

**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

DEFENDANT APPLE INC.'S INVALIDITY CONTENTIONS

Pursuant to the November 25, 2020, Agreed Scheduling Order (Dkt. No. 29), Defendant Apple Inc. (“Apple”) provides the following contentions regarding the invalidity of U.S. Pat. Nos. 10,206,025 (“the ’025 Patent”); 10,298,451 (“the ’451 Patent”); 10,469,934 (“the ’934 Patent”); 10,491,982 (“the ’982 Patent”); and 10,506,325 (“the ’325 Patent”). Apple’s Invalidation Contentions (“Invalidation Contentions”) address the patents and asserted claims identified in Koss’ Infringement Contentions of November 6, 2020.

Apple’s Invalidation Contentions reflect its knowledge and contentions as of this date in the present action. The disclosures are based upon the knowledge, information and/or belief presently available to Apple. Apple’s search for prior art is ongoing, and Apple reserves the right to modify and supplement its Invalidation Contentions, as permitted by this Court’s Order Governing Proceedings, any Court order, and any other applicable rules and statutes, including in the event that additional prior art is identified during the course of discovery and/or in response to any amendment by Koss of its Infringement Contentions. In particular, Apple reserves its right to serve Final Invalidation Contentions at the time directed by the Agreed Scheduling Order.

Each of the asserted claims of the ’025, ’451, ’934, ’982, and ’325 Patents is anticipated by and/or obvious in view of the items of prior art identified in Exhibits A1–E8 hereto, alone or in combination, as set forth in those Exhibits. Much of the art identified in the attached Exhibits reflect common knowledge and the state of the art at the time of filing of the ’025, ’451, ’934, ’982, and ’325 Patents. Specific examples of anticipation and obviousness, along with the motivation to combine the selected prior art, are set forth below.

I. IDENTIFICATION OF PRIOR ART

A. Prior Art Patents and Applications

Apple contends that the prior art patents and applications listed below anticipate and/or render obvious the asserted claims of the ’025, ’934, ’982, and ’325 Patents (collectively, the

“Headphone Patents”) under pre-AIA 35 U.S.C. §§ 102(a), (b), and/or (e) and/or 35 U.S.C. § 103, or provide information relating to the background state of the art at the time the Headphone Patents were allegedly conceived. In addition, Apple refers to the prior art patents and applications cited in any petition filed before the Patent Trial And Appeal Board relating to any of Koss’ Headphone Patents (or any patent claiming common priority therewith), including, IPR2021-00305 and IPR2021-00381, to the extent they are not listed below.

Patent Number	Inventor(s)	Exemplary Date	Beg Bates
CN1767694		May 3, 2006	DEF-KOSS-PA_00000001 DEF-KOSS-PA_00000015
CN2504843	Jin Minghua	August 7, 2002	DEF-KOSS-PA_00000042 DEF-KOSS-PA_00000051
DE402008000123	Sennheiser	April 4, 2008	DEF-KOSS-PA_00000061
DE69610075	Haynes	August 30, 2000	DEF-KOSS-PA_00000064
EP1267523	Löbbert	January 1, 2020	DEF-KOSS-PA_00000120
EP1672938	Thijssen	June 21, 2006	DEF-KOSS-PA_00000133
FR2904504	Etcheparre	February 1, 2008	DEF-KOSS-PA_00000146 DEF-KOSS-PA_00000164
GB2373951	Potter	October 2, 2002	DEF-KOSS-PA_00000172
JP2003224643	Yamaguchi	August 8, 2003	DEF-KOSS-PA_00000182 DEF-KOSS-PA_00000189
JP2005328118	Naito	November 24, 2005	DEF-KOSS-PA_00000199 DEF-KOSS-PA_00000222 DEF-KOSS-PA_00000233
JP2006509413		March 16, 2006	DEF-KOSS-PA_00000260 DEF-KOSS-PA_00000275
JP2006516852		July 6, 2006	DEF-KOSS-PA_00000276 DEF-KOSS-PA_00000311
JP2006526295		November 16, 2006	DEF-KOSS-PA_00000317 DEF-KOSS-PA_00000330
JP2009534987		September 24, 2009	DEF-KOSS-PA_00000335 DEF-KOSS-PA_00000355
JPH05093152		December 17, 1993	DEF-KOSS-PA_00000359 DEF-KOSS-PA_00000376
JPH06506572		July 21, 1994	DEF-KOSS-PA_00000381 DEF-KOSS-PA_00000397
KR100727547	Oh Jae Duk	June 14, 2007	DEF-KOSS-PA_00000403 DEF-KOSS-PA_00000420
KR100739471	Kim Ju Yeon	July 13, 2007	DEF-KOSS-PA_00000435 DEF-KOSS-PA_00000444

