

**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

TABLE OF AUTHORITIES ii

TABLE OF DISPUTED TERMS AND CONSTRUCTIONS iv

I. INTRODUCTION 1

II. BACKGROUND..... 1

A. Technological Overview 1

III. LEGAL PRINCIPLES..... 4

IV. DISPUTED CONSTRUCTIONS..... 6

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

V. CONCLUSION..... 15

TABLE OF AUTHORITIES

| | <u>PAGE(S)</u> |
|---|----------------|
| Cases | |
| <i>3M Innovative Proprs. 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 |

Nautilus Inc. v. Biosig Instruments, Inc.,
572 U.S. 898 (2014)..... 5, 12

Neodron, Ltd. v. Fujitsu Am., Inc.,
No. 220CV00239JRGRSP, 2021 WL 2646214 (E.D. Tex. June 28, 2021) 14

Oatey Co. v. IPS Corp.,
514 F.3d 1271 (Fed. Cir. 2008)..... 5

Ortho-McNeil Pharm., Inc. v. Caraco Pharm. Labs., Ltd.,
476 F.3d 1321 (Fed. Cir. 2007)..... 12

Phillips v. AWH Corp.,
415 F.3d 1303 (Fed. Cir. 2005) (*en banc*) 4, 6

Teva Pharms. USA, Inc. v. Sandoz, Inc.,
574 U.S. 318 (2015)..... 6

Thorner v. Sony Computer Entm't Am. LLC,
669 F.3d 1362 (Fed. Cir. 2012)..... 4

Vitronics Corp. v. Conceptronic, Inc.,
90 F.3d 1576 (Fed. Cir. 1996)..... 5

W.L. Gore & Assocs., Inc. v. Garlock, Inc.,
721 F.2d 1540 (Fed. Cir. 1983) 14

TABLE OF DISPUTED TERMS AND CONSTRUCTIONS

| Item | WAG’s Proposed Constructions | Amazons’s Proposed Constructions |
|--|-------------------------------------|---|
| <p>Item 1: “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>Item 2: “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>Item 3: “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>Item 7: “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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