

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

BOSE CORPORATION,  
Petitioner,

v.

KOSS CORPORATION,  
Patent Owner.

---

IPR2021-00680  
U.S. Patent No. 10,469,934

---

**PATENT OWNER SUR-REPLY**

**TABLE OF CONTENTS**

I. INTRODUCTION .....1

II. DR. WILLIAMS’S TESTIMONY IS UNRELIABLE .....1

III. PETITIONER FAILED TO SHOW THAT CLAIM 1 WOULD HAVE BEEN OBVIOUS.....4

    A. Ground 1A .....4

    B. Ground 2A .....6

IV. PETITIONER FAILED TO SHOW THAT SIGNAL STRENGTH CLAIMS WOULD HAVE BEEN OBVIOUS .....8

V. PETITIONER FAILED TO SHOW THAT CLAIMS 34-41 WOULD HAVE BEEN OBVIOUS .....12

    A. Ground 1A and 1C.....12

    B. Grounds 2C-2D .....15

VI. PETITIONER FAILED TO SHOW THAT CLAIMS 56-57 WOULD HAVE BEEN OBVIOUS .....18

    A. Ground 1A .....18

    B. Ground 2C .....19

    C. Comments Relative to Both Grounds 1A and 2C .....20

VII. COMMERCIAL SUCCESS OF AIRPODS DEMONSTRATES NONOBVIOUSNESS OF CHALLENGED CLAIMS.....23

VIII. CONCLUSION .....24

## TABLE OF AUTHORITIES

	<b>Page(s)</b>
<b>Cases</b>	
<i>Adobe Inc. v. RAH Color Techs. LLC</i> , IPR2019-00627, Paper 59 (PTAB Dec. 12, 2019) .....	3
<i>Apple Inc. v. Int’l Trade Comm’n</i> , 725 F.3d 1356 (Fed. Cir. 2013) .....	23
<i>Arendi S.A.R.L. v. Apple Inc.</i> , 832 F.3d 1355 (Fed. Cir. 2016) .....	14, 18
<i>Ariosa Diagnostics v. Verinata Health, Inc.</i> , 805 F.3d 1359 (Fed. Cir. 2015) .....	<i>passim</i>
<i>Chums, Inc. v. Cablz, Inc.</i> , IPR2014-01240, Paper 43 (PTAB Feb. 8, 2016).....	8
<i>Graham v. John Deere Co.</i> , 383 U.S. 1 (1966).....	4
<i>Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.</i> , 821 F.3d 1359 (Fed. Cir. 2016) .....	<i>passim</i>
<i>Rohm and Haas Co. v. Brotech Corp.</i> , 127 F.3d 1089 (Fed. Cir. 1997) .....	4
<i>Ruiz v. A.B. Chance Co.</i> , 357 F.3d 1270 (Fed. Cir. 2004) .....	22
<i>Ultratec, Inc. v. CaptionCall LLC</i> , 872 F.3d 1267 (Fed. Cir. 2017) .....	2
<i>Wenger Mfg., Inc. v. Coating Mach. Sys., Inc.</i> , 239 F.3d 1225 (Fed. Cir. 2001) .....	16

**Other Authorities**

37 C.F.R. § 42.65(a).....4  
Consolidated Trial Practice Guide, Nov. 2019 .....*passim*

**EXHIBIT LISTING**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>
KOSS-2001	Docket Report, <i>Koss Corp. v. Bose Corp.</i> , Case No. 6:20-cv-00661-ADA (W.D. Tex.) (as of July 15, 2021)
KOSS-2002	Docket Report, <i>Koss Corp. v. Apple Inc.</i> , Case No. 6:20-cv-00665-ADA (W.D. Tex.) (as of July 14, 2021)
KOSS-2003	Order Granting Bose Corporation's Motion to Dismiss for Improper Venue, <i>Koss Corp. v. Bose Corp.</i> , Case No. 6:20-cv-00661-ADA, Dkt. 55 (W.D. Tex. Jun. 22, 2021)
KOSS-2004	Order Denying Defendant's Motion to Transfer (Redacted/Public version), <i>Koss Corp. v. Apple Inc.</i> , Case 6:20-cv-00665-ADA, Dkt. 76 (W.D. Tex. April 22, 2021)
KOSS-2005	Order Granting Motion to Transfer, <i>Apple Inc. v. Koss Corp.</i> , Case No. 20-cv-05504-JST, Dkt. 72 (N.D. Cal. May 12, 2021)
KOSS-2006	Joint Motion to Consolidate Cases, <i>Koss Corp. v. Apple Inc.</i> , Case No. 6:20-cv-00665-ADA, Dkt. 84 (W.D. Tex. June 8, 2021)
KOSS-2007	U.S. Patent 8,190,203
KOSS-2008	U.S. Patent 8,571,544
KOSS-2009	U.S. Patent 9,049,502
KOSS-2010	U.S. Patent 9,438,987
KOSS-2011	U.S. Patent 9,497,535
KOSS-2012	U.S. Patent 9,729,959
KOSS-2013	U.S. Patent 9,986,325
KOSS-2014	U.S. Patent 10,206,025

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.