Patent Number	Inventor(s)	Exemplary Date	Beg Bates
KR1020010025661 KR1020010002268	Hwang Chi Kweon	April 6, 2001	DEF-KOSS-PA_00000449
KR1020070051109 KR1020050108562	Shin Chang Il	May 17, 2007	DEF-KOSS-PA_00000466 DEF-KOSS-PA_00000473 DEF-KOSS-PA_00000508 DEF-KOSS-PA_00000515 DEF-KOSS-PA_00000529
KR200393227		August 22, 2005	DEF-KOSS-PA_00000491 DEF-KOSS-PA_00000499
TWM320262	Chih-Hao Pan	October 1, 2007	DEF-KOSS-PA_00000543 DEF-KOSS-PA_00000560
US 5,659,620	Kuhlman	August 19, 1997	DEF-KOSS-PA_00000779
US 5,664,014	Yamaguchi	September 2, 1997	DEF-KOSS-PA_00000785
US 5,949,896	Nageno	September 7, 1999	DEF-KOSS-PA_00000802
US 6,006,115	Wingate	December 21, 1999	DEF-KOSS-PA_00000814
US 6,091,812	Iglehart	July 18, 2000	DEF-KOSS-PA_00000823
US 6,118,882	Haynes	September 12, 2000	DEF-KOSS-PA_00000829
US 6,553,923	Gatley	April 29, 2003	DEF-KOSS-PA_00000845
US 6,574,345	Huang	June 3, 2003	DEF-KOSS-PA_00000857
US 6,675,015	Martini	January 6, 2004	DEF-KOSS-PA_00000863
US 6,732,195	Baldwin	May 4, 2004	DEF-KOSS-PA_00000871
US 6,754,895	Bartel	June 22, 2004	DEF-KOSS-PA_00000880
US 6,810,987	DeKalb	November 2, 2004	DEF-KOSS-PA_00000893
US 6,819,762	Jones	November 16, 2004	DEF-KOSS-PA_00000903
US 6,834,192	Watanabe	December 21, 2004	DEF-KOSS-PA_00000922
US 6,868,284	Bae	March 15, 2005	DEF-KOSS-PA_00000934
US 7,079,664	Nassimi	July 18, 2006	DEF-KOSS-PA_00000949
US 7,203,721	Ben-Efraim	April 10, 2007	DEF-KOSS-PA_00000962
US 7,254,422	Choi	August 7, 2007	DEF-KOSS-PA_00000984
US 7,289,640	Tsai	October 30, 2007	DEF-KOSS-PA_00000996
US 7,343,177	Seshadri	March 11, 2008	DEF-KOSS-PA_00001005
US 7,509,121	Lin	March 24, 2009	DEF-KOSS-PA_00001030
US 7,548,040	Lee	June 16, 2009	DEF-KOSS-PA_00001038
US 7,552,863	Koziol	June 30, 2009	DEF-KOSS-PA_00001069
US 7,580,541	Hlas	August 25, 2009	DEF-KOSS-PA_00001081
US 7,590,233	Chiloyan	September 15, 2009	DEF-KOSS-PA_00001094
US 7,627,289	Huddart	December 1, 2009	DEF-KOSS-PA_00001109
US 7,680,267	Bradford	March 16, 2010	DEF-KOSS-PA_00001125
US 7,738,434	Reuss	June 15, 2010	DEF-KOSS-PA_00001138
US 7,778,601	Seshadri	August 17, 2010	DEF-KOSS-PA_00001157
US 7,792,945	Paknad	September 7, 2010	DEF-KOSS-PA_00001184
US 7,809,336	Naguib	October 5, 2010	DEF-KOSS-PA_00001199
US 7,823,598	Stern	November 2, 2010	DEF-KOSS-PA_00001215
US 7,844,311	Kim	November 30, 2010	DEF-KOSS-PA_00001223

