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

STRATOSAUDIO INC., Plaintiff, v. HYUNDAI MOTOR AMERICA, Defendant.	Case No. 6:20-cv-01125-ADA
STRATOSAUDIO INC., Plaintiff, v. MAZDA MOTOR OF AMERICA, INC., Defendant.	Case No. 6:20-cv-1126-ADA
STRATOSAUDIO INC., Plaintiff, v. SUBARU OF AMERICA, INC., Defendant.	Case No. 6:20-cv-1128-ADA
STRATOSAUDIO INC., Plaintiff, v. VOLVO CARS USA, LLC, Defendant.	Case No. 6:20-cv-1129-ADA
STRATOSAUDIO INC., Plaintiff, v. VOLKSWAGEN GROUP OF AMERICA, INC., Defendant.	Case No. 6:20-cv-01131-ADA

JOINT CLAIM CONSTRUCTION STATEMENT

Under the scheduling orders in the five above-captioned cases, Plaintiff StratosAudio, Inc. ("StratosAudio") and Defendants Honda Motor America, Mazda Motor of America, Inc., Subaru of America, Inc., Volvo Cars USA, LLC, and Volkswagen Group of America, Inc. (collectively "Defendants") submit this Joint Claim Construction Statement. The five cases have been briefed together for claim construction proceedings and have a *Markman* hearing scheduled for September 28, 2021. The asserted patents and claims are[1]:

- U.S. Patent No. 8,166,081 ("'081 patent"), claims 9-11, and 23

- U.S. Patent No. 8,688,028 ("'028 patent"), claims 11, 14, 16, and 18

- U.S. Patent No. 8,903,307 ("'307 patent"), claims 11, 16, and 18

- U.S. Patent No. 9,584,843 ("'843 patent"), claims 10, 11, and 13

- U.S. Patent No. 9,143,833 ("'833 patent"), claims 1, 3, 5-7, and 9

- U.S. Patent No. 9,294,806 ("'806 patent"), claims 5-8, and 10

- U.S. Patent No. 9,355,405 ("'405 patent"), claims 12-16

The parties' disputed claim constructions are listed below; there are no agreed constructions, and there are no claim construction disputes with respect to the '081 and '405 patents.

Disputed Constructions

Term	Plaintiff's Proposal	Defendants' Proposal
associated/associating/ association terms ('307 patent claims 11, 16, and 18; '028 patent claims 11, 14, 16, and 18; '806 patent claims 5-8 and 10;	Plain and ordinary meaning	Indefinite under 35 U.S.C. § 112, ¶ 2

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[1] Not all patents/claims are asserted against all Defendants. Defendants submit this JCCS and the claim construction briefing jointly for convenience of the Court, but these joint filings do not constitute agreement by all Defendants to the arguments of other Defendants.

Term	Plaintiff's Proposal	Defendants' Proposal
'843 patent claims 10-11 and 13; '833 patent claims 1, 3, 5-7, and 9)		
"associating each media content identifying data element with at least one of a plurality of media content" ('028 patent claims 11, 14, 16, and 18; '307 patent claims 11, 16, and 18)	Plain and ordinary meaning	Invalid under 35 U.S.C. §§ 101 and 112, ¶ 2
"The method of claim 11, wherein at least one of the receiving, storing, aggregating, correlating operations are accessible by at least one of the following: a response authentication system, a broadcaster, an advertiser, a content provider, a wireless carrier, a web portal, a third party database." ('028 patent, claim 14)	Plain and ordinary meaning	Indefinite under 35 U.S.C. § 112, ¶ 2
"interactive media receiver" ('833 patent, claims 1, 3, 5-7, and 9)	Plain and ordinary meaning	Indefinite under 35 U.S.C. § 112, ¶ 2
"responder identifier" ('833 patent, claims 1, 3, 5-7, and 9)	Plain and ordinary meaning	Indefinite under 35 U.S.C. § 112, ¶ 2
"third party" ('843 patent, claims 10, 11, and 13; '806 patent, claims 5-8 and 10)	The Court should construe "third party encoded data" and "encoded third party data" as below	Indefinite under 35 U.S.C. § 112, ¶ 2
"third party encoded data" ('806 patent, claims 5-8, and 10); "encoded third party data" ('843 patent, claims 10, 11, and 13)	"third party encoded data": "encoded data obtained from a party that is neither the source nor the recipient of the electronic transmission" "encoded third party data": "an encoding of data obtained from a party that is neither the source nor the recipient of the electronic transmission"	"third party encoded data" and "encoded third party data" should each be given their distinct plain and ordinary meanings.

