

**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

**ORDER REGARDING PLAINTIFF KOSS CORPORATION'S AND DEFENDANT
APPLE INC.'S MOTIONS *IN LIMINE***

Filing Party	No.	Description	Ruling
Koss Corporation	1	Preclude Apple From Raising Any Argument, Evidence, Testimony, Insinuation, Reference, Or Assertion Regarding Plaintiff's Overall Size, Sales, Revenue, Net Worth, Or Value	DENIED: But the Court will not allow the parties to introduce evidence about the size, sales, revenue, net worth, or value of either party in order to prejudice the jury.
Koss Corporation	2	Preclude Apple From Raising Any Argument, Evidence, Testimony, Insinuation, Reference, Or Assertion Regarding Apple's Patents On Any Of Its Products	DENIED.
Koss Corporation	3	Preclude Apple From Raising Any Argument, Evidence, Testimony, Insinuation, Reference, Or Assertion Regarding Allegations That Individual Claim Elements Were In The Prior Art	DENIED.
Koss Corporation	4	Preclude Apple From Presenting Any Evidence Or Analysis Comparing The Preferred Embodiments To The Accused Products	DENIED.

Filing Party	No.	Description	Ruling
Koss Corporation	5	Preclude Apple From Raising Any Argument, Evidence, Testimony, Insinuation, Reference, Or Assertion That The Patents-In-Suit Must Encompass New Features Of The Accused Products	DENIED.
Koss Corporation	6	Preclude Apple From Raising Any Argument, Evidence, Testimony, Or Reference To Personal Stock Transactions Of Any Current Or Former Employee Of Koss	GRANTED. ¹
Koss Corporation	7	Preclude Apple From Raising Any Argument, Evidence, Testimony, Insinuation, Reference, Or Assertion Making Reference To Any Prior Art And Any Theory Of Invalidity Not Set Forth In Apple's Final Invalidity Contentions As Narrowed	DENIED.
Koss Corporation	8	Preclude Apple From Raising Any Argument, Evidence, Testimony, Or Assertion That Compares The Accused Products To Prior Art, Or Allegation That Defendant Does Not Infringe Because It Practices The Prior Art	DENIED.
Koss Corporation	9	Preclude The Parties From Relying Upon Or Introducing Any Documents Produced After The Close Of Fact Discovery	DENIED: But the Court notes that evidence disclosed after fact discovery is generally not admissible.

¹ The Court notes that, when it grants a motion *in limine*, it is generally not ruling that the evidence will be excluded throughout trial. Rather, by granting a motion *in limine*, the Court is requiring counsel to raise the issue at the bench prior to raising it to the jury.

Filing Party	No.	Description	Ruling
Koss Corporation	10	Preclude Any Argument Or Testimony Concerning The Personal Net Worth Of Any Witness Or Of Any Owner (Direct Or Indirect), Shareholder, Director, Officer, And/Or Employee Of Either Party	GRANTED.
Koss Corporation	11	Preclude Any Apple Fact Witness From Offering Expert Testimony, Opinions, Or Legal Conclusions	DENIED.
Koss Corporation	12	Preclude Any Argument, Questioning, Or Reference To Paul Clark's Prior Litigation With DocuSign	GRANTED.
Koss Corporation	13	Preclude Apple From Arguing Or Insinuating That The Willingness To Pay For The Accused Feature When Added Up With Other Features Cannot Exceed The Price Of The Product	DENIED.
Koss Corporation	14	Preclude Any Testimony Referring To The Value Of The Technology In The Allegedly Comparable Licenses To The Value Of The Patents In Suit	DENIED.
Koss Corporation	15	Preclude Any Testimony Or Evidence About Prior Art From Apple Witnesses Outside The Scope Of Their Disclosed Knowledge	DENIED.
Koss Corporation	16	Preclude Any Argument Or Testimony Regarding Undisclosed Non-Infringing Alternatives	GRANTED.
Koss Corporation	17	Preclude Any Argument, Evidence, Testimony, Or Reference To The Claim That Apple Has Never Relied On A Conjoint Survey Outside Context Of Litigation As Informing The Hypothetical Negotiation	DENIED.

Filing Party	No.	Description	Ruling
Apple Inc.	1	Preclude Koss From Referencing, Or Introducing Evidence Or Testimony Regarding The Prices Apple Paid To Acquire Beats Or SRI International	GRANTED.
Apple Inc.	2	Preclude Koss From Offering Testimony, Evidence, Or Argument Regarding Supposed Misconduct In Apple's Contacts With Inventor Michael Pelland	GRANTED: The Court notes that procedural issues that transpired prior to the beginning of trial are not relevant and are not admissible.
Apple Inc.	3	Preclude Koss From Offering Testimony, Evidence, Or Argument That Apple Is Violating The Privacy Of Consumers Or Listening To Siri Sessions	AGREED IN PART AND DENIED IN PART: Koss agrees that it will not offer evidence or argument that Apple is violating the privacy of consumers or listening to Siri sessions, but the Court rules that Koss may introduce evidence that Apple's servers store what individuals have said to Siri.
Apple Inc.	4	Preclude Koss From Referencing, Or Introducing Evidence Or Testimony Regarding, Any Pretrial Motion Related To This Case Or To <i>Apple Inc. v. Koss Corp.</i> , No. 4:20-cv-05504-JST (N.D. Cal.)	GRANTED.
Apple Inc.	5	Preclude Testimony, Evidence, Or Argument Relating To The Qualifications Of The Patent Examiner Or Suggesting That She Is An Expert In Any Specific Field	GRANTED IN PART AND DENIED IN PART: The Court rules that the parties may provide evidence and argument that the patent examiner is someone with experience in the field of the technology, but the Court also rules that the parties may not refer to the patent examiner as an expert.
Apple Inc.	6	Preclude Reliance On, Or Suggestion That The Jury Infer The Content Of, Any Privileged Communication Between Apple And Its Counsel	GRANTED.
Apple Inc.	7	Preclude Experts From Relying On Nonspecific Citations To Entire Deposition Transcripts Of Apple Witnesses	DENIED.

Filing Party	No.	Description	Ruling
Apple Inc.	8	Preclude Testimony, Evidence, Or Argument That Koss Saved Or Created American Jobs, Or That A Verdict For Apple Would Impact Koss' Workforce	GRANTED IN PART AND DENIED IN PART: The Court rules that either party may provide argument and evidence that they create American jobs, but the Court will not allow the parties to refer to the impact a verdict will have on the parties.
Apple Inc.	9	Preclude Testimony, Evidence, Or Argument Regarding Koss' Development Of Voice Assistant Technology After The Filing Of The Patents-In-Suit (April 2008)	DENIED.
Apple Inc.	10	Preclude Testimony, Evidence, Or Argument Suggesting That Any Claim Of The Patents-In-Suit Was Conceived Or Reduced To Practice Before April 2008	AGREED: Koss agrees that the Patents-in-Suit were conceived and reduced to practice in April 2008, but Koss will not be prohibited from providing information from before April 2008 regarding what led to the conception of the Patents-in-Suit in April 2008.
Apple Inc.	11	Preclude Testimony, Evidence, Or Argument Regarding The Parties' Presuit Communications	MOOT.

SIGNED this 18th day of July, 2022.


 ALAN D ALBRIGHT
 UNITED STATES DISTRICT JUDGE