

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. IPR2016-00038

U.S. Patent No. 6,292,974

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 March 30, 2017 (Paper No. 68) (the “Final Written Decision”) in the above-captioned *inter partes* review of U.S. Patent No. 6,292,974 (“the ’974 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 1, 2, and 8 of the ’974 patent unpatentable, the Board violated its own rules, the Administrative Procedures Act, and Bosch’s due process rights by relying on a ground raised for the first time in the Petitioner’s reply papers; (ii) in finding claims 1, 2, and 8 of the ’974 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 and either U.S. Patent No. 3,192,551 to Appel or 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; and (iii) 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.

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: May 31, 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'S ROBERT BOSCH LLC'S NOTICE OF APPEAL is being filed by Express Mail (Label No. EL 788212430) with the Director on May 31, 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 May 31, 2017.

DATED: May 31, 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 May 31, 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: May 31, 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*