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

STRATOSAUDIO INC.,) Case No. 6:20-cv-01125-ADA
Plaintiff, v.) Case No. 0.20-cv-01125-ADA
HYUNDAI MOTOR AMERICA,)
Defendant.)
STRATOSAUDIO INC.,))
Plaintiff, v.) Case No. 6:20-cv-1126-ADA)
MAZDA MOTOR OF AMERICA, INC.,)
Defendant.)
STRATOSAUDIO INC.,)) Case No. 6:20-cv-1128-ADA
Plaintiff, v.) Case No. 0.20-cv-1128-ADA))
SUBARU OF AMERICA, INC.,)
Defendant.)
STRATOSAUDIO INC.,)) Case No. 6:20-cv-1129-ADA
Plaintiff, v.) Case No. 0.20-ev-1129-ADA)
VOLVO CARS USA, LLC,)
Defendant.)
STRATOSAUDIO INC.,	$\int C_{\text{ass}} N_{\text{ass}} (20 \text{ av} 01121 \text{ ADA})$
Plaintiff, v.) Case No. 6:20-cv-01131-ADA)
VOLKSWAGEN GROUP OF AMERICA, INC.,	/))
Defendant.	/) }
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CLAIM CONSTRUCTION ORDER

The parties in thee above-titled five cases requested the Court to construe claim terms of of the following patents:

- 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 Court provided preliminary constructions on September 27, 2021 and held a claim construction hearing on September 28, 2021. After careful consideration of the parties' briefs, oral arguments, and the applicable law, the Court enters its final constructions for each term as shown below:

Term	Plaintiff's Proposal	Defendants' Proposal	Court's Final Construction
associated/associating/ association terms	Plain and ordinary meaning	Indefinite under 35 U.S.C. § 112, ¶ 2	Plain and ordinary meaning
('307 patent claims 11, 16, and 18; '028 patent claims 11, 14, 16, and 18; '806 patent claims 5-8 and 10; '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,	Plain and ordinary meaning	Invalid under 35 U.S.C. §§ 101 and 112, ¶ 2	Plain and ordinary meaning

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Term	Plaintiff's Proposal	Defendants' Proposal	Court's Final Construction
16, and 18; '307 patent			
claims 11, 16, and 18)			
"The method of claim 11,	Plain and ordinary	Indefinite under 35	Plain and
wherein at least one of the	meaning	U.S.C. § 112, ¶ 2	ordinary meaning
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)	D1 1 1 1		D1 1
"interactive media receiver"	Plain and ordinary	Indefinite under 35	Plain and
('833 patent, claims 1, 3, 5-7,	meaning	U.S.C. § 112, ¶ 2	ordinary meaning
and 9)	D1 ' 1 1'		D1 1
"responder identifier" ('833	Plain and ordinary	Indefinite under 35	Plain and
patent, claims 1, 3, 5-7, and 9)	meaning	U.S.C. § 112, ¶ 2	ordinary meaning
"third party" ('843 patent,	The Court should	Indefinite under 35	See "third party"
claims 10, 11, and 13; '806	construe "third party	U.S.C. § 112, ¶ 2	terms below
patent, claims 5-8 and 10)	encoded data" and	0.0.0. § 112, 2	
patone, claims 5 6 and 10)	"encoded third party		
	data" as below		
"third party encoded data"	"third party encoded	"third party encoded	Plain and
('806 patent, claims 5-8, and	data": "encoded data	data" and "encoded third	ordinary meaning
10); "encoded third party	obtained from a party	party data" should each	
data" ('843 patent, claims 10,	that is neither the source	be given their distinct	
11, and 13)	nor the recipient of the	plain and ordinary	
, -,	electronic transmission"	meanings.	
	"encoded third party		
	data": "an encoding of		
	data obtained from a		
	party that is neither the		
	source nor the recipient		
	of the electronic		
	transmission"		
"stream scanner module"	Plain and ordinary	Means-plus-function	Plain and
('806 patent, claims 5-8 and	meaning.	under 35 U.S.C. § 112 ¶	ordinary
10)		6 (pre-AIA)	meaning; § 112 ¶
	If 35 U.S.C. § 112 ¶ 6		6 does not apply
	(pre-AIA) applies, the	Function for claim 5:	
	function is obtaining a	Scan a stream to obtain a	
	data stream associated	data stream associated	
	with the electronic	with the electronic	

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Term	Plaintiff's Proposal	Defendants' Proposal	Court's	Final
			Constructi	on
	transmission of the	transmission of the		
	media segment.	media segment		
	C	C		
	The corresponding	Function for claim 6:		
	structure is computer	Scan a stream to obtain a		
	software and hardware	data stream associated		
	that (1) obtains broadcast	with the electronic		
	data in a known format	transmission of the		
	such as AM, FM,	media segment over a		
	Internet, satellite, WiFi,	public broadcast.		
	Analog Television,	1		
	Digital Television,	Structure: Indefinite		
	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.			
"stream analysis module"	Plain and ordinary	Means-plus-function	Plain and	
•	5	1	ordinary	
('806 patent, claims 5-8 and	meaning.	under 35 U.S.C. § 112 ¶	-	112 @
10)		6 (pre-AIA)	meaning; §	
	If 35 U.S.C. § 112 ¶ 6	Expetion: Analyza a	6 does not a	ippiy
	(pre-AIA) applies, the	Function: Analyze a		
	function is analyzing the	stream to analyze the third party encoded data		
	third party encoded data extracted from the data	1 5		
		extracted from the data		
	stream, whereby the	stream, whereby the		
	analysis generates	analysis generates		
	analysis data that	analysis data that		
	includes at least an	includes at least an		
	identifying data that	identifying data that		
	initiates identification of	initiates identification of		

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Term	Plaintiff's Proposal	Defendants' Proposal	Court's Final Construction
	the media segment.	the media segment.	
	The corresponding structure is software and	Structure: Indefinite	
	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.		
"correlating" ('806 patent, claims 5-8 and 10)	Plain and ordinary meaning	Indefinite under 35 U.S.C. § 112, ¶ 2	Plain and ordinary meaning
"broadcast scanning module" ('843 patent, claims 10, 11, and 13)	Plain and ordinary meaning	Means-plus-function under 35 U.S.C. § 112 ¶ 6 (pre-AIA)	Plain and ordinary meaning; § 112 ¶
,	If 35 U.S.C. § 112 ¶ 6 (pre-AIA) applies, the	Function: Scan a	6 does not apply
	function is receiving the specific instance of the media segment in the	broadcast to receive the specific instance of the media segment in the	
	electronic transmission The corresponding	electronic transmission Structure: Indefinite	
	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		

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