



Letter accompanying subsequently filed items

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The document(s) listed below is (are) subsequently filed documents pertaining to the following application:

Application number

09731146.8

Applicant's or representative's reference

SJP/FP6724736

	Description of document	Original file name	Assigned file name
1	Reply to search opinion/written opinion/IPER	#10078388-v1-To_EPO_-_30_11_2011_-_response.PDF	WOREPLY-1.PDF
2	Amended description (clean copy)	#10080127-v1-To_EPO_-_30_11_2011_-_replacement_pages.PDF	DESC-1.PDF
3	Amended claims (clean copy)	10080295-v1-To_EPO_-_30_11_2011_-_replacement_claims.PDF	CLMS-1.PDF
4	Amended description with annotations	#10080373-v1-To_EPO_-_30_11_2011_-_description (manuscript) .PDF	DESC-HWA-1.PDF
5	Amended claims with annotations	#10074291-v1-To_EPO_-_30_11_2011_-_claims_(manuscript).PDF	CLMS-HWA-1.PDF

Signatures

Place:

Date:

30 November 2011

Signed by:

GB, Mewburn Ellis LLP, S. Parry 20806

Capacity:

(Representative)

Bose Exhibit 1012
Bose v. Koss

European Patent Office
D-80298 München
Germany

30 November 2011

BY EPO ONLINE FILING

Dear Sirs

European Patent Application No. 09731146.8
Applicant: KOSS CORPORATION
Our Ref: SJP/FP6724736

I write in response to the official communication dated 28 June 2011 and hereby confirm the previously-filed request for substantive examination and the applicant's wish to proceed further with this application.

Additionally, I set out below our response to the objections set out in the Opinion accompanying the European Search Report.

In response to the European Search Report, I am filing herewith amended pages for this application. Clean-typed page numbers 1 and 1a of the description filed herewith are to be substituted for page 1 as presently on file whilst the attached clean-typed pages of amended claims are to be substituted for the pages of claims presently on file. For the Examiner's assistance in following the amendments incorporated into these clean-typed pages, I am also submitting herewith copies of the previous pages with the amendments shown in manuscript.

As the Examiner will note, independent claim 1 is hereby amended to address the Examiner's objection as set out in numbered paragraph 2.1 of the aforementioned Opinion. In particular, the claim now requires the transceiver circuit firmware to cause the transceiver circuit to transmit data via the ad hoc wireless network to the data source regarding one or more infrastructure wireless networks detected by the transceiver circuit "that have a signal strength above a threshold a minimum signal strength level", and no longer requires the data itself to comprise the signal strength data. Basis for this amendment arises from the passage of the description beginning at line 24 of page 12 and running over to line 6 of page 13.

We have also noted the Examiner's objections to the dependencies of the amended claims filed on entry into the European regional phase and so the Examiner will note that the amended claims filed herewith have been restored to their previous dependencies. In this regard, however, I note that the Examiner did not object to the dependency of previous claim 17 (now claim 16 in the amended set of claims filed herewith), but nevertheless for the sake of good order this claim has also now been amended so as to address the issue of its dependency.

The Examiner's comments with regard to the "doubled" claim dependencies of previous claims 14 and 15 is now moot following the above-mentioned amendments to the claims. Nevertheless, the Examiner will note that claims 16, 17 and 18 filed herewith are now each directed to "A system according to claim 10, or an earphone according to claim 1...". It is respectfully submitted that this claim structure is actually entirely clear and thus represents no contravention of Article 84 EPC. Basis for this dependency in respect of claim 16 filed herewith arises from original claim 15 of the application as filed (which was dependent upon the system of claim 14 as filed) and original claim 2 of the application as filed (which was dependent upon the earphone defined by claim 1 as originally filed). Similarly, basis for this dependency in claim 17 filed herewith arises from original claims 23 (dependent upon original system claim 14) and 5 (dependent upon original earphone claim 1) of the application as originally filed. Basis for the dependency of claim 18 filed herewith arises from original claims 24 (dependent upon independent system claim 14) and 7 (dependent upon the independent earphone of claim 6) of the application as originally filed.