Patent Number	Inventor(s)	Exemplary Date	Beg Bates
US 7,864,974	Chen	January 4, 2011	DEF-KOSS-PA_00001237
US 7,881,745	Rao	February 1, 2011	DEF-KOSS-PA_00001244
US 7,888,909	Larsen	February 15, 2011	DEF-KOSS-PA_00001261
US 7,890,661	Spurgat	February 15, 2011	DEF-KOSS-PA_00001275
US 7,894,863	Terai	February 22, 2011	DEF-KOSS-PA_00001316
US 7,916,888	Sapiejewski	March 29, 2011	DEF-KOSS-PA_00001345
US 7,920,903	Ueda	April 5, 2011	DEF-KOSS-PA_00001363
US 7,937,107	Rofougaran	May 3, 2011	DEF-KOSS-PA_00001377
US 7,949,374	Huisken	May 24, 2011	DEF-KOSS-PA_00001395
US 7,953,400	Lee	May 31, 2011	DEF-KOSS-PA_00001407
US 7,971,199	Chen	June 28, 2011	DEF-KOSS-PA_00001419
US 7,983,614	Dunko	Jul 16, 2011	DEF-KOSS-PA_00001443
US 7,986,803	DeKalb	Jul 26, 2011	DEF-KOSS-PA_00001455
US 8,064,972	McLoone	November 22, 2011	DEF-KOSS-PA_00001463
US 8,073,137	Weinans	December 6, 2011	DEF-KOSS-PA_00001474
US 8,085,281	Hines	December 27, 2011	DEF-KOSS-PA_00001481
US 8,086,288	Klein	April 17, 2012	DEF-KOSS-PA_00001492
US 8,103,029	Ngia	January 24, 2012	DEF-KOSS-PA_00001503
US 8,112,125	Bailey	February 7, 2012	DEF-KOSS-PA_00001525
US 8,155,588	Dubs	April 10, 2012	DEF-KOSS-PA_00001540
US 8,160,655	Kroll	April 17, 2012	DEF-KOSS-PA_00001547
US 8,180,078	Zellner	May 15, 2012	DEF-KOSS-PA_00001559
US 8,200,881	Lydon	June 12, 2012	DEF-KOSS-PA_00001571
US 8,280,419	Thomas	October 2, 2012	DEF-KOSS-PA_00001596
US 8,311,255	Hankey	November 13, 2012	DEF-KOSS-PA_00001616
US 8,340,058	Vedermudi	December 25, 2012	DEF-KOSS-PA_00001706
US 8,345,704	Desai	January 1, 2013	DEF-KOSS-PA_00001717
US 8,374,374	Zhou	February 12, 2013	DEF-KOSS-PA_00001728
US 8,406,447	Kromann	March 26, 2013	DEF-KOSS-PA_00001742
US 8,417,185	Braho	April 9, 2013	DEF-KOSS-PA_00001750
US 8,484,633	Kim	July 9, 2013	DEF-KOSS-PA_00001768
US 8,542,845	Cho	September 24, 2013	DEF-KOSS-PA_00001786
US 8,548,174	Dufresne	October 1, 2013	DEF-KOSS-PA_00001797
US 8,548,381	Dua	October 1, 2013	DEF-KOSS-PA_00001832
US 8,566,429	Chung	October 22, 2013	DEF-KOSS-PA_00001872
US 8,589,908	Subbakrishna	November 19, 2013	DEF-KOSS-PA_00001883
US 8,611,578	Kim	December 17, 2013	DEF-KOSS-PA_00001893
US 8,630,436	Berg	January 14, 2014	DEF-KOSS-PA_00001905
US 8,635,069	Van Wagenen	January 21, 2014	DEF-KOSS-PA_00001912
US 8,660,055	Ueda	February 25, 2014	DEF-KOSS-PA_00001925
US 8,660,289	Tiscareno	February 25, 2014	DEF-KOSS-PA_00001951
US 8,706,038	Sharma	April 22, 2014	DEF-KOSS-PA_00001963
US 8,837,766	Liu	September 16, 2014	DEF-KOSS-PA_00001975
US 8,851,991	Konda	October 7, 2014	DEF-KOSS-PA_00001989

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