

J. Jeffrey Gunn (#10731)
James C. Watson (#13395)
W. James Wright (#16617)
TRASKBRITT, P.C.
230 South 500 East, Suite 300
Salt Lake City, UT 84102
Tel: (801) 532-1922
jgunn@traskbritt.com
jcwatson@traskbritt.com
wjwright@traskbritt.com

Attorneys for Defendant Skullcandy, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

KOSS CORPORATION,

Plaintiff,

v.

SKULLCANDY, INC.

Defendant.

**DEFENDANT’S ANSWER,
AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS TO PLAINTIFF’S
COMPLAINT**

Case No. 2:21-CV-00203 DBB

Honorable David Barlow

Defendant Skullcandy, Inc. (“Defendant”), by and through its undersigned counsel, hereby responds to the allegations set forth in the Plaintiff Koss Corporation’s (“Koss” or “Plaintiff”) Original Complaint for Patent Infringement (“Complaint”). Defendant denies all allegations in the Complaint, whether express or implied, that are not specifically admitted below. Any factual allegation below is admitted only as to the specific admitted facts and not as to any purported conclusions, characterizations, implications, or speculations that arguably follow from the

admitted facts. Defendant further denies that Plaintiff is entitled to the relief requested or any other relief. At this early stage of the case, investigation remains ongoing, and no claim terms have been construed. Defendant has no obligation to respond to infringement allegations that incorporate conclusions of law on claim construction. Each allegation that includes or paraphrases claim language is also denied because Defendant lacks sufficient knowledge or information about how the Court will rule on claim construction, and therefore cannot form a belief regarding such allegations, and denies on that basis.

NATURE OF THE ACTION

1. Defendant admits that Plaintiff's Complaint purports to assert claims for patent infringement under the patent laws of the United States, but denies that Defendant has committed, contributed to, or induced any past or ongoing acts of patent infringement. Except as expressly admitted, Defendant denies the remaining allegations in paragraph 1 of the Complaint.

THE PARTIES

2. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 2 of the Complaint and, on that basis, denies all such allegations.

3. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 3 of the Complaint and, on that basis, denies all such allegations.

4. Defendant admits that Skullcandy, Inc. is a Delaware Corporation with a principal place of business at 6301 N Landmark Dr. Park City, Utah 84098. Defendant further admits that Skullcandy, Inc. may be served through its registered agent CT Corporation System at 1108 East South Union Avenue, Midvale, Utah, 84047. Except as expressly admitted, Defendant denies the remaining allegations in paragraph 4 of the Complaint.

5. Defendant admits that Defendant has transacted business in the District of Utah but denies that Defendant has committed any acts of direct or indirect infringement. Except as expressly admitted, Defendant denies the remaining allegations in paragraph 5 of the Complaint.

JURISDICTION AND VENUE

6. Defendant admits that this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) over actions arising under the patent laws of the United States. Except as expressly admitted, Defendant denies the remaining allegations in paragraph 6 of the Complaint.

7. This paragraph sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant does not contest that this Court has personal jurisdiction over them for purposes of this action only. Defendant further admits that Defendant has a principal place of business in the state of Utah. Defendant further admits that Defendant has an office in the District of Utah and Utah-registered agent for service. Except as expressly admitted, Defendant denies the remaining allegations in paragraph 7 of the Complaint.

8. This paragraph sets forth legal conclusions to which no response is required. To the extent a response is required, Defendant admits that Defendant has a regular and established place of business in the District of Utah. Defendant denies that Defendant has committed acts of infringement in the District of Utah. Except as expressly admitted, Defendant denies the remaining allegations in paragraph 8 of the Complaint.

9. Defendant admits that Defendant has transacted business in the District of Utah but denies that Defendant has committed any acts of direct or indirect infringement. Except as expressly admitted, Defendant denies the remaining allegations in paragraph 9 of the Complaint.

KOSS'S [ALLEGED] LEGACY OF AUDIO INNOVATION

10. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 10 of the Complaint and, on that basis, denies all such allegations.

11. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 11 of the Complaint and, on that basis, denies all such allegations.

12. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 12 of the Complaint and, on that basis, denies all such allegations.

13. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 13 of the Complaint and, on that basis, denies all such allegations.

14. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 14 of the Complaint and, on that basis, denies all such allegations.

15. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 15 of the Complaint and, on that basis, denies all such allegations.

16. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 16 of the Complaint and, on that basis, denies all such allegations.

17. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 17 of the Complaint and, on that basis, denies all such allegations.

18. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 18 of the Complaint and, on that basis, denies all such allegations.

19. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 19 of the Complaint and, on that basis, denies all such allegations.

20. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 20 of the Complaint and, on that basis, denies all such allegations.

21. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 21 of the Complaint and, on that basis, denies all such allegations.

22. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 22 of the Complaint and, on that basis, denies all such allegations.

23. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 23 of the Complaint and, on that basis, denies all such allegations.

24. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 24 of the Complaint and, on that basis, denies all such allegations.

25. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 25 of the Complaint and, on that basis, denies all such allegations.

26. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 26 of the Complaint and, on that basis, denies all such allegations.

27. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 27 of the Complaint and, on that basis, denies all such allegations.

28. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 28 of the Complaint and, on that basis, denies all such allegations.

29. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 29 of the Complaint and, on that basis, denies all such allegations.

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