

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

KOSS CORPORATION,  
Patent Owner.

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IPR2021-00592  
Patent 10,469,934 B2

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Record of Oral Hearing  
Held Virtually: Wednesday, May 25, 2022

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Before PATRICK R. SCANLON, DAVID C. MCKONE, and  
GREGG I. ANDERSON, *Administrative Patent Judges*.

IPR2021-00592  
Patent 10,469,934 B2

APPEARANCES:

ON BEHALF OF PETITIONER:

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ON BEHALF OF PATENT OWNER:

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412-355-6500

The above-entitled matter came on for hearing on Wednesday, May 25, 2022, commencing at 1:00 p.m. EST, by video/by telephone.

1 (Proceedings begin at 1:00 p.m.)

2 JUDGE ANDERSON: Okay. Very good. Welcome. Good  
3 day. This is -- first of all, can everybody hear me?

4 MR. HOLT: Yes, Your Honor.

5 MR. BOZZO: We can.

6 JUDGE ANDERSON: Okay. Very good. Thank you.  
7 Okay. This is the hearing for IPR2021-00592, Petitioner is  
8 Apple Inc. Patent Owner is Koss Corporation. The challenged  
9 patent is U.S. Patent No. 10,469,934. We are on a video  
10 conference here. So, keep that in mind, which I'm sure is not  
11 that hard.

12 I'm Judge Anderson. I'm joined by Judges Scanlon  
13 and McKone. With respect to demonstrative exhibits, we have  
14 them. And when you are using them to supplement your  
15 argument, please refer to the slide number so we can follow  
16 the arguments. We also have all the pleadings available to  
17 us, papers filed in the case. So, if it becomes necessary to  
18 look at that, we can do so, as well.

19 Each party will have 60 minutes to present its  
20 argument. Now, Patent Owner is granted an additional 15  
21 minutes during which Lead Practitioner, Brian Paul Bozzo --  
22 and I know a Bozzo. So, I hope that's the correct  
23 pronunciation. You'll have to correct me if it's not. He is  
24 permitted -- Mr. Bozzo is permitted to present all or any part  
25 of Patent Owner's argument. So that makes Patent Owner have a  
26 total of 75 minutes.

1           Petitioner has the burden to show unpatentability  
2 and will proceed first, followed by Patent Owner. Petitioner  
3 may reserve time for rebuttal. Patent Owner may likewise  
4 present its opposition to Petitioner's position and may  
5 reserve time for a surrebuttal.

6           We do not have a timer available like we might in  
7 the normal course of a hearing. So, we're going to keep track  
8 of the time, but you should also, in your -- as part of your  
9 responsibilities, be aware of the time, as well. We do try to  
10 do that, and typically we're pretty much on it.

11           If there is an objection you have to the other  
12 party's argument, please hold that objection until the time  
13 you make your argument, keep track of it, and then explain why  
14 you believe the argument was objectionable. Typically, one  
15 argument might be beyond the scope of the papers in this  
16 proceeding. In the final decision, if there is any  
17 objection, we will take care of it then.

18           And that reminds me, as near -- as I understand it,  
19 there are no objections to the demonstratives. And I'm just  
20 going to proceed on that basis unless one of you correct me.  
21 At this time, let's have Counsel introduce themselves,  
22 starting with Petitioner. Who's here for Petitioner, please?

23           MR. HOLT: David Holt, Your Honor, from Fish &  
24 Richardson.

25           JUDGE ANDERSON: Mr. Holt, welcome. Patent Owner,  
26 who's here?

27           MR. BOZZO: Brian Bozzo from K&L Gates. And in the

1 room with me is also Mark Knedeisen and Renae Gabriel (ph).

2 JUDGE ANDERSON: If it's -- and, Mr. Bozzo, welcome.

3 You're the sort of party of honor here -- person of honor here

4 as LEAP practitioner. Do you know how much of the argument

5 you're going to present so that we might be kind of prepared

6 for how this gets divided up?

7 MR. BOZZO: Substantially all of it, Judge Anderson.

8 JUDGE ANDERSON: Okay. Very good. With that, Mr.

9 Holt, you are on deck and ready to go. Would you like to

10 reserve some time for rebuttal?

11 MR. HOLT: Yes, Your Honor. I'd like to reserve 30

12 minutes, please.

13 JUDGE ANDERSON: Okay. 30 minutes. So, you get 30

14 minutes of argument here. We'll time that out and try to let

15 you know when there's just a few minutes left of your opening

16 argument. With that, go ahead.

17 MR. HOLT: Thank you, Your Honor. May it please the

18 Board, my name is David Holt, and I'll presenting on behalf of

19 Petitioner Apple with respect to the '934 patent today. The

20 '934 patent is the final in a series of three patents related

21 to wireless headphones that have been challenged by Apple and

22 for which IPR has been instituted. The two other proceedings

23 involve patents with the same specification and involve some

24 of these same prior art references.

25 Those are IPR2021-00305 related to the '325 patent

26 and IPR2021-00305 -- I'm sorry -- that's a different number --

27 related to the '982 patent. I'll have to get the number for

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