

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

AUDIO POD IP, LLC,

Plaintiff,

v.

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

Defendants.

Lead Case No. 3:24-cv-00406-RCY

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION CHART

Pursuant to the Court's January 30, 2025 Order at Dkt. 56, the parties submit their Joint Claim Construction Chart.

Attached as **Exhibit 1** is a chart that includes the parties' respective proposed constructions of the disputed claim terms and supporting evidence.

Dated: April 30, 2025

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CERTIFICATE OF SERVICE

I certify that on April 30, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

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EXHIBIT 1

PROPOSED CONSTRUCTIONS OF DISPUTED CLAIM TERMS AND SUPPORTING EVIDENCE

The evidence below is non-exhaustive and the parties may rely on additional evidence as needed to support their respective proposals.

<u>Terms</u>	<u>Patent Claims</u>	<u>Audio Pod’s Proposal</u>	<u>Amazon’s Proposal</u>
<p>“media stream” / “media streams”</p>	<p>’720 patent: 1, 2, 6, 9, 15, 17, 20, 25, 26 ’922 patent: 1, 8, 10, 17, 19, 20 ’488 patent: 1, 10 ’907 patent: 1, 3-7, 9, 11, 15, 17-21</p>	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence: ’720 patent: Abstract; 1:16-4:30, 7:23-10:22, 12:45-18:29, 20:10-27:24, Figs. 4, 5, 8, 15, 18, 19, 24, 25, 26, and related text; claims. ’922 patent: Abstract; 1:23-3:27, 5:35-8:61, 14:7-16:7, Figs. 4, 5, 8, 15, 18, 19, and related text; claims. ’488 patent: Abstract; 1:25-3:41, 5:49-9:8, 11:16-16:21, Fig 4, 5, 8, 15, 18, 19, and related text; claims. ’907 patent: Abstract; 1:21-4:40, 7:22-10-49, 12:65-19:24, 21:7-28-32, Figs. 4, 5, 8, 15, 18, 19, 24, 25, 26, and related text; claims.</p> <p>Extrinsic Evidence: Audio Pod reserves the right to supplement its extrinsic evidence in response to Amazon.</p>	<p>Construction: a single media file or a collection of segments from the same media content / media files or collections of segments from the same media content</p> <p>Intrinsic Evidence: ’720 patent: 1:26-43, 7:47-8:3, 18:60-19:25, Fig. 1, Fig. 2, Fig. 5c, Fig. 7, claims. ’922 patent: 1:30-47, 6:12-36, Fig. 1, Fig. 2, Fig. 5c, Fig. 7, claims.</p>

<u>Terms</u>	<u>Patent Claims</u>	<u>Audio Pod’s Proposal</u>	<u>Amazon’s Proposal</u>
<p>“descriptor file”</p>	<p>’720 patent: 1, 5, 11, 19, 20, 23, 24-27 ’907 patent: 1-4, 9, 11, 13-15, 18, 20, 21</p>	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence: ’720 patent: Abstract; 1:16-4:30, 6:20-9:28, 12:47-15:23, 39:56-40:20; Figs. 5-6, 9, 10, 12, 20-22, and 26 and related text; claims.</p> <p>’907 patent: Abstract; 1:21-4:40, 6:37-9:52, 12:65-15:52, 41:14-44, Figs. 5-6, 9, 10, 12, 20-22, and 26 and related text; claims.</p> <p>Extrinsic Evidence: Audio Pod reserves the right to supplement its extrinsic evidence in response to Amazon, including expert testimony by Dr. Gareth Loy.</p>	<p>Construction: a file containing descriptive information about a media stream</p> <p>Intrinsic Evidence: ’720 patent: 6:36-52, Fig. 5c, claims.</p> <p>Extrinsic Evidence: Expert testimony of Dan Schonfeld, Ph.D. Microsoft Computer Dictionary (2002); A Dictionary of Computing (2004).</p>

