

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

BOSE CORPORATION,
Petitioner,

v.

KOSS CORPORATION,
Patent Owner.

CASE: IPR2021-00680
U.S. PATENT NO. 10,469,934 B2

PATENT OWNER'S NOTICE OF APPEAL

To the Director of the United States Patent and Trademark Office:

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Koss Corporation (“Koss”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on October 7, 2022, (Paper 37) (“Final Written Decision”) by the Patent Trial and Appeal Board (“the Board”), and from all underlying orders, decisions, rulings, and opinions. A copy of the Final Written Decision is attached as Exhibit A.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Koss indicates that the issues on appeal include, but are not limited to, the Board’s determination that claims 1-3, 5, 7-11, 14-16, 19, 21, 32-37, 39, 47 and 49-57 (the “Invalidated Claims”) of U.S. Patent 10,469,934 B2 (“’934 Patent”) are unpatentable over the prior art of record, and any finding or determinations supporting or related to that ruling including, without limitation, the Board’s decision that Petitioner showed by a preponderance of the evidence that the Invalidated Claims of the ’934 Patent are obvious over the prior art of record.

Pursuant to 37 C.F.R. § 90.3(a)(1), Patent Owner is timely filing this Notice of Appeal within sixty-three (63) days of the Board’s October 7, 2022 Final Written Decision. Pursuant to 37 C.F.R. § 90.2(a)(1), Patent Owner is filing copies of this Notice of Appeal with the Director of the United States Patent and Trademark Office and with the Board. Pursuant to Federal Circuit Rule 15(a)(1),

Patent Owner is filing a copy of this Notice of Appeal with the Clerk of the United States Court of Appeals for the Federal Circuit, and paying the required fees.

Respectfully submitted this 17th day of November, 2022.

K&L Gates, LLP

By: /Mark G. Knedeisen/
Mark G. Knedeisen
Reg. No. 42,747

CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 90.2(a)(1), on November 17, 2022 the foregoing Notice of Appeal was filed electronically with the Board in accordance with 37 C.F.R. § 42.69(b)(1) and mailed to the Director via Priority Mail Express in accordance with 37 C.F.R. §§ 1.10 and 104.2 at the following address:

Director of the U.S. Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
Mail Stop 8, P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 90.2(a)(2) and Fed. Cir. R. 15, on November 17, 2022 the foregoing Notice of Appeal was electronically filed with the Court of Appeals for the Federal Circuit via CM/ECF with requisite fees paid via pay.gov. Pursuant to Fed. Cir. R. 15(a)(1), one copy of this Notice of Appeal is being sent to the Clerk's Office of the Federal Circuit on November 17, 2022.

Pursuant to 37 C.F.R. § 42.6(e) and the parties' agreement to accept electronic service, on November 17, 2022 the foregoing Notice of Appeal was served via email on the following counsel of record for Petitioner:

Michael N. Rader
Gregory S. Nieberg
Nathan R. Speed

Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206

Email: MRader-PTAB@wolfgreenfield.com
Email: GNieberg@wolfgreenfield.com
Email: nspeed@wolfgreenfield.com

By: /Mark G. Knedeisen/
Mark G. Knedeisen (Reg. No. 42,747)
K&L Gates Center, 210 Sixth Avenue
Pittsburgh, Pennsylvania 15222
Tel.: (412) 355-6342
mark.knedeisen@klgates.com

Counsel for Patent Owner

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.