

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

KOSS CORPORATION,
Patent Owner.

CASE: IPR2021-00255
U.S. PATENT NO. 10,298,451

**JOINT REPORT DETAILING SIGNIFICANT DEVELOPMENTS IN
PARALLEL DISTRICT COURT LITIGATIONS**

LIST OF EXHIBITS

EXHIBIT NO.	DESCRIPTION
KOSS-2001	Sample Order Governing Proceedings - Patent Case, November 5, 2020, Judge Albright, United States District Court for the Western District of Texas, Waco Division
KOSS-2002	<i>Markman</i> Hearing, <i>MV3 Partners, LLC v. Roku, Inc.</i> , Case No. W-18-cv-308, Dkt. No. 83 (W. D. Tex. July 19, 2019)
KOSS-2003	E. Cunningham et al., “Fauci predicts vaccine ‘open season’ by April,” <i>Washington Post</i> , Feb. 11, 2021 (www.washingtonpost.com/nation/2021/02/11/coronavirus-covid-live-updates-us/) (last accessed February 25, 2021)
KOSS-2004	Docket Report, <i>Koss Corp. v. Apple Inc.</i> , Case No. 6:20-cv-00665-ADA (W.D. Tex.) (as of March 2, 2021)
KOSS-2005	Complaint, <i>Apple Inc. v. Koss Corporation</i> , Case No. 5:20-cv-05504, Dkt. No. 1 (N.D. Cal. Aug. 7, 2020)
KOSS-2006	Notice of Trial Procedures, <i>VLSI Tech. LLC v. Intel Corp.</i> , Case No. 6:21-cv-00057-ADA, Dkt. No. 421 (W.D. Tex. February 10, 2021)
KOSS-2007	R. Thebault, “Fauci says U.S. vaccinations to increase in spring as Biden administration nears dose goal,” <i>Washington Post</i> , Feb. 7, 2021 (www.washingtonpost.com/health/2021/02/07/fauci-vaccination-increase/) (last accessed February 25, 2021)
KOSS-2008	K. Buehler, “WDTX Judge Albright Touts Revamped Courtroom Tech,” <i>IPLAW360</i> , February 26, 2021.
KOSS-2009	Email dated March 8, 2021 from Michael Pieja to Darlene Ghavimi, including attachment that is letter dated March 6, 2021 Michael Pieja to Darlene Ghavimi
KOSS-2010	Claim Construction Order, <i>Koss Corp. v. Apple, Inc.</i> , Case No. 6-20-cv-00665-ADA, Dkt. 83 (W.D. Tex. June 2, 2021)

EXHIBIT NO.	DESCRIPTION
KOSS-2011	Order Denying Defendant's Motion to Transfer, <i>Koss Corp. v. Apple, Inc.</i> , Case No. 6-20-cv-00665-ADA, Dkt. 76 (W.D. Tex. April 22, 2021)
KOSS-2012	Order Granting Motion to Transfer, <i>Apple Inc. v. Koss Corp.</i> , Case No. 4:20-cv-05504, Dkt. 72 (May 12, 2021)
KOSS-2013	Joint Motion to Consolidate Cases, <i>Koss Corp. v. Apple, Inc.</i> , Case No. 6-20-cv-00665-ADA, Dkt. 84 (W.D. Tex. June 8, 2021)

The Board's June 3, 2021 Institution Decision, Paper 22, for IPR2021-00255, states that "within (10) days of any significant developments in the parallel district court proceedings," i.e., *Koss Corp. v. Apple Inc.*, Case No. 6:20-cv-00665 (W.D. Tex.) and *Apple Inc. v. Koss Corp.*, Case No. 4:20-cv-05504 (N.D. Cal.), "including but not limited to claim interpretation developments, any ruling on a stay, and the setting of a trial date, the parties shall file a joint report detailing any such development." Pursuant thereto, the Parties jointly submit that:

- The district court in the W.D. Tex. issued a Claim Construction Order on June 2, 2021, a copy of which is filed as KOSS-2010.
- On April 22, 2021, the district court in the W.D. Tex. denied Petitioner's motion to transfer venue. A redacted/public version of the ruling is filed as KOSS-2011.
- On May 7, 2021, the district court in the N.D. Cal. granted Patent Owner's motion to transfer the N.D. Cal. case to W.D. Tex. A copy of the ruling is filed as KOSS-2012.
- On June 8, 2021, the parties jointly filed a motion to consolidate the two W.D. Tex. cases, i.e., the original case and the case transferred from N.D. Cal. A copy of the joint motion to consolidate is filed as KOSS-2013.

- On May 18, 2021, Petitioner filed a Petition for Writ of Mandamus with the Federal Circuit Court of Appeals, *In re Apple Inc.*, Case No. 21-147 (Fed. Cir.), requesting the Federal Circuit to issue a writ of mandamus directing the W.D. Tex. district court transfer W.D. Tex. Case No. 6:20-cv-00665 to the N.D. Cal. The Federal Circuit has not ruled yet on the petition.

Dated: June 16, 2021

Respectfully submitted,

By: /Mark G. Knedeisen/
Mark G. Knedeisen (Reg. No. 42,747)
K&L Gates Center, 210 Sixth Avenue
Pittsburgh, Pennsylvania 15222
Tel.: (412) 355-6342
mark.knedeisen@klgates.com

Counsel for Patent Owner

By: /Roberto J. Devoto/
W. Karl Renner (Reg. No. 41,265)
Roberto J. Devoto (Reg. No. 55, 108)
Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402

Counsel for Petitioner

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