<u>Terms</u>	<u>Patent Claims</u>	<u>Audio Pod’s Proposal</u>	<u>Amazon’s Proposal</u>
“descriptor”	’266 patent: 1, 2, 4, 5, 13	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence: ’266 patent: Abstract; 1:21-4:17, 6:37-9:52, 11:11-16:18, Figs. 5-6, 9, 10, 12 and related text; claims.</p> <p>Extrinsic Evidence: Audio Pod reserves the right to supplement its extrinsic evidence in response to Amazon, including expert testimony by Dr. Gareth Loy.</p>	<p>Construction: descriptive information about digital content</p> <p>Intrinsic Evidence: ’266 patent: 5:1-17, Fig. 5c, claims.</p> <p>Extrinsic Evidence: Expert testimony of Dan Schonfeld, Ph.D. Microsoft Computer Dictionary (2002); A Dictionary of Computing (2004).</p>

<u>Terms</u>	<u>Patent Claims</u>	<u>Audio Pod’s Proposal</u>	<u>Amazon’s Proposal</u>
<p>“literary experience of the originating written work”</p>	<p>’720 patent: 1, 24-26</p>	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence: ’720 patent: Abstract; 1:16-4:30, 5:55-8:22, 18:42-40:20; Figs. 21, 27-32; claims.</p> <p>’266 patent: Abstract; 1:21-4:17, 6:37-9:52, 11:11-16:18, Figs. 5-6, 9, 10, 12 and related text; claims.</p> <p>Extrinsic Evidence: Audio Pod reserves the right to supplement its extrinsic evidence in response to Amazon, including expert testimony by Dr. Gareth Loy.</p>	<p>Indefinite</p> <p>Intrinsic Evidence: ’720 patent: 23:41-46, 28:9-38; 31:53-56, claims. ’720 prosecution history, Sept. 29, 2015 response.</p> <p>Extrinsic Evidence: Expert testimony of Dan Schonfeld, Ph.D.</p>

<u>Terms</u>	<u>Patent Claims</u>	<u>Audio Pod’s Proposal</u>	<u>Amazon’s Proposal</u>
<p>“content in the secondary digital content that is related to the range of content”</p>	<p>’266 patent: 1, 13</p>	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence: ’266 patent: Abstract; 1:21-3:27, 5:18-8:41, 11:11-16:18, Figs. 4, 5, 6, 10, 12, and related text; claims.</p> <p>Extrinsic Evidence: Audio Pod reserves the right to supplement its extrinsic evidence in response to Amazon, including expert testimony by Dr. Gareth Loy.</p>	<p>Indefinite</p> <p>Intrinsic Evidence: ’266 patent: 5:1-17, 5:37-55, claims.</p> <p>Extrinsic Evidence: Expert testimony of Dan Schonfeld, Ph.D.</p>

<u>Terms</u>	<u>Patent Claims</u>	<u>Audio Pod’s Proposal</u>	<u>Amazon’s Proposal</u>
“surrounding”	’922 patent: 1, 14, 18, 20 ’266 patent: 1, 13	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence: ’922 patent: Abstract; 1:23-3:27, 9:45-16:7, Fig 13-18, and related text; claims.</p> <p>’266 patent: Abstract; 1:21-3:27, 9:50-16:18, Fig 13-18, and related text; claims.</p> <p>Extrinsic Evidence: Audio Pod reserves the right to supplement its extrinsic evidence in response to Amazon.</p>	<p>Construction: before and after</p> <p>Intrinsic Evidence: ’922 patent: 13:11-37, Fig. 13, claims.</p>

<u>Terms</u>	<u>Patent Claims</u>	<u>Audio Pod’s Proposal</u>	<u>Amazon’s Proposal</u>
<p>“bookmark”</p>	<p>’922 patent: 1, 11-13, 15, 20 ’720 patent: 18, 19, 22, 23 ’907 patent: 4, 6</p>	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence: ’720 patent: Abstract; 1:16-4:30, 12:45-18:17, 26:1-29:57, Figs. 12, 13, 17, 18, 19, 27, 28, 30, and related text; claims.</p> <p>’922 patent: Abstract; 1:21-4:16, 7:1-9:44, 10:64-13:58, Figs. 12, 13, 17, 18, 19, and related text; claims.</p> <p>’907 patent: Abstract; 1:21-4:40, 12:65-19:11, 27:8-31:3, Figs. 12, 13, 17, 18, 19, 27, 28, 30, and related text; claims.</p> <p>Extrinsic Evidence: Audio Pod reserves the right to supplement its extrinsic evidence in response to Amazon.</p>	<p>Construction: information identifying a user’s position in a media work</p> <p>Intrinsic Evidence: ’922 patent: Abstract, 7:48-8:35, Table 1, Figs. 9-10, Fig. 13, claims.</p> <p>’907 patent: 9:35-10:23, 23:57-64, 31:18-27, 31:59-32:5, 32:53-62, 39:56-67, 41:14-44, Table 1, Figs. 9-10, Fig. 13, Fig. 32, claims.</p>

