

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

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT 8,544,136  
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42**

## TABLE OF CONTENTS

|       |  |    |
|-------|--|----|
| I.    | INTRODUCTION .....   | 1  |
| II.   | MANDATORY NOTICES UNDER 37 C.F.R. § 42.8.....  | 1  |
| III.  | PAYMENT OF FEES UNDER 37 C.F.R. §§ 42.15(A) AND 42.103.....  | 2  |
| IV.   | GROUND FOR STANDING.....   | 2  |
| V.    | STATEMENT OF PRECISE RELIEF REQUESTED FOR EACH CLAIM<br>CHALLENGED UNDER 37 U.S.C. § 312 AND 37 C.F.R. §§ 42.22(A)(1)<br>AND 42.104(B)(1)-(2)..... | 2  |
|       | A. Claims for Which Review is Requested - 37 C.F.R. § 42.104(b)(1) ....  | 2  |
|       | B. Statutory Grounds of Challenge - 37 C.F.R. § 42.104(b)(2) .....   | 3  |
| VI.   | THE ‘136 PATENT.....   | 4  |
|       | A. Prosecution and Issuance of the ‘136 Patent.....  | 6  |
|       | B. Claim Construction .....  | 8  |
| VII.  | OVERVIEW OF PRIOR ART.....   | 9  |
|       | A. U.K. Patent No. G.B. 2,106,775 (“Prohaska”; Exhibit 1003).....  | 9  |
|       | B. U.S. Patent No. 3,192,551 (“Appel”; Exhibit 1005).....  | 12 |
|       | C. German Patent No. D.E. 1,028,896 (“Hoyler”; Exhibit 1006) .....   | 13 |
|       | D. PCT Pub. No. WO99/02383 (“Kotlarski ‘383”; Exhibit 1004).....   | 14 |
|       | E. PCT Publication No. WO99/12784 (“Merkel”; Exhibit 1007).....  | 15 |
|       | F. PCT Pub. No. WO00/34090 (“Kotlarski ‘090”; Ex. 1018) .....  | 16 |
|       | G. U.S. Patent No. 3,121,133 (“Mathues”; Exhibit 1017).....  | 17 |
|       | H. U.K. Patent 2,346,318 to Lumsden (“Lumsden”; Exhibit 1025).....   | 18 |
|       | I. German Pub. No. DE10000373 (“Eckhardt”; Exhibit 1028).....  | 19 |
| VIII. | DETAILED EXPLANATION OF GROUNDS FOR UNPATENTABILITY<br>.....   | 20 |
|       | A. Legal Standards .....   | 20 |

|   |    |
|---|----|
| 1. <i>Obviousness</i> .....               | 20 |
| 2. <i>Level of Skill in the Art</i> ..... | 21 |
| A.    Claim 1 Is Unpatentable .....       | 22 |
| B.    Claim 21 Is Unpatentable .....      | 45 |
| IX.    CONCLUSION.....                    | 56 |

## LIST OF EXHIBITS

| Exhibit | Description   |
|---------|---|
| 1001    | U.S. Patent No. 8,544,136, “Automobile Windshield Wiper Blade,” to Kraemer et al.   |
| 1002    | October 10, 2014 Proof of Service filed by Patent Owner in Civil Action No 12-574-LPS (consolidated)                                    |
| 1003    | U.K. Patent No. GB 2,106,775 to Prohaska et al. (“Prohaska”)  |
| 1004    | PCT Pub. No. WO99/02383 to Kotlarski et al. (“Kotlarski ‘383”) with certified translation (also published as U.S. Patent No. 6,279,191) |
| 1005    | U.S. Patent No. 3,192,551 to Appel (“Appel”)  |
| 1006    | German Patent No. DE1028896 to Hoyler (“Hoyler”)  |
| 1007    | PCT Pub. No. WO99/12784 to Merkel et al. (“Merkel”) with certified translation (also published as U.S. Patent No. 6,295,690)            |
| 1008    | File History of U.S. Patent No. 8,544,136 (Application No. 13/553094)   |
| 1009    | File History of U.S. Patent No. 7,228,588 (Application No. 10/312279)   |
| 1010    | File History of U.S. Patent No. 7,484,264 (Application No. 11/760394)   |
| 1011    | File History of U.S. Patent No. 8,099,823 (Application No. 12/364092)   |
| 1012    | Joint Claim Construction Chart  |
| 1013    | Robert Bosch LLC’s Opening Claim Construction Brief, April 24, 2015   |
| 1014    | Declaration of Dr. Daniel H. Kruger, sworn to October 9, 2015 (the “Kruger Decl.”)  |

| Exhibit | Description   |
|---------|---|
| 1015    | NOT FILED   |
| 1016    | Declaration of Dr. Eric Maslen, sworn to April 23, 2015 (the "Maslen Decl.") and accompanying Technology Tutorial                       |
| 1017    | U.S. Patent No. 3,121,133 to Mathues ("Mathues")  |
| 1018    | PCT Publication No. WO00/34090 to Kotlarski ("Kotlarski '090") with certified translation (also published as U.S. Patent No. 6,523,218) |
| 1019    | NOT FILED   |
| 1020    | U.S. Patent No. 6,523,218 to Kotlarski  |
| 1021    | U.S. Patent No. 6,279,191 to Kotlarski et al.   |
| 1022    | U.S. Patent No. 6,295,690 to Merkel et al.  |
| 1023    | U.S. Patent No. 3,818,536 to Plisky ("Plisky")  |
| 1024    | U.S. Patent No. 3,925,844 to Cone ("Cone")  |
| 1025    | U.K. Patent No. 2,346,318 to Lumsden ("Lumsden")  |
| 1026    | Declaration of Dr. Gregory Davis, sworn to October 9, 2015 (the "Davis Decl.")  |
| 1027    | Declaration of James W. Dabney ("Dabney Decl.")   |
| 1028    | German Pub. No. DE10000373 to Eckhardt et al. ("Eckhardt")  |

# 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.