitioner” or “Costco”) as Paper No. 1 in this proceeding, requesting *inter partes* review of claims 1, 2, and 8 of U.S. Patent No. 6,292,974 (“Petition”). This response is timely pursuant to the Board’s Notice in Paper No. 3.

The following arguments are not intended to be exhaustive with respect to the grounds asserted in the Petition. Bosch respectfully submits the streamlined arguments showing that denial of institution is appropriate here, and reserves the right to provide additional evidence, including testimonial evidence, and include new arguments, should the Board decide to institute review in this case.

Bosch respectfully submits that Petitioner has not established a reasonable likelihood that it would prevail with respect to any of the challenged claims. Accordingly, Bosch respectfully requests that the Board decline to institute *inter partes* review for the reasons set forth below.

## II. SUMMARY OF ARGUMENTS

The Petition fails for several reasons.

First, Petitioner violates 37 C.F.R. §§ 42.24(a)(1)(i) and 42.6(a)(3) by improperly incorporating by reference the Kruger declaration into the Petition.

Under the Board’s prior decisions, the arguments incorporated by reference should

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