

Paper No. ____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOSE CORPORATION,
Petitioner,

v.

KOSS CORPORATION,
Patent Owner.

Case No. IPR2021-00612
Patent No. 10,206,025

PETITIONER'S NOTICE OF CROSS-APPEAL

Pursuant to 35 U.S.C. §§ 141(c), 142, and 319; 37 C.F.R. §§ 90.2 and 90.3; Federal Rule of Appellate Procedure 4(a)(3); and Federal Circuit Rule 15(a)(1), Petitioner Bose Corporation hereby provides notice that it cross-appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in Case No. IPR2021-00612 (Paper 38, attached as Exhibit A) entered on September 13, 2022 by the Patent Trial and Appeal Board (“the Board”), and from all orders, decisions, rulings, and opinions underlying the Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner indicates that the expected issues on cross-appeal include, but are not limited to:

- the Board’s error(s) in its determination that claims 4, 5, 7, 9, 14, 15, 17, 19, 23, 24, 26, 28, 32, 33, 35, 37, 44, 45, 47, 49, and 50 of U.S. Patent No. 10,206,025 were not proven unpatentable.

Pursuant to 37 C.F.R. § 90.3 and Federal Rule of Appellate Procedure 4(a)(3), this Notice of Cross-Appeal is timely, having been duly filed within 14 days after the date when Patent Owner filed its notice of appeal of the Final Written Decision. Paper 39 (filed November 15, 2022).

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), a copy of this Notice of Cross-Appeal is being filed simultaneously with the Patent Trial and Appeal Board, the Clerk's Office for the United States Court of Appeals for the Federal Circuit (with the required docketing fee), and the Director of the United States Patent and Trademark Office.

Respectfully submitted,
Bose Corporation

Date: November 16, 2022

/Michael N. Rader/

Michael N. Rader, Reg. No. 52,146
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CERTIFICATE OF FILING

I hereby certify that, pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), in addition to being filed electronically through the Board's P-TACTS system, the original version of the foregoing Notice of Cross-Appeal (including Exhibit A) is being filed by USPS Priority Mail Express (Label No. EJ 647 280 976 US), on this 16th day of November, 2022, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FILING

I hereby certify that, pursuant to 37 C.F.R. § 90.2(a)(2) and Federal Circuit Rule 15(a)(1), a true and correct copy of the foregoing Notice of Cross-Appeal (including Exhibit A) is being filed with the Clerk's Office of the United States Court of Appeals for the Federal Circuit through the federal courts' Case Management and Electronic Case Files (CM/ECF) system on this 16th day of November, 2022, along with the requisite fee which is being paid electronically using pay.gov.

CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (E)(4)

I certify that on November 16, 2022, I will cause a copy of the foregoing document, including any exhibits filed therewith, to be served via electronic mail, as previously consented to by Patent Owner, upon the following:

Mark G. Knedeisen	mark.knedeisen@klgates.com
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Date: November 16, 2022

/MacAulay Rush/
MacAulay Rush
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WOLF, GREENFIELD & SACKS, P.C.

EXHIBIT A

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