

U.S. District Court [LIVE]
Western District of Texas (Waco)
CIVIL DOCKET FOR CASE #: 6:20-cv-00664-ADA

KOSS Corporation v. Skullcandy, Inc.
Assigned to: Judge Alan D Albright
Related Cases: [6:20-cv-00665-ADA](#)
[6:21-cv-00088-ADA](#)
[6:21-cv-00091-ADA](#)
[6:21-cv-00089-ADA](#)

Date Filed: 07/22/2020
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Cause: 35:271 Patent Infringement

Plaintiff

KOSS Corporation

represented by **Gina A Johnson**
K&L Gates, LLP
70 W. Madison Street, Suite 3100
Chicago, IL 60602
(312) 327-1121
Fax: (312) 827-8000
Email: gina.johnson@klgates.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James A. Shimota
K&L Gates LLP
70 W. Madison Street, Suite 3300
Chicago, IL 60602
(312) 807-4299
Fax: (312) 827-8000
Email: jim.shimota@klgates.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Benjamin E. Weed
K&L Gates, LLP
70 W. Madison Street, Suite 3100
Chicago, IL 60602
(312) 327-1121
Fax: (312) 827-8000
Email: benjamin.weed@klgates.com
ATTORNEY TO BE NOTICED

Erik J. Halverson
K&L Gates, LLP
70 W. Madison Street, Suite 3100
Chicago, IL 60602
312- 807-4240
Fax: 312- 345-8529
Email: erik.halverson@klgates.com
ATTORNEY TO BE NOTICED

Four Embarcadero Center, Suite 1200
 San Francisco, CA 94111
 415-882-8200
 Fax: 415-882-8220
 Email: peter.soskin@klgates.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Philip A. Kunz
 K&L Gates, LLP
 70 W. Madison Street, Suite 3100
 Chicago, IL 60602
 312-807-4294
 Fax: 312-345-9983
 Email: philip.kunz@klgates.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Darlene Ghavimi
 K&L Gates
 2801 Via Fortuna
 Suite 350
 Austin, TX 78746
 512 482-6919
 Fax: 512 482-6859
 Email: darlene.ghavimi@klgates.com
ATTORNEY TO BE NOTICED

V.

Defendant

Skullcandy, Inc.

represented by **Barry K. Shelton**
 Shelton Coburn LLP
 311 RR 620 S
 Suite 205
 Austin, TX 78734-4775
 512-263-2165
 Fax: 512-263-2166
 Email: bshelton@sheltoncoburn.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Dalton Coburn
 Shelton Coburn LLP
 311 Ranch Road 620 S
 Suite 205
 Austin, TX 78734-4775
 (512) 263-2165
 Fax: 512-263-2166
 Email: coburn@sheltoncoburn.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/24/2020	10	STANDING ORDER S... U.S. District L... A... D... All... 1... 1... 1...

		fromChief Judge Garcia re COVID19 Court Procedures)(mc5) (Entered: 07/24/2020)
07/22/2020	1	COMPLAINT (Filing fee \$ 400 receipt number 0542-13787947), filed by KOSS Corporation. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K)(Ghavimi, Darlene) (Attachment 1 replaced on 7/23/2020) (am). (Entered: 07/22/2020)
07/22/2020	2	Certificate of Interested Parties by KOSS Corporation. (Ghavimi, Darlene) (Entered: 07/22/2020)
07/22/2020	3	REQUEST FOR ISSUANCE OF SUMMONS by KOSS Corporation. (Ghavimi, Darlene) (Main Document 3 replaced on 7/23/2020) (am). (Entered: 07/22/2020)
07/22/2020	4	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 forwarded to the Director of the U.S. Patent and Trademark Office. (Ghavimi, Darlene) (Main Document 4 replaced on 7/23/2020) (am). (Entered: 07/22/2020)
07/22/2020	5	MOTION to Appear Pro Hac Vice by Darlene Ghavimi <i>for Benjamin J. Weed</i> (Filing fee \$ 100 receipt number 0542-13787954) by on behalf of KOSS Corporation. (Ghavimi, Darlene) (Entered: 07/22/2020)
07/22/2020	6	MOTION to Appear Pro Hac Vice by Darlene Ghavimi <i>for Philip A. Kunz</i> (Filing fee \$ 100 receipt number 0542-13787955) by on behalf of KOSS Corporation. (Ghavimi, Darlene) (Entered: 07/22/2020)
07/22/2020	7	MOTION to Appear Pro Hac Vice by Darlene Ghavimi <i>for Erik Halverson</i> (Filing fee \$ 100 receipt number 0542-13787956) by on behalf of KOSS Corporation. (Ghavimi, Darlene) (Entered: 07/22/2020)
07/22/2020	8	MOTION to Appear Pro Hac Vice by Darlene Ghavimi <i>for Peter E. Soskin</i> (Filing fee \$ 100 receipt number 0542-13787957) by on behalf of KOSS Corporation. (Ghavimi, Darlene) (Entered: 07/22/2020)
07/23/2020	9	Summons Issued as to Skullcandy, Inc.. (am) (Entered: 07/23/2020)
07/23/2020		Case assigned to Judge Alan D Albright. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (am) (Entered: 07/23/2020)
07/24/2020		Text Order GRANTING 5 Motion to Appear Pro Hac Vice. Before the Court is the Motion for Admission Pro Hac Vice. The Court, having reviewed the Motion, finds it should be GRANTED and therefore orders as follows: IT IS ORDERED the Motion for Admission Pro Hac Vice is GRANTED. IT IS FURTHER ORDERED that Applicant, if he/she has not already done so, shall immediately tender the amount of \$100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Rule AT-I (f)(2). Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. entered by Judge Alan D Albright. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 07/24/2020)
07/24/2020		Text Order GRANTING 6 Motion to Appear Pro Hac Vice. Before the Court is the Motion for Admission Pro Hac Vice. The Court, having reviewed the Motion, finds it should be GRANTED and therefore orders as follows: IT IS ORDERED the Motion for Admission Pro Hac Vice is GRANTED. IT IS FURTHER ORDERED that Applicant, if he/she has not already done so, shall immediately tender the amount of \$100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Rule AT-I (f)(2). Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. entered by Judge Alan D Albright. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 07/24/2020)