Term	Plaintiff's Proposal	Defendants' Proposal
"stream scanner module" ('806 patent, claims 5-8 and 10)	Plain and ordinary meaning. If 35 U.S.C. § 112 ¶ 6 (pre-AIA) applies, the function is obtaining a data stream associated with the electronic transmission of the media segment. The corresponding structure is computer software and hardware that (1) obtains broadcast data in a known format such as AM, FM, Internet, satellite, WiFi, Analog Television, Digital Television, wireless, peer to peer, cable, or their equivalents, and (2) obtains from the transmission a data stream accompanying the broadcast stream in any of a number of known formats such as Radio Data System (RDS), Radio Broadcast Data System (RDBS), Data Radio Channel (DARC), Digital Audio Broadcasting (DAB), Digital Multimedia Broadcasting (DMB), Digital Video Broadcast-Handhelds (DVB-H), In Band on Channel (IBOC), Digital Radio Mondiale (DRM), or their equivalents.	Means-plus-function under 35 U.S.C. § 112 ¶ 6 (pre-AIA) Function for claim 5: Scan a stream to obtain a data stream associated with the electronic transmission of the media segment Function for claim 6: Scan a stream to obtain a data stream associated with the electronic transmission of the media segment over a public broadcast. Structure: Indefinite
"stream analysis module" ('806 patent, claims 5-8 and 10)	Plain and ordinary meaning. If 35 U.S.C. § 112 ¶ 6 (pre-AIA) applies, the function is analyzing the third party encoded data extracted from the data stream, whereby the analysis generates analysis data that includes at least an identifying data that initiates	Means-plus-function under 35 U.S.C. § 112 ¶ 6 (pre-AIA) Function: Analyze a stream to analyze the third party encoded data extracted from the data stream, whereby the analysis generates analysis data that includes at least an

Term	Plaintiff's Proposal	Defendants' Proposal
	identification of the media segment. The corresponding structure is software and hardware that decodes data in the Radio Data System (RDS), Radio Broadcast Data System (RBDS), Data Radio Channel (DARC), Digital Audio Broadcasting (DAB), Digital Multimedia Broadcasting (DMB), Digital Video Broadcast-Handhelds (DVB-H), In Band on Channel (IBOC), or Digital Radio Mondiale (DBM) formats, or their equivalents.	identifying data that initiates identification of the media segment. Structure: Indefinite
"correlating" ('806 patent, claims 5-8 and 10)	Plain and ordinary meaning	Indefinite under 35 U.S.C. § 112, ¶ 2
"broadcast scanning module" ('843 patent, claims 10, 11, and 13)	Plain and ordinary meaning If 35 U.S.C. § 112 ¶ 6 (pre-AIA) applies, the function is receiving the specific instance of the media segment in the electronic transmission The corresponding structure is computer software and hardware that (1) obtains broadcast data in a known format such as AM, FM, Internet, satellite, WiFi, Analog Television, Digital Television, wireless, peer to peer, cable, or their equivalents, and (2) obtains from the transmission a data stream accompanying the broadcast stream in any of a number of known formats such as Radio Data System (RDS), Radio Broadcast Data System (RDBS), Data Radio	Means-plus-function under 35 U.S.C. § 112 ¶ 6 (pre-AIA) Function: Scan a broadcast to receive the specific instance of the media segment in the electronic transmission Structure: Indefinite

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