

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. IPR2016-00042  
U.S. Patent No. 8,544,136

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**PATENT OWNER'S PRELIMINARY RESPONSE PURSUANT TO 35  
U.S.C. § 313 AND 37 C.F.R. § 42.107**

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## I. INTRODUCTION

Patent Owner, Robert Bosch LLC (“Bosch”), submits this preliminary response to the corrected Petition filed by Costco Wholesale Corporation (“Petitioner” or “Costco”) as Paper No. 10 in this proceeding, requesting *inter partes* review (“IPR”) of claims 1 and 21 of U.S. Patent No. 8,544,136 (“Petition”). This response is timely pursuant to the Board’s Notice in Paper No. 3.

The following arguments are not intended to be an exhaustive list of arguments with respect to the grounds asserted in the Petition. Rather, Bosch respectfully submits these streamlined arguments in response to the issue of institution and reserves the right to expand on these arguments with additional evidence, including testimonial evidence, or to provide new arguments, should the Board determine that institution is appropriate.

Bosch respectfully submits that Petitioner has not established a reasonable likelihood that it would prevail with respect to any of the challenged claims. Accordingly, Bosch respectfully requests that the Board decline to institute *inter partes* review for the reasons set forth below.

## II. SUMMARY OF ARGUMENTS

The Petition fails for at least two reasons. First, Petitioner fails to clearly identify its challenges. The Petition ostensibly includes six grounds, three for

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