UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

KOSS CORPORATION,
 	
    Plaintiff,
 	
    v.
 	
APPLE, INC.,
 	
    Defendant.
	Case No. 6:20-cv-00665

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the scheduling order in the above-captioned case, Plaintiff Koss Corporation and Defendant Apple Inc. submit this Joint Claim Construction Statement. The hearing is scheduled for April 23, 2021, at 1:30 PM. The asserted patents and claims are:

- U.S. Patent No. 10,206,025 ("'025 Patent") – Claims 1–2, 4, 5, 7–10, 12, 14, 15, 17–19, 21, 23–24, 26–28, 30, 32–33, 35–38, 42, 44, 45, and 47–51

- U.S. Patent No. 10,298,451 ("'451 Patent") – Claims 1 and 18

- U.S. Patent No. 10,469,934 ("'934 Patent") – Claims 1–8, 11–13, 15–22, 24, 26–31, 36–41, 44–46, and 58–62

- U.S. Patent No. 10,491,982 ("'982 Patent") – Claims 2, 6, 11, and 17

- U.S. Patent No. 10,506,325 ("'325 Patent") – Claims 1, 5, 8–9, 11, and 17

The parties' agreed and disputed claim constructions are below.

Regarding the hearing on April 23, 2021, the parties agree to conduct the hearing by Zoom or other remote platform, according to the Court's preferences.

I. Agreed Construction

Term	Claims	Agreed Construction
"wherein the docking station comprises a power cable for connecting to an external device"	'982 Patent – claim 2 '325 Patent – claim 1	The parties have agreed that this term does not require construction

II. Term No Longer Requiring Construction At This Hearing

Term	Claims	Agreed Construction
"wherein the headphone assembly is configured, with the processor, to transition automatically . . ."	'155 Patent – claim 1	This term was present only in claims asserted against two defendants—Skullcandy and Plantronics—that are no longer parties to this *Markman* proceeding.

III.   Disputed Constructions[1]

Term[2]	Plaintiff's Proposal	Defendants' Proposal
"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)	plain and ordinary meaning	<u>Wireless communication</u>: "communication without wires" The remainder of the phrase requires no further construction
"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)[3] ('982 Patent – claim 4) ('325 Patent – claim 3)	plain and ordinary meaning	"[The processor is for, upon activation of a user-control of the headphone] causing the earphone to address a request to the remote, network-connected server instead of the digital audio player"
"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)[4]	plain and ordinary meaning	<u>Second audio play mode</u>: "A mode in which the earphones communicate with the server over an infrastructure wireless network" If Apple's construction is not adopted, the term is indefinite

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[1]   There are certain claim terms addressed in Defendants' opening brief (Dkt. No. 57) that, due to the status of the case of the other on-brief Defendants, are not addressed in Apple's Surreply, and thus are no longer necessary for inclusion in this statement. (*See* Dkt. No. 66 at page 18).

[2]   All terms herein were proposed for construction by Apple.

[3]   The phrase at issue appears in the claims noted with slight wording variations.

[4]   The phrase at issue appears in the claims noted with slight wording variations.

Term[2]	Plaintiff's Proposal	Defendants' Proposal
"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	"A measurement of the strength of a signal received by the [headphone assembly / headphones]"
"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 term "remote" as used here and throughout the asserted claims is indefinite; Alternatively, "remote device" means a device external to the headphone assembly The phrase "data are transmitted" renders the claim indefinite
"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) [5] ('325 Patent – claim 9)	plain and ordinary meaning	<u>Configured to receive firmware upgrades transmitted from a remote network server</u>: configured to receive firmware upgrades pushed to the earphones from the server
"host servers" ('451 Patent – claims 1 and 18)	plain and ordinary meaning	A server that hosts a website through which a user inputs credential data for at least one infrastructure wireless network; Alternatively, indefinite

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[5]   The phrase at issue appears in the claims noted with slight wording variations.

Term[2]	Plaintiff's Proposal	Defendants' Proposal
"a passive, wireless rechargeable power source" ('982 Patent – claim 17) ('325 Patent – claims 8 and 17)	plain and ordinary meaning	A capacitor; otherwise, indefinite

Dated: April 14, 2021

Respectfully submitted,

By: */s/ Darlene F. Ghavimi*
Darlene F. Ghavimi
(TX Bar No. 24072114)
K&L GATES LLP
2801 Via Fortuna, Suite #350
Austin, TX 78746
Tel.: (512) 482-6919
Fax: (512) 482-6859
darlene.ghavimi@klgates.com

Benjamin E. Weed (admitted *pro hac vice*)
Philip A. Kunz (admitted *pro hac vice*)
Erik J. Halverson (admitted *pro hac vice*)
Gina A. Johnson (admitted *pro hac vice*)
K&L GATES LLP
Suite 3300
70 W. Madison Street
Chicago, IL 60602
Tel.: (312) 372-1121
Fax: (312) 827-8000
benjamin.weed@klgates.com
philip.kunz@klgates.com
erik.halverson@klgates.com
gina.johnson@klgates.com

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