

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOSE CORPORATION,
Petitioner,

v.

KOSS CORPORATION,
Patent Owner.

IPR2021-00297 (Patent 10,368,155 B2)
IPR2021-00612 (Patent 10,206,025 B2)
IPR2021-00680 (Patent 10,469,934 B2)

Before KARL D. EASTHOM, PATRICK R. SCANLON, DAVID C.
McKONE, GREGG I. ANDERSON, and NORMAN H. BEAMER,
*Administrative Patent Judges.*¹

PER CURIAM.

ORDER
Conduct Of the Proceeding
37 C.F.R. § 42.5

¹ The listed Administrative Patent Judges collectively preside over all three proceedings, not over each of the proceedings.

IPR2021-00297; IPR2021-00612; IPR2021-00680
Patents 10,368,155 B2; 10,206,025 B2; 10,469,934 B2

The Board conducted a teleconference on January 5, 2022, after Patent Owner requested a teleconference via email to request filing a motion to terminate the three proceedings due to Petitioner's alleged failure to name a real party-in-interest in each proceeding. During the teleconference, Patent Owner agreed that if Petitioner identifies Michael J. Pelland, who is a consulting expert for Petitioner in pending district court litigation and a listed inventor on the challenged patents, as a real party-in-interest (without admitting that he is in fact a real party-in-interest) to the proceedings, it would moot the issue. *See Proppant Express Investments, LLC v. Oren Techs., LLC*, IPR2017-01917, Paper 86 at 14–16 (PTAB Feb. 13, 2019) (precedential) (denying patent owner's motion to dismiss based on a similar issue and sanctioning the naming of real parties-interest "without admitting they are in fact real parties-in-interest"). We make no determination as to whether Mr. Pelland is a real party-in-interest. After the teleconference, Petitioner filed Petitioner's Second Updated Mandatory Notices in each proceeding identifying Mr. Pelland as agreed. Paper 31 (IPR2021-00297); Paper 23 (IPR2021-00612); Paper 22 (IPR2021-00680). Accordingly, the issue is moot.

So Ordered.

IPR2021-00297; IPR2021-00612; IPR2021-00680
Patents 10,368,155 B2; 10,206,025 B2; 10,469,934 B2

FOR PETITIONER

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