

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

WAG ACQUISITION, L.L.C.,

Plaintiff,

v.

AMAZON.COM, INC., AMAZON  
WEB SERVICES, INC., and  
AMAZON.COM SERVICES LLC.,

Defendants.

Case No. 6:21-cv-00815-ADA

**JURY TRIAL DEMANDED**

**PLAINTIFF'S RESPONSIVE CLAIM CONSTRUCTION BRIEF**

## TABLE OF CONTENTS

<b>TABLE OF AUTHORITIES .....</b>	<b>ii</b>
<b>TABLE OF DISPUTED TERMS AND CONSTRUCTIONS .....</b>	<b>iv</b>
<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. BACKGROUND.....</b>	<b>1</b>
A. Technological Overview .....	1
<b>III. LEGAL PRINCIPLES.....</b>	<b>4</b>
<b>IV. DISPUTED CONSTRUCTIONS.....</b>	<b>6</b>
A. “the media source” (’594 patent, claims 1, 6, 11) .....	6
B. “playback rate” (’594 patent, claims 1, 6, 11; ’824 patent, claims 1, 5, 9; ’636 patent, claims 1, 5, 9).....	9
C. “data rate” (’594 patent, claims 1, 6, 11; ’824 patent, claims 1, 5, 9; ’636 patent, claims 1, 5, 9) .....	10
D. “as required to maintain about a predetermined number of media data elements” (’594 patent, claims 1, 6, 11) (alleged indefinite, but with alternate (disputed) construction proposed) .....	12
<b>V. CONCLUSION .....</b>	<b>15</b>

## TABLE OF AUTHORITIES

Cases	<u>PAGE(S)</u>
<i>3M Innovative Props. Co. v. Tredegar Corp.</i> , 725 F.3d 1315 (Fed. Cir. 2013).....	5
<i>Allergan, Inc. v. Teva Pharms. USA, Inc.</i> , No. 2:15-CV-1455-WCB, 2016 WL 7210837 (E.D. Tex. Dec. 13, 2016) .....	14
<i>Amgen, Inc. v. Chugai Pharm. Co.</i> , 927 F.2d 1200 (Fed. Cir. 1991) .....	12
<i>Azure Networks, LLC v. CSR PLC</i> , 771 F.3d 1336 (Fed. Cir. 2014) .....	4
<i>BASF Corp. v. Johnson Matthey Inc.</i> , 875 F.3d 1360 (Fed. Cir. 2017).....	5
<i>Biosig Instruments, Inc. v. Nautilus, Inc.</i> , 783 F.3d 1374 (Fed. Cir. 2015) .....	5
<i>Cohesive Techs., Inc. v. Waters Corp.</i> , 543 F.3d 1351 (Fed. Cir. 2008).....	12
<i>Comark Commc'ns, Inc. v. Harris Corp.</i> , 156 F.3d 1182 (Fed. Cir. 1998) .....	4
<i>Datamize, LLC v. Plumtree Software, Inc.</i> , 417 F.3d 1342 (Fed. Cir. 2005).....	6
<i>Epos Techs. Ltd. v. Pegasus Techs. Ltd.</i> , 766 F.3d 1338 (Fed. Cir. 2014).....	5
<i>Immersion Corp. v. Samsung Elecs. Am., Inc.</i> , No. 2:17-CV-572-JRG, 2018 WL 5005791 (E.D. Tex. Oct. 16, 2018).....	14
<i>Interval Licensing LLC v. AOL, Inc.</i> , 766 F.3d 1364 (Fed. Cir. 2014).....	5
<i>Liebel-Flarsheim Co. v. Medrad, Inc.</i> , 358 F.3d 898 (Fed. Cir. 2004).....	4
<i>Max Blu Techs., LLC v. Cinedigm Corp.</i> , No. 2:15-CV-1369-JRG, 2016 WL 3688801 (E.D. Tex. July 12, 2016) .....	14

<i>Nautilus Inc. v. Biosig Instruments, Inc.</i> , 572 U.S. 898 (2014).....	5, 12
<i>Neodron, Ltd. v. Fujitsu Am., Inc.</i> , No. 220CV00239JRGRSP, 2021 WL 2646214 (E.D. Tex. June 28, 2021) .....	14
<i>Oatey Co. v. IPS Corp.</i> , 514 F.3d 1271 (Fed. Cir. 2008).....	5
<i>Ortho-McNeil Pharm., Inc. v. Caraco Pharm. Labs., Ltd.</i> , 476 F.3d 1321 (Fed. Cir. 2007).....	12
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) ( <i>en banc</i> ) .....	4, 6
<i>Teva Pharms. USA, Inc. v. Sandoz, Inc.</i> , 574 U.S. 318 (2015).....	6
<i>Thorner v. Sony Computer Entm't Am. LLC</i> , 669 F.3d 1362 (Fed. Cir. 2012).....	4
<i>Vitronics Corp. v. Conception, Inc.</i> , 90 F.3d 1576 (Fed. Cir. 1996).....	5
<i>W.L. Gore &amp; Assocs., Inc. v. Garlock, Inc.</i> , 721 F.2d 1540 (Fed. Cir. 1983) .....	14

**TABLE OF DISPUTED TERMS AND CONSTRUCTIONS**

<b>Item</b>	<b>WAG's Proposed Constructions</b>	<b>Amazons's Proposed Constructions</b>
<p><b>Item 1:</b> “as required to maintain about a predetermined number of media data elements”</p> <p>'594 patent, claims 1, 6, 11.</p>	<p>Plain and ordinary meaning.</p>	<p>Indefinite under § 112.</p>
<p><b>Item 2:</b> “playback rate”</p> <p>'594 patent, claims 1, 6, 11; '824 patent, claims 1, 5, 9; '636 patent, claims 1, 5, 9.</p>	<p>Plain and ordinary meaning.</p>	<p>A rate at which the data is encoded for playback to a user.</p>
<p><b>Item 3:</b> “data rate”</p> <p>'594 patent, claims 1, 6, 11; '824 patent, claims 1, 5, 9; '636 patent, claims 1, 5, 9.</p>	<p>Plain and ordinary meaning.</p>	<p>The actual rate at which the data connection delivers data to the [media player / requesting user system] at any given time.</p>
<p><b>Item 7:</b> “the media source”</p> <p>'594 patent, claims 1, 6, 11.</p>	<p>Plain and Ordinary Meaning</p>	<p>The storage device or live source device from which the streaming material originates.</p>

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