

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. IPR2016-00039

U.S. Patent No. 7,228,588

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**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. 69) (the “Final Written Decision”) in the above-captioned *inter partes* review of U.S. Patent No. 7,228,588 (“the ’588 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, 12, and 14 of the ’588 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 PCT WO 99/02383 to Kotlarski or PCT WO 99/12784 to Merkel, the Board made factual findings unsupported by the evidence, and failed to make factual findings mandated by the evidence; and (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.

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)

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*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 788212390) 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,

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*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:

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