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2 UNITED STATES PATENT AND TRADEMARK OFFICE

3 -----  
4 BEFORE THE PATENT TRIAL AND APPEAL BOARD

5 -----  
6 COSTCO WHOLESALE CORPORATION,  
7 Petitioner,

8 v.

9  
10 ROBERT BOSCH, LLC,  
Patent Owner.

11 -----  
12 CASE IPR2016-00034  
13 CASE IPR2016-00036  
14 CASE IPR2016-00038  
15 CASE IPR2016-00039  
16 CASE IPR2016-00040  
17 CASE IPR2016-00041

18 U.S. PATENT NO. 6,973,698  
19 -----

20  
21 One Battery Park Plaza  
22 New York, New York  
23 December 2, 2016  
24 10:10 a.m.

25  
26 VIDEOTAPED DEPOSITION OF DAVID PECK,  
27 held at the above-mentioned time and place,  
28 before Randi Friedman, a Registered Professional  
29 Reporter, within and for the State of New York.

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PATRICK R. COLSHER, ESQ.

Also Present:

Ryan Licursi - Videographer

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STIPULATIONS

IT IS HEREBY STIPULATED, by and between the attorneys for the respective parties hereto, that:

All rights provided by the C.P.L.R., and Part 221 of the Uniform Rules for the Conduct of Depositions, including the right to object to any question, except as to the form, or to move to strike any testimony at this examination is reserved; and in addition, the failure to object to any question or to move to strike any testimony at this examination shall not be a bar or a waiver to make such motion at, and is reserved to, the time of this action.

This deposition may be sworn to by the witness being examined before a Notary Public other than the Notary Public before whom this examination was begun, but the failure to do so or to return the original of this deposition to counsel, shall not be deemed a waiver or the rights provided by Rule 3116, C.P.L.R., and shall be controlled thereby.

The filing of the original of this deposition is waived.

1  
2 MR. LICURSI: We're now on the  
3 record. Please note that the microphones  
4 are sensitive and may pick up whispering and  
5 private conversations. Please turn off all  
6 cellphones or place them away from the  
7 microphones, as they can interfere with the  
8 deposition audio. Recording will continue  
9 until all parties agree to go off the  
10 record.

11 My name is Ryan Licursi,  
12 representing Veritext Legal Solutions. The  
13 date today is December 2nd, 2016, and the  
14 time is approximately 10:10. This  
15 deposition is being held at Hughes Hubbard &  
16 Reed, LLP, located at One Battery Park  
17 Plaza, New York, New York, 10004, and is  
18 being taken by counsel for the patent owner.  
19 The caption of the case is Costco Wholesale  
20 Corporation versus Robert Bosch, LLC. This  
21 case is being held in the United States  
22 Patent & Trademark Office before the Patent  
23 Trial and Appeal Board. There are six case  
24 numbers associated: IPR2016-00034, 36, 38,  
25 39, 40 and 41. The name of the witness is

1  
2 Mr. David Peck.

3 At this time, the attorneys  
4 present please represent -- please identify  
5 themselves and the parties they represent.

6 MR. PURCELL: This is Joseph  
7 Purcell of Shearman & Sterling, LLP,  
8 representing the patent owner, Robert Bosch,  
9 LLC.

10 MR. COLSHER: Patrick Colsher,  
11 also of Shearman & Sterling, representing  
12 the patent owner.

13 MR. KLAIBER: James R. Klaiber,  
14 Hughes Hubbard & Reed, representing the  
15 petitioner, Costco Wholesale Corporation.  
16 With me is Mr. Michael Polka, also of Hughes  
17 Hubbard & Reed, also representing Costco  
18 Wholesale Corporation.

19 MR. LICURSI: Our court reporter,  
20 Randi Friedman, also representing Veritext  
21 Legal Solutions, will swear in the witness  
22 and we can proceed.

23 \* \* \*

24 DAVID PECK, the witness herein,  
25 having first been duly sworn, was examined

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