

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

KOSS CORPORATION,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:20-cv-00665-ADA

JURY TRIAL DEMANDED

APPLE INC.,

Plaintiff,

v.

KOSS CORPORATION,

Defendant.

Case No. 6:21-cv-00495-ADA

JURY TRIAL DEMANDED

JOINT MOTION TO CONSOLIDATE CASES

Apple Inc. (“Apple”) and Koss Corporation (“Koss”) jointly move under Fed. R. Civ. P. 42(a)(2) to consolidate, for all purposes, Civil Action Nos. 6:20-cv-00665-ADA and 6:21-cv-00495-ADA. There is good cause for the Court to exercise its discretion under Rule 42(a)(2) to consolidate these two actions for all purposes.

The -665 and -495 actions involve common questions of law and fact. In the -665 action, Koss asserts five patents against Apple; Apple has raised certain contract issues and non-infringement as part of its defense. In the -495 action, Apple raises declaratory judgment claims of non-infringement for the same five patents, as well as contract claims relating to those asserted in the -665 action. Common issues of law and fact between the cases include the scope of the

asserted patents, whether Apple's accused products do or do not infringe the asserted patents, and the impact of certain contractual issues on Koss' claims. Consolidating the -665 and -495 actions for all purposes will promote judicial economy and bring efficiency benefits to the parties. If the cases are consolidated, the parties will proceed on the schedule set by the Court in the -665 action.

The parties respectfully request that the Court consolidate the -665 and -495 actions, designate the -665 action as the lead case, and direct that all future filings be made in that action.

Date: June 8, 2021

Respectfully submitted,

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Date: June 8, 2021

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PROOF OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on June 8, 2021, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ Michael T. Pieja
Michael T. Pieja

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[PROPOSED] ORDER GRANTING JOINT MOTION TO CONSOLIDATE CASES

The Court, having considered the parties' Joint Motion to Consolidate Cases, hereby **GRANTS** the Motion and **ORDERS** the following:

The above-captioned cases (the "Consolidated Actions") are consolidated for all purposes, including discovery, case management, and trial, subject to further order of the Court.

It is further **ORDERED** that Civil Action No. 6:20-cv-00665-ADA shall be the Lead Case and effective upon entry of this order, all filings in the Consolidated Actions are to be made only in Civil Action No. 6:20-cv-00665-ADA.

Signed this _____ day of _____, 2021.

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