

**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.

<b>Claim Term</b>	<b>Court</b>
“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