

Paper No. \_\_\_\_\_

Filed: October 9, 2015

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

COSTCO WHOLESALE CORPORATION

Petitioner

v.

ROBERT BOSCH LLC

Patent Owner

U.S. Patent 8,544,136

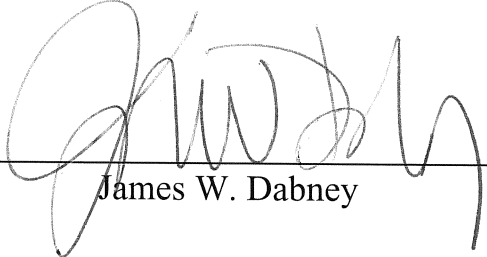
**DECLARATION OF JAMES W. DABNEY IN SUPPORT OF  
PETITION FOR INTER PARTES REVIEW OF U.S. PATENT 8,544,136**

1. My name is James W. Dabney. I am a member of the Bar of the States of New York and New Jersey and of the Firm of Hughes Hubbard & Reed LLP. I am lead counsel for petitioner Costco Wholesale Corporation (“Petitioner”) in a civil action entitled *Robert Bosch LLC v. Albersee Products, Inc.*, C.A. No. 12-574 (LPS) (Consolidated), which is currently pending in the United States District Court for the District of Delaware (the “Delaware Action”). I have personal knowledge of the matters stated in this declaration.

2. Annexed hereto as Exhibits 1 and 2 are true copies of infringement contentions that Robert Bosch LLC (“Patent Owner”) served in the Delaware Action on or about October 31, 2014.

I, JAMES W. DABNEY, hereby declare under the penalty of perjury that the foregoing is true and correct.

Dated: October 9, 2015

  
James W. Dabney


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# EXHIBIT 1

U.S. Patent No. 8,544,136

U.S. Patent No. 8,544,136

**Claim 1:**

Claim Element	Arc Flex Ultra/Goodyear Assurance Wiper Blade
A wiper blade (10) for an automobile windshield (14),	The Arc Flex Ultra <sup>1</sup> is a wiper blade for an automobile windshield. 

<sup>1</sup> Goodyear Assurance and Arc Flex Ultra samples produced by defendants in 2012 in connection with the ITC Investigation 337-TA-838, *Wiper Blades*, appear to have the same design. This claim chart represents Bosch's infringement allegations with regard to both models.

U.S. Patent No. 8,544,136

Claim Element	Arc Flex Ultra/Goodyear Assurance Wiper Blade
<p>with an elongated belt-shaped, flexible resilient support element (12) having a longitudinal axis, on a lower belt surface (22) of which that faces the windshield is located an elastic rubber wiper strip (24) sitting against the windshield that extends parallel to the longitudinal axis, and on an upper belt surface (16) of which a wind deflection strip (42 or 112) is located</p>	<p>The wiper blade has an elongated belt-shaped, flexible resilient support element (a) having a longitudinal surface (b) of which that faces the windshield is located an elastic rubber wiper strip (c) sitting against the windshield parallel to the longitudinal axis, and on an upper belt surface (d) of which a wind deflection strip (e) is located. This limitation is not literally present in the accused wiper blade, for example under claim-constructions proposed by the Court, it is present at least under the doctrine of equivalents.</p>

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