

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Costco Wholesale Corporation,
Petitioner,

v.

Robert Bosch LLC,
Patent Owner.

Case IPR2016-00041
Patent 8,099,823

Mailed: October 29, 2015

Before JAMILAH SULTAN *Trial Paralegal*

NOTICE OF FILING DATE ACCORDED TO PETITION
AND
TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE

The petition for *inter partes* review, in the above proceeding has been accorded the filing date of October 9, 2015. A review of the petition identified the following defect(s):

Failure to provide copies of all patents and printed publications that Petitioner relies upon in support of the petition. 35 U.S.C. §§ 312(a)(3), 322(a)(3).

Failure to number exhibits properly. 37 C.F.R. § 42.63(c).

Failure to label exhibits properly. 37 C.F.R. § 42.63(d).

Please note, there are several issues with the filed petition including but not limited to the following instances: Petition in several locations references the incorrect exhibit numbers, all referenced exhibits were not uploaded, exhibits are mislabeled at the bottom and/or do not include an exhibit label as required.

Petitioner must correct the defect(s) within **FIVE BUSINESS DAYS** from this notice. Failure to correct the defect(s) may result in an order to show cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R.

Case IPR2016-00041
Patent 8,099,823

§ 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in the Patent Review Processing System (PRPS), accessible from the Board Web site at <http://www.uspto.gov/PTAB>.

If there are any questions pertaining to this notice, please contact Eric W. Hawthorne at 571-272-4643 or the Patent Trial and Appeal Board at 571-272-7822.

PETITIONER:

Richard M. Koehl
James R. Klaiber

richard.koehl@hugheshubbard.com
james.klaiber@hugheshubbard.com

PATENT OWNER:

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, WI 53292