

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BOSE CORPORATION,  
Petitioner,

v.

KOSS CORPORATION,  
Patent Owner.

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Case No. IPR2021-00680  
Patent No. 10,469,934

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**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. IPR2021-00680 (Paper 37, attached as Exhibit A) entered on October 7, 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, 6, 8, 12, 13, 17, 18, 20, 22, 38, 40, 41, and 58–62 of U.S. Patent No. 10,469,934 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 63 days after the date of the Final Written Decision and within 14 days after the date when Patent Owner filed its notice of appeal of the Final Written Decision. Paper 38 (filed November 17, 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 18, 2022

/Michael N. Rader/

Michael N. Rader, Reg. No. 52,146  
Gregory S. Nieberg, Reg. No. 57,063  
Nathan R. Speed, admitted *pro hac vice*  
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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. EI 522 453 633 US), on this 18<sup>th</sup> 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 18<sup>th</sup> 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 18, 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 18, 2022

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

# EXHIBIT A

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