

April 6, 2021

VIA EMAILdarlene.ghavimi@klgates.comDarlene F. Ghavimi
K&L GATES LLP
2801 Via Fortuna, Suite #350
Austin, TX 78746Re: *Koss Corp. v. Bose Corp.*, Case No. 6:20-cv-00661 (W.D. Tex.)
Bose Corp. v. Koss Corp., Case No. 1:20-cv-12193 (D. Mass.)
Stipulations Regarding Prior Art

Dear Darlene and K&L Gates team:

I write regarding the petitions for *inter partes* review (IPR) that Bose Corporation (“Bose”) has filed against the United States patents-in-suit in the above-listed district court litigations (the “litigations”). Bose stipulates as follows:

- If the Patent Trial and Appeal Board (PTAB) institutes an IPR trial on the grounds presented by Bose in IPR2021-00297 (which challenges claims of U.S. Patent No. 10,368,155, “the ’155 patent”), Bose will not seek resolution within the litigations of any ground of invalidity with respect to the claims of the ’155 patent that uses, as a primary prior art reference, any of the following prior art references that are relied upon as primary prior art references in IPR2021-00297:
 - PCT Publication No. WO2009/126614
 - U.S. Patent Application Publication No. 2007/0165875
 - U.S. Patent Application Publication No. 2003/0223604
- If the Patent Trial and Appeal Board (PTAB) institutes an IPR trial on the grounds presented by Bose in IPR2021-00612 (which challenges claims of U.S. Patent No. 10,206,025, “the ’025 patent”), Bose will not seek resolution within the litigations of any ground of invalidity with respect to the claims of the ’025 patent that uses, as a primary prior art reference, any of the following prior art references that are relied upon as primary prior art references in IPR2021-00612:
 - U.S. Patent Application Publication No. 2007/0165875
 - U.S. Patent No. 7,072,686

600 Atlantic Avenue, Boston, MA 02210
617.646.8000605 Third Avenue, New York, NY 10158
212.697.7890www.wolfgreenfield.com

Bose Exhibit 1097

Darlene F. Ghavimi

April 6, 2021

Page 2

- If the Patent Trial and Appeal Board (PTAB) institutes an IPR trial on the grounds presented by Bose in IPR2021-00680 (which challenges claims of U.S. Patent No. 10,469,934, “the ’934 patent”), Bose will not seek resolution within the litigations of any ground of invalidity with respect to the claims of the ’934 patent that uses, as a primary prior art reference, any of the following prior art references that are relied upon as primary prior art references in IPR2021-00680:
 - U.S. Patent Application Publication No. 2007/0165875
 - U.S. Patent No. 7,072,686

In so stipulating, Bose seeks to avoid multiple proceedings addressing the validity of the patents-in-suit based on the same grounds. Rather, consistent with Congressional intent, Bose wishes for the patentability of the above-identified Koss patents-in-suit over one or more of the above-identified primary prior art reference to be addressed by the PTAB. But, for the sake of clarity and to avoid any doubt, if the PTAB declines institution of any of the above Bose IPR petitions, Bose reserves the right to pursue the grounds from such denied petition(s) in the litigations.

If you have any questions, please do not hesitate to call me.

Very truly yours,

WOLF, GREENFIELD & SACKS, P.C.



Michael N. Rader

MNR/nmg