

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

KOSS CORPORATION,  
Patent Owner.

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IPR2021-00600  
Patent 10,298,451 B1

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Record of Oral Hearing  
Held: June 1, 2022

BEFORE: PATRICK R. SCANLON, DAVID C. MCKONE, and  
NORMAN H. BEAMER, Administrative Patent Judges.

IPR2021-00600  
Patent 10,298,451 B1

A P P E A R A N C E S

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Wednesday,  
June 1, 2022, commencing at 10:00 a.m. EST, by video/by telephone.

1 (Proceedings begin at 10:00 a.m.)

2 JUDGE BEAMER: Good morning.

3 This is Judge Beamer. With me are Judges Scanlon  
4 and McKone.

5 This is Apple v. Koss Corporation. IPR2021-00600.  
6 Patent 10,298,451.

7 A few opening remarks.

8 Since this is a video hearing, our first priority is  
9 to make sure everyone can be heard. If at any time anyone  
10 has difficulties or is disconnected, please speak up or, if  
11 disconnected, you may need to contact the team who  
12 originally provided you with the connection information.

13 If you do drop off, try to note where things were  
14 being discussed at the time so we can pick up at the proper point.

15 Anyone who's not speaking, please mute your mic and  
16 only unmute when you're speaking.

17 Identify yourself when you speak so that the  
18 transcript reflects the speaker correctly.

19 And when referring to an item on the record or a  
20 slide in your presentation, please specify the slide number  
21 or the citation so the Panel can follow along and so the  
22 transcript is clear.

23 This may be a public line, there may be members of  
24 the public listening in.

1           So with that, I believe petitioner has one hour, and  
2 patent owner has entered a LEAP practitioner request and so  
3 they have an additional 15 minutes on top of their hour.

4           Could petitioner's counsel identify themselves.

5           MR. RENNER: Thank you, and good morning, Your  
6 Honors.

7           This is Karl Renner on behalf of petitioner, Apple,  
8 here with David Holt and Ryan Chowdhury as well.

9           JUDGE BEAMER: And patent owner?

10          MS. MURRAY: This is Lauren Murray with patent  
11 owner. I'm here with Mark Knedeisen and Brian Montag.

12          JUDGE BEAMER: Thank you.

13          So petitioner, you have 60 minutes. Would you like  
14 to reserve time for rebuttal?

15          MR. RENNER: I would, Your Honor. 25 minutes, please.

16          JUDGE BEAMER: Okay. You can begin when ready.

17          MR. RENNER: Thank you, Your Honor.

18          If we go to Slide 3, please.

19          You'll find on Slide 3 six grounds were instituted  
20 in this proceeding, and as you consider them, please note  
21 that the challenges that were levied by patent owner were  
22 with respect, really, to the combinability of the references  
23 that are put together in the first of the listed grounds on  
24 the sheet, Scherzer and Subramaniam, and as a consequence,  
25 we plan to focus our attention primarily today on the

1 question, "Would it have been obvious for a POSITA to have  
2 modified Scherzer with the teachings of Subramaniam, as has  
3 been proposed."

4 Back to Slide 2. You can see an inventory of the  
5 slides that we've provided for the demonstratives before  
6 you, and in them you can see addressed are three issues;  
7 hindsight, teaching away, and secondary considerations.  
8 These categories of issues are the type that are on record  
9 here in the briefing, and yet, given the focus of the  
10 briefing on combinability more generally, rather than  
11 beginning with the discussion of these particular items, we  
12 thought we'd take you through the combination, as we see it,  
13 and more organically address the items as we go through.

14 Slide 7, please.

15 We can see Scherzer on Slide 7, and Slide 7 helps us  
16 to remind ourselves that Scherzer's focus, it's really not  
17 in dispute, and it's to increase the reach of wireless  
18 internet access.

19 With its service, Scherzer makes possible for a user  
20 the ability to gain wireless internet access through a  
21 secured third-party access point, and in doing so, allows  
22 you to increase the reach of their wireless internet access  
23 beyond the access points that they themselves, a particular  
24 user, may have.

25 How does it do it? Well, upper left you see an

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