

**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.)	
)	
HYUNDAI MOTOR AMERICA,)	
)	
Defendant.)	

STRATOSAUDIO INC.,)	
)	Case No. 6:20-cv-1126-ADA
Plaintiff,)	
v.)	
)	
MAZDA MOTOR OF AMERICA, INC.,)	
)	
Defendant.)	

STRATOSAUDIO INC.,)	
)	Case No. 6:20-cv-1128-ADA
Plaintiff,)	
v.)	
)	
SUBARU OF AMERICA, INC.)	
)	
Defendant.)	

STRATOSAUDIO INC.,)	
)	Case No. 6:20-cv-1129-ADA
Plaintiff,)	
v.)	
)	
VOLVO CARS USA, LLC,)	
)	
Defendant.)	

STRATOSAUDIO INC.,)	
)	Case No. 6:20-CV-01131-ADA
Plaintiff,)	
v.)	
)	
VOLKSWAGEN GROUP OF AMERICA, INC.,)	
)	
Defendant.)	

DEFENDANTS' REPLY CLAIM CONSTRUCTION BRIEF

TABLE OF CONTENTS

	Page
I. “associated”/“associating”/“association” terms.....	- 1 -
II. “associating each . . . ” (’307 claim 11 and ’028 claim 11).....	- 2 -
A. The printed matter doctrine prevents Stratos’s interpretation.....	- 3 -
B. Stratos’s Section 101 Analysis is Wrong.....	- 5 -
III. ’028 Patent, Claim 14	- 5 -
A. Claim 14’s four “operations” are indefinite.....	- 5 -
B. The “accessible by” language renders Claim 14 indefinite	- 7 -
C. Dr. Houh’s declaration should not be stricken.....	- 7 -
IV. “interactive media receiver” (’833 patent claims 1, 3, 5-7, and 9).....	- 8 -
V. “responder identifier” (’833 patent claims 1, 3, 5-7, and 9).....	- 10 -
VI. “third party” (’806 claim 5, ’843 claim 10).....	- 11 -
VII. “third party encoded data”; “encoded third party data”.....	- 13 -
VIII. The three “module” terms are indefinite.....	- 13 -
A. The “module” terms are means-plus-function	- 13 -
B. The patents do not contain structure corresponding to the functions	- 16 -
IX. “correlating” (’806 claim 5).....	- 17 -

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Advanced Ground Inf. Sys., Inc. v. Life360, Inc.</i> , 830 F.3d 1341 (Fed. Cir. 2016).....	13, 14, 16
<i>Advanced Ground Inf. Sys. v. Life 360</i> , No. 14-80651, 2014 WL 12652322 (S.D. Fl. Nov. 21, 2014).....	16
<i>Alice Corp. Pty. Ltd. v. CLS Bank Int’l</i> , 573 U.S. 208 (2014).....	5
<i>C R Bard Inc. v. Angiodynamics, Inc.</i> , 979 F.3d 1372 (Fed. Cir. 2020).....	3
<i>Cannon Rubber Ltd. v. The First Years, Inc.</i> , 2004 WL 2095669 (N.D. Ill. Sept. 17, 2004).....	2, 14
<i>Digital Retail Apps, Inc. v. H-E-B, LP</i> , No. 6-19-CV-00167-ADA, 2020 WL 376664 (W.D. Tex. Jan. 23, 2020).....	4, 15
<i>Egenera, Inc. v. Cisco Sys., Inc.</i> , 972 F.3d 1367 (Fed. Cir. 2019).....	15
<i>Engel Indus., Inc. v. Lockformer Co.</i> , 96 F.3d 1398 (Fed. Cir. 1996).....	6
<i>Media Rights Techs., Inc. v. Capital One Fin. Corp.</i> , 800 F.3d 1366 (Fed. Cir. 2015).....	2
<i>Microprocessor Enhancement Corp. v. Tex. Instr’s Inc.</i> , 520 F.3d 1367 (Fed. Cir. 2008).....	9
<i>Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Ltd.</i> , 868 F.3d 1013 (Fed. Cir. 2017).....	15
<i>Noah Sys., Inc. v. Intuit Inc.</i> , 675 F.3d 1302 (Fed. Cir. 2012).....	17
<i>Praxair Distr., Inc. v. Mallinckrodt Hosp. Prod. IP Ltd.</i> , 890 F.3d 1024 (Fed. Cir. 2018).....	3
<i>RideApp Inc. v. Lyft, Inc.</i> , 845 F. App’x 959 (Fed. Cir. 2021).....	16

<i>SimpleAir, Inc. v. Sony Ericsson Mobile Communs. AB</i> , 820 F.3d 419 (Fed. Cir. 2016).....	6
<i>Team Worldwide Corp. v. Intex Recreation Corp.</i> , __ F. App'x __, 2021 WL 4130634 (Fed. Cir. Sept. 9, 2021).....	15
<i>Uniloc USA, Inc. v. Samsung Elecs. Am., Inc.</i> , 2020 WL 1685557 (Fed. Cir. 2020).....	16
<i>Visual Memory LLC v. NVIDIA Corp.</i> , 867 F.3d 1253 (Fed. Cir. 2017).....	10
<i>Williamson v. Citrix Online, LLC</i> , 792 F.3d 1339 (Fed. Cir. 2015) (<i>en banc</i>)	13, 14
Statutes	
35 U.S.C. § 112.....	10

Stratos's claim construction arguments (Dkt. 55)¹ are unsupported by the evidence, violate basic tenets of claim construction, and should be rejected. *See* Dkt. 51.

I. “ASSOCIATED”/“ASSOCIATING”/“ASSOCIATION” TERMS

Stratos's brief illustrates why the claims are indefinite. According to Stratos, “the claims merely require an association (i.e., a connection or relationship) between two things.” Dkt. 55, 6. This allegedly means that the two associated things may be sent together or sent separately (*Compare id.*, 6 (“may be sent together”) with Claim 15 of the '028 Patent). “Associating” allegedly may be active (“to bring two things into relationship with each other”) or passive (“to describe an existing relationship between two things”). *Id.*, 6. It also allegedly means that two things may already be associated, but require correlating to create a new association. *Id.*, 33. Under plain English grammar (which the parties all agree should apply here, so expert testimony is not required), the terms mean nothing under Stratos's analysis, because “associating” can have directly opposite meanings. Neither the intrinsic evidence nor Stratos's brief give a POSITA any guidance or limits on what it means to “associate,” be “associated,” or conduct “associating.”

Stratos's expert, Dr. Mangione-Smith, confirmed these terms have no bounds because whether things are associated depends on arbitrary “sorts of associations of interest”:

Q. How would I know [two streams that are broadcast separately from each other] are not associated?

A: [...] **we would have to know what are the associations that are being looked for.** And they are not associated, if they are not associated under any of the sorts of associations of interest. (Ex. B, 119:6-120:1)²

By his example, any Beatles songs could be “associated” with any Taylor Swift song by media content identifying data elements of the letter “a” in the artist names, or by being released

¹ Herein, record cites are to Case No. 6:20-CV-01125-ADA, unless otherwise indicated.

² Herein, all emphasis is added, and all internal citations/quotations are omitted unless specified.

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