		Admission Pro Hac Vice. The Court, having reviewed the Motion, finds it should be GRANTED and therefore orders as follows: IT IS ORDERED the Motion for Admission Pro Hac Vice is GRANTED. IT IS FURTHER ORDERED that Applicant, if he/she has not already done so, shall immediately tender the amount of \$100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Rule AT-I (f)(2). Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. entered by Judge Alan D Albright. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 07/24/2020)
07/24/2020		Text Order GRANTING 8 Motion to Appear Pro Hac Vice. Before the Court is the Motion for Admission Pro Hac Vice. The Court, having reviewed the Motion, finds it should be GRANTED and therefore orders as follows: IT IS ORDERED the Motion for Admission Pro Hac Vice is GRANTED. IT IS FURTHER ORDERED that Applicant, if he/she has not already done so, shall immediately tender the amount of \$100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Rule AT-I (f)(2). Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. entered by Judge Alan D Albright. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 07/24/2020)
08/11/2020	11	MOTION to Appear Pro Hac Vice by Darlene Ghavimi <i>on behalf of Gina A. Johnson</i> (Filing fee \$ 100 receipt number 0542-13849172) by on behalf of KOSS Corporation. (Attachments: # 1 Proposed Order)(Ghavimi, Darlene) (Entered: 08/11/2020)
08/11/2020		Text Order GRANTING 11 Motion to Appear Pro Hac Vice for Attorney Gina A Johnson for KOSS Corporation. Before the Court is the Motion for Admission Pro Hac Vice. The Court, having reviewed the Motion, finds it should be GRANTED and therefore orders as follows: IT IS ORDERED the Motion for Admission Pro Hac Vice is GRANTED. IT IS FURTHER ORDERED that Applicant, if he/she has not already done so, shall immediately tender the amount of \$100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Rule AT-I (f)(2). Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order entered by Judge Alan D Albright. (This is a text-only entry generated by the court. There is no document associated with this entry.) (sm3) (Entered: 08/11/2020)
08/13/2020	12	MOTION to Appear Pro Hac Vice by Darlene Ghavimi <i>for James A. Shimota</i> (Filing fee \$ 100 receipt number 0542-13861528) by on behalf of KOSS Corporation. (Ghavimi, Darlene) (Entered: 08/13/2020)
08/14/2020		Text Order GRANTING 12 Motion to Appear Pro Hac Vice for Attorney James A. Shimota for KOSS Corporation. Before the Court is the Motion for Admission Pro Hac Vice. The Court, having reviewed the Motion, finds it should be GRANTED and therefore orders as follows: IT IS ORDERED the Motion for Admission Pro Hac Vice is GRANTED. IT IS FURTHER ORDERED that Applicant, if he/she has not already done so, shall immediately tender the amount of \$100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Rule AT-I (f)(2). Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order entered by Judge Alan D Albright. (This is a text-only entry generated by the court. There is no document associated with this entry.) (sm3) (Entered: 08/14/2020)
08/19/2020	13	SUMMONS Returned Executed by KOSS Corporation. Skullcandy, Inc. served on 8/19/2020, answer due 9/9/2020. (Ghavimi, Darlene) (Entered: 08/19/2020)
08/31/2020	14	NOTICE of Attorney Appearance by Barry K. Shelton on behalf of Skullcandy, Inc.. Attorney Barry K. Shelton added to party Skullcandy, Inc.(pty:dft) (Shelton, Barry) (Entered: 08/31/2020)
08/31/2020	15	NOTICE of Attorney Appearance by Bradley Dalton Coburn on behalf of Skullcandy, Inc.. Attorney Bradley Dalton Coburn added to party Skullcandy, Inc.(pty:dft) (Coburn, Bradley)

