

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

**KOSS CORPORATION,**  
*Plaintiff,*

v.

**APPLE INC.,**  
*Defendant.*

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**6-20-CV-00665-ADA**

**CLAIM CONSTRUCTION ORDER**

The Court provided its preliminary constructions on April 22, 2021. The Court held a claim construction hearing on April 23, 2021, during which the Court heard argument on the claim terms: “a remote, network-connected server that is in wireless communication with the mobile, digital audio player” (’025 Patent – claim 1) (’934 Patent – claims 1 and 58); “in a second audio play mode, the earphones play audio content streamed from the remote, network-connected server” (’025 Patent – claims 2, 12, 21, 30, and 42) (’934 Patent – claims 2, 15, 24, 36, and 59) (’982 Patent – claim 3); “upon activation of the microphone by the user, data are transmitted about the headphone assembly to a remote device” (’025 Patent – claims 8, 18, 27, 36, and 48) (’934 Patent – claims 7, 21, 30, 45, and 61); “host servers” (’451 Patent – claims 1 and 18); “a passive, wireless rechargeable power source” (’982 Patent – claim 17) (’325 Patent – claims 8 and 17). ECF No. 77.

After careful consideration of the parties’ briefs, oral argument, and the applicable law, the Court enters its final constructions for each term as shown below.

Claim Term	Court
“a remote, network-connected server that is in wireless communication with the mobile, digital audio player” (’025 Patent – claim 1)	Plain and ordinary meaning

( <sup>934</sup> Patent – claims 1 and 58)	
“the processor is for, upon activation of a user-control of the headphone assembly, initiating transmission of a request to the remote, network-connected server”  ( <sup>025</sup> Patent – claim 1) ( <sup>934</sup> Patent – claims 1 and 58) ( <sup>982</sup> Patent – claim 4) ( <sup>325</sup> Patent – claim 3)	Plain and ordinary meaning
“in a second audio play mode, the earphones play audio content streamed from the remote, network-connected server”  ( <sup>025</sup> Patent – claims 2, 12, 21, 30, and 42) ( <sup>934</sup> Patent – claims 2, 15, 24, 36, and 59) ( <sup>982</sup> Patent – claim 3)	Plain and ordinary meaning
“a signal strength [level] for the second wireless communication link”  ( <sup>025</sup> Patent – claims 4, 5, 7, 9, 14, 15, 17, 19, 23, 24, 26, 28, 32, 33, 35, 37, 44, 45, 47, 49, and 50) ( <sup>934</sup> Patent – claims 4, 6, 8, 12, 13, 17, 18, 20, 22, 26, 27, 29, 31, 38, 40, 41, 44, and 58) ( <sup>982</sup> Patent – claims 6 and 11) ( <sup>325</sup> Patent – claims 5 and 11)	Plain and ordinary meaning
“upon activation of the microphone by the user, data are transmitted about the headphone assembly to a remote device”  ( <sup>025</sup> Patent – claims 8, 18, 27, 36, and 48) ( <sup>934</sup> Patent – claims 7, 21, 30, 45, and 61)	Plain and ordinary meaning
“the processor circuits of the headphones are configured to receive firmware upgrades transmitted from a remote network server”  ( <sup>155</sup> Patent – claim 13) ( <sup>934</sup> Patent – claims 1, 9, 46, 62) ( <sup>325</sup> Patent – claim 9)	Plain and ordinary meaning
“host servers”  ( <sup>451</sup> Patent – claims 1 and 18)	Plain and ordinary meaning
“a passive, wireless rechargeable power source”  ( <sup>982</sup> Patent – claim 17) ( <sup>325</sup> Patent – claims 8 and 17)	Plain and ordinary meaning

**IT IS SO ORDERED.**

SIGNED this 2nd day of June, 2021.



ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE