

**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

(⁹³⁴ 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” (⁰²⁵ Patent – claim 1) (⁹³⁴ Patent – claims 1 and 58) (⁹⁸² Patent – claim 4) (³²⁵ 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” (⁰²⁵ Patent – claims 2, 12, 21, 30, and 42) (⁹³⁴ Patent – claims 2, 15, 24, 36, and 59) (⁹⁸² Patent – claim 3)	Plain and ordinary meaning
“a signal strength [level] for the second wireless communication link” (⁰²⁵ Patent – claims 4, 5, 7, 9, 14, 15, 17, 19, 23, 24, 26, 28, 32, 33, 35, 37, 44, 45, 47, 49, and 50) (⁹³⁴ Patent – claims 4, 6, 8, 12, 13, 17, 18, 20, 22, 26, 27, 29, 31, 38, 40, 41, 44, and 58) (⁹⁸² Patent – claims 6 and 11) (³²⁵ 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” (⁰²⁵ Patent – claims 8, 18, 27, 36, and 48) (⁹³⁴ 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” (¹⁵⁵ Patent – claim 13) (⁹³⁴ Patent – claims 1, 9, 46, 62) (³²⁵ Patent – claim 9)	Plain and ordinary meaning
“host servers” (⁴⁵¹ Patent – claims 1 and 18)	Plain and ordinary meaning
“a passive, wireless rechargeable power source” (⁹⁸² Patent – claim 17) (³²⁵ 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