09/08/2020	16	MOTION to Dismiss <i>for Improper Venue Under Rule 12(b)(3)</i> by Skullcandy, Inc.. (Attachments: # 1 Affidavit of Autumn Hindman, # 2 Exhibit A to Hindman Declaration)(Shelton, Barry) (Entered: 09/08/2020)
09/08/2020	17	RULE 7 DISCLOSURE STATEMENT filed by Skullcandy, Inc.. (Shelton, Barry) (Entered: 09/08/2020)
09/22/2020	18	Response in Opposition to Motion, filed by KOSS Corporation, re 16 MOTION to Dismiss <i>for Improper Venue Under Rule 12(b)(3)</i> filed by Defendant Skullcandy, Inc. (Attachments: # 1 Proposed Order, # 2 Exhibit A - Declaration and attachments, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E-1 Proposed discovery, # 7 Exhibit E-2 Proposed discovery)(Ghavimi, Darlene) (Entered: 09/22/2020)
09/28/2020	19	REPLY to Response to Motion, filed by Skullcandy, Inc., re 16 MOTION to Dismiss <i>for Improper Venue Under Rule 12(b)(3)</i> filed by Defendant Skullcandy, Inc. (Attachments: # 1 Affidavit of Autumn Hindman)(Shelton, Barry) (Entered: 09/28/2020)
10/13/2020	20	STATUS REPORT <i>re Case Readiness</i> by KOSS Corporation. (Ghavimi, Darlene) (Entered: 10/13/2020)
11/09/2020	21	Updated Standing Order Governing Proceedings Patent Cases. Signed by Judge Alan D Albright. (jkda) (Entered: 11/10/2020)
11/30/2020	22	SCHEDULING ORDER: Markman Hearing set for 4/22/2021 09:00 AM before Judge Alan D Albright. Joinder of Parties due by 6/3/2021. Amended Pleadings due by 8/12/2021. Motions due by 1/27/2022. Pretrial Conference set for 3/31/2022 before Judge Alan D Albright. Jury Selection and Jury Trial set for 4/18/2022 before Judge Alan D Albright. Signed by Judge Alan D Albright. (am) (Entered: 11/30/2020)
01/19/2021	23	ORDER Setting Zoom Motion Hearing for 1/27/2021 01:30 PM before Judge Alan D Albright. Signed by Judge Alan D Albright. (bot2) (Entered: 01/19/2021)
01/27/2021	24	Minute Entry for proceedings held before Judge Alan D Albright: Motion Hearing held on 1/27/2021 re 16 MOTION to Dismiss <i>for Improper Venue Under Rule 12(b)(3)</i> filed by Skullcandy, Inc.. Case called for a motion hearing by zoom. The Court heard argument regarding pending motion about Motion to Dismiss for Improper Venue. The Court did not make a formal ruling on this motion however he is allowing a 3 hour deposition in order for the parties to obtain more information about this motion and to allow parties to determine what the correct facts are. (Minute entry documents are not available electronically.). (Court Reporter Lily Reznik.)(am) (Entered: 01/27/2021)
02/08/2021	25	Unopposed Motion for leave to File Sealed Document (Attachments: # 1 Proposed Order, # 2 Sealed Document Surreply, # 3 Sealed Document Ex. A to Surreply, # 4 Sealed Document Ex. B to Surreply, # 5 Sealed Document Ex. C to Surreply) (Ghavimi, Darlene) (Entered: 02/08/2021)
02/12/2021	26	Transcript filed of Proceedings held on January 27, 2021, Proceedings Transcribed: Videoconference Motion Hearing. Court Reporter/Transcriber: Lily I. Reznik, Telephone number: 512-391-8792 or Lily_Reznik@txwd.uscourts.gov. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 3/5/2021, Redacted Transcript Deadline set for 3/15/2021, Release of Transcript Restriction set for 5/13/2021, (lr) (Entered: 02/12/2021)
02/12/2021	27	Unopposed Motion for leave to File Sealed Document (Attachments: # 1 Sealed Document Supplemental Reply in support of Skullcandy's Motion to Dismiss Under Rule 12(b)(3), # 2 Sealed Document Exhibit A, # 3 Sealed Document Exhibit B, # 4 Proposed Order) (Shelton, Barry) (Entered: 02/12/2021)

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.