Furthermore, claim 1 filed herewith has been amended so as to require receipt of the digital audio wirelessly from the data source via the ad hoc wireless network to occur "after establishing a wireless communication link with an ad hoc wireless network". Basis for this amendment, indicated as necessary by the Examiner, arises from the passage beginning at line 24 of page 12 and running on to line 6 of page 13 of the application as originally filed.

The Examiner will furthermore note that claim 1 filed herewith now refers to "a first infrastructure wireless network". This has been done to address the Examiner's lack of clarity objection with regard to claim 5, as set out in numbered paragraph 3.2 of the Search Opinion.

Furthermore, claim 1 filed herewith is now restricted to the technical features of previous claim 4, thereby making the claim clearly novel and inventive as acknowledged by the Examiner.

Claim 4 filed herewith (corresponding to previous claim 5) is also hereby amended to refer to the aforementioned "first infrastructure wireless network", in order to address the clarity objection set out in numbered paragraph 3.2 of the Search Opinion. The same amendment has been made to other claims for reasons of consistency.

Independent method claim 19 filed herewith (corresponding to previous claim 20) now specifically recites technical features corresponding to those of independent product claim 1, and is also now restricted in the same manner as claim 1 filed herewith, thereby overcoming the Examiner's clarity objection as set out in numbered paragraph 3.3 of the Opinion.

Both the independent claims are now cast into the two part form with respect to prior art document D1, and prior art document D1 has been briefly identified on the first page of the description. In this regard, I note that in numbered paragraph 7.3 of the Search Opinion the Examiner suggested that prior art documents "D1-D4" should be identified in the description. However, it seems that only three prior art documents were actually cited in the official search report and of those only document D1 was cited as a document having any direct relevance to the invention defined by the claims in this application. It is therefore deemed appropriate only to identify prior art document D1 in this manner.

It is respectfully submitted that the amendments filed herewith now place the application in order for acceptance and we therefore look forward to receiving an official communication under Rule 71(3) EPC in due course.

As a precaution against premature refusal, oral proceedings under A.116 EPC are requested in the event that the EPO forms an intention to refuse the application, but for compliance with A.113(1) EPC it is requested that before any summons to oral proceedings is issued the applicant is given, in accordance with A.94(3) EPC, a proper opportunity to reply in writing to any objection raised by the EPO, especially any objection based on prior art not previously referred to in the examination.

We also reserve the right to file divisional applications for any subject matter in the original application.

Yours faithfully



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Enc. Replacement claims 1 to 21 (replacement pages 22 to 25)
Replacement page 1
New page 1a
Marked-up amendments

SJP/bmb

WIRELESS EARPHONE THAT TRANSITIONS BETWEEN WIRELESS NETWORKS

Inventors: Michael J. Pelland, Michael J. Koss, Michael Sagan, Steven Reckamp, Greg Hollingstad, Jeff Bovee, and Morgan Lowery

PRIORITY CLAIM

The present application claims priority to United States provisional application serial number 61/123,265, filed April 7, 2008, which is incorporated herein by reference.

BACKGROUND

Digital audio players, such as MP3 players and iPods, that store and play digital audio files, are very popular. Such devices typically comprise a data storage unit for storing and playing the digital audio, and a headphone set that connects to the data storage unit, usually with a 1/4" or a 3.5 mm jack and associated cord. Often the headphones are in-ear type headphones. The cord, however, between the headphones and the data storage unit can be cumbersome and annoying to users, and the length of the cord limits the physical distance between the data storage unit and the headphones. Accordingly, some cordless headphones have been proposed, such as the Monster iFreePlay cordless headphones from Apple Inc., which include a docking port on one of the earphones that can connect directly to an iPod Shuffle. Because they have the docking port, however, the Monster iFreePlay cordless headphones from Apple are quite large and are not in-ear type phones. Recently, cordless headphones that connect wirelessly via IEEE 802.11 to a WLAN-ready laptop or personal computer (PC) have been proposed, but such headphones are also quite large and not in-ear type phones.

US2007/0165875A1 discloses a multiple-antennae wireless multimedia headset having peer-to-peer networking capability and which is configured for convenient hand off between multiple wireless interfaces.

According to a first aspect of the present invention, there is provided an earphone as defined in claim 1.

According to a second aspect of the present invention, there is provided a method as defined in claim 19.

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