	Page 1
1	
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	
	ROBERT BOSCH, LLC,
10	Patent Owner.
11	CASE IPR2016-00034
12	CASE IPR2016-00036
12	CASE IPR2016-00038 CASE IPR2016-00039
13	CASE IPR2016-00039 CASE IPR2016-00040
13	CASE IPR2016-00041
14	U.S. PATENT NO. 6,973,698
15	
16	One Battery Park Plaza
17	New York, New York
18	December 2, 2016
19	10:10 a.m.
20	
21	VIDEOTAPED DEPOSITION OF DAVID PECK,
22	held at the above-mentioned time and place,
23	before Randi Friedman, a Registered Professional
24	Reporter, within and for the State of New York.
25	

Veritext Legal Solutions 212-279-9424 www.veritext.com



	Page 2
1	
2	APPEARANCES:
3	HUGHES HUBBARD & REED, LLP
4	Attorneys for Petitioner
5	One Battery Park Plaza
6	New York, New York 10004
7	BY: JAMES R. KLAIBER, ESQ.
8	MICHAEL POLKA, ESQ.
9	
10	SHEARMAN & STERLING, LLP
11	Attorneys for Patent Owner
12	599 Lexington Avenue
13	New York, New York 10022
14	BY: JOSEPH PURCELL, ESQ.
15	PATRICK R. COLSHER, ESQ.
16	
17	
18	
19	
20	Also Present:
21	Ryan Licursi - Videographer
22	
23	
2 4	
25	

CKET

212-279-9424

2 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.

Veritext Legal Solutions www.veritext.com

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

record.

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

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

212-279-9424

Veritext Legal Solutions www.veritext.com

1

2 Mr. David Peck.

3

4

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

5

MR. PURCELL: This is Joseph 6

7

8

Purcell of Shearman & Sterling, LLP, representing the patent owner, Robert Bosch, LLC.

9

10

11

MR. COLSHER: Patrick Colsher, also of Shearman & Sterling, representing

12

13

14

15

16

17

18

19

20 21

22

23

24

25

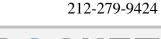
the patent owner. MR. KLAIBER: James R. Klaiber,

Hughes Hubbard & Reed, representing the petitioner, Costco Wholesale Corporation. With me is Mr. Michael Polka, also of Hughes Hubbard & Reed, also representing Costco Wholesale Corporation.

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

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

> Veritext Legal Solutions www.veritext.com



DOCKET

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.

