

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COSTCO WHOLESALE CORPORATION,
Petitioner,

v.

ROBERT BOSCH LLC,
Patent Owner.

Case IPR2016-00038
Patent 6,292,974

**PETITIONER'S REQUEST FOR ORAL ARGUMENT
PURSUANT TO 37 C.F.R. § 42.70**

Pursuant to 37 C.F.R. § 42.70(a) and the Board's Scheduling Order (Paper No. 17), Costco Wholesale Corporation ("Petitioner") hereby submits its Request for Oral Argument. The Board has already scheduled oral argument for January 18, 2017. Scheduling Order (Paper No. 17) at 7. Petitioner believes that the issues in this proceeding regarding the unpatentability of claims 1, 2, and 8 of U.S. Patent No. 6,292,974 (the "974 Patent") are sufficiently distinct from the issues in co-pending proceedings involving Petitioner and Robert Bosch LLC ("Patent Owner")¹ as to warrant a separate argument. Accordingly, Petitioner respectfully requests that the Board decline to consolidate oral argument of this proceeding with any other proceeding.

Petitioner believes that one hour of argument time, including any time reserved for rebuttal argument, will be sufficient to cover the issues related to this proceeding. Petitioner also requests permission to use audio-visual equipment to display possible demonstrative exhibits.

¹ Other proceedings between Petitioner and Patent Owner include Case Nos. IPR2016-00034, IPR2016-00036, IPR2016-00039, IPR2016-00040, and IPR2016-00041. Petitioner has only requested consolidation of IPR2016-00039, IPR2016-00040, and IPR2016-00041 in its Requests for Oral Argument submitted simultaneously herewith.

Pursuant to 37 C.F.R. § 42.70(a), Petitioner specifies the following issues to be argued:

1. The grounds on which the instant *inter partes* review proceeding was instituted, namely the unpatentability of claims 1, 2, and 8 over Appel and Prohaska, and the unpatentability of claims 1, 2, and 8 over Hoyler and Prohaska. This may include, for example, the level of ordinary skill in the art of the '974 Patent.
2. Any issues specified by Patent Owner in a Request for Oral Argument;
3. Any issues identified by either party in connection with Patent Owner's list of allegedly improper reply arguments and Petitioner's response;
4. Any issues specified in any motions to exclude, motions to strike, or motions for observation on cross-examination filed by the parties; and
5. Any issues that the Board deems necessary for issuing a final written decision or that are otherwise raised by the Board.

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Dated: December 13, 2016

Respectfully Submitted,

/Stefanie M. Lopatkin/

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PETITIONER'S REQUEST FOR ORAL ARGUMENT

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of December, 2016, the foregoing Petitioner's Request for Oral Argument Pursuant to 37 C.F.R. § 42.70 was served in its entirety by email on the attorneys of record for Patent Owner:

- Patrick R. Colsher (patrick.colsher@shearman.com)
- Mark Hannemann (mark.hannemann@shearman.com)
- Joseph Purcell (joseph.purcell@shearman.com)

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