

1  
2 UNITED STATES PATENT AND TRADEMARK OFFICE  
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

-----X

4  
5 COSTCO WHOLESALE CORPORATION,

6                   Petitioner,

7                   vs.

8 ROBERT BOSCH LLC,

9                   Patent Owner.

10 Case Nos.:       IPR2016-00034

11                   IPR2016-00036

                  IPR2016-00038

12                   IPR2016-00039

                  IPR2016-00040

13                   IPR2016-00041

14 U.S. Patent No. 6,973,698

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

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

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

16 U.S. Patent No. 7,484,264

                  U.S. Patent No. 8,099,823

17  
-----X

18  
19                   Telephonic Conference

20                   Monday, September 11th, 2017

21                   (All Appearances Are Telephonic)

22  
23 Reported by:

24 Tiffany Valentine

25 JOB NO. 130272

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

September 11, 2017

10:02 a.m.

Telephonic Conference, held before  
Tiffany Valentine, a Notary Public of the  
State of New York.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S :

PATENT TRIAL AND APPEAL BOARD :

APJ PHILLIP KAUFFMAN  
APJ WILLIAM SAINDON  
APJ BARRY GROSSMAN

SHEARMAN & STERLING

Attorneys for Patent Owner

599 Lexington Avenue  
New York, New York 10022

BY: MARK HANNEMANN, ESQ.  
PATRICK COLSHER, ESQ.

HUGHES HUBBARD & REED

Attorneys for Petitioner

One Battery Park Plaza  
New York, New York 10004

BY: JAMES DABNEY, ESQ.  
JAMES KLAIBER, ESQ.

## 1 PROCEEDINGS

2 JUDGE KAUFFMAN: This is a call for  
3 IPR 34, 36, 38, 39, 40 and 41.

4 Before I let patent owner speak, I  
5 want to say it looks to us like all of  
6 these cases are still pending before the  
7 Circuit, which would mean they have  
8 jurisdiction and we do not and we're  
9 limited to ministerial tasks. So that's  
10 the first thing I would like to understand,  
11 is where we stand on those cases.

12 Number two, it sounds like, and I  
13 can't be sure, possibly we have the mandate  
14 back already on 41. So I would like to  
15 hear that. But it sounds like patent owner  
16 is asking us to vacate the final written  
17 decisions in those cases.

18 I would like to understand exactly  
19 what you want. And if that is what you  
20 want, what authority you think there is for  
21 us to do that.

22 MR. HANNEMANN: Good morning, your  
23 Honor. This is Mark Hannemann for patent  
24 owner.

25 We would like the Board to vacate

## 1 PROCEEDINGS

2 its final written decisions on the theory  
3 that they have not been resolved yet on  
4 appeal. But primarily what we are seeking  
5 is an order terminating the proceedings  
6 regardless of what's done with the final  
7 written decision.

8 JUDGE KAUFFMANN: I guess I'm not  
9 sure I understand.

10 The final written decision has  
11 terminated each of those cases, with the  
12 exception in 41, that there is an  
13 outstanding request for rehearing.

14 MR. HANNEMANN: Your Honor, my  
15 understanding of the statute is that the  
16 Board has not yet, and until any appeals  
17 are completed, will not enter a certificate  
18 revoking these patents. And so today they  
19 are in force and we would like to terminate  
20 the proceedings before any such certificate  
21 is issued.

22 JUDGE KAUFFMAN: Are the -- so the  
23 41 case is no longer before the Circuit?

24 MR. HANNEMANN: That's correct. As  
25 of the end of last week, the Federal

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.