<u>Terms</u>	<u>Patent Claims</u>	<u>Audio Pod’s Proposal</u>	<u>Amazon’s Proposal</u>
<p>“track[ing] service level statistics”</p>	<p>’488 patent: 1, 8, 10, 17</p>	<p>Plain and ordinary meaning</p> <p>Intrinsic: ’488 patent: Abstract; 1:25-3:41, 4:35-6:50, 9:58-15:67, Figs. 3, 5, 7, 11, 12, 15, 16, and related text; claims.</p> <p>Extrinsic Evidence: Audio Pod reserves the right to supplement its extrinsic evidence in response to Amazon, including expert testimony by Dr. Gareth Loy.</p>	<p>Construction: track[ing] service level statistics at the client device</p> <p>Intrinsic Evidence: ’488 patent: 10:3-56, claims.</p> <p>Extrinsic Evidence: Expert testimony of Dan Schonfeld, Ph.D.</p>

<u>Terms</u>	<u>Patent Claims</u>	<u>Audio Pod’s Proposal</u>	<u>Amazon’s Proposal</u>
<p>“select[ing] a ... content server ... in dependence upon the service level statistics”</p>	<p>’488 patent: 1, 10</p>	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence: ’488 patent: Abstract; 1:25-3:41, 4:35-6:50, 9:58-15:67, Figs. 3, 5, 7, 11, 12, 15, 16, and related text; claims.</p> <p>Extrinsic Evidence: Audio Pod reserves the right to supplement its extrinsic evidence in response to Amazon, including expert testimony by Dr. Gareth Loy.</p>	<p>Construction: select[ing] at the client device a ... content server ... in dependence upon the service level statistics</p> <p>Intrinsic Evidence: ’488 patent: 10:3-56, claims.</p> <p>Extrinsic Evidence: Expert testimony of Dan Schonfeld, Ph.D.</p>

<u>Terms</u>	<u>Patent Claims</u>	<u>Audio Pod's Proposal</u>	<u>Amazon's Proposal</u>
<p>“segment” / “segments”</p>	<p>'488 patent: 1, 5, 6, 10, 14, 15 '720 patent: 1, 5, 11, 24-26 '922 patent: 8, 9, 10 '907 patent: 9, 10</p>	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence: '720 patent: Abstract; 1:16-4:30, 7:23-10:22, 12:45-18:29, 20:10-27:24, Figs. 4, 5, 8, 15, 18, 19, 24, 25, 26, and related text; claims. '922 patent: Abstract; 1:23-3:27, 5:35-8:61, 14:7-16:7, Figs. 4, 5, 8, 15, 18, 19, and related text; claims. '488 patent: Abstract; 1:25-3:41, 5:49-9:8, 11:16-16:21, Fig 4, 5, 8, 15, 18, 19, and related text; claims. '907 patent: Abstract; 1:21-4:40, 7:22-10-49, 12:65-19:24, 21:7-28-32, Figs. 4, 5, 8, 15, 18, 19, 24, 25, 26, and related text; claims.</p> <p>Extrinsic Evidence: Audio Pod reserves the right to supplement its extrinsic evidence in response to Amazon, including expert testimony by Dr. Gareth Loy.</p>	<p>Construction: distinct portion of a media stream that contains content / distinct portions of a media stream that contain content</p> <p>Intrinsic Evidence: '720 patent: 19:9-25, claims. '720 prosecution history, Sept. 29, 2015 response.</p> <p>Extrinsic Evidence: Expert testimony of Dan Schonfeld, Ph.D.</p>

<u>Terms</u>	<u>Patent Claims</u>	<u>Audio Pod’s Proposal</u>	<u>Amazon’s Proposal</u>
<p>“imperceptible to a user”</p>	<p>’488 patent: 1, 10</p>	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence: ’488 patent: Abstract; 1:25-3:41, 4:35-6:50, 9:58-15:67, Figs. 3, 5, 7, 11, 12, 15, 16, and related text; claims.</p> <p>Extrinsic Evidence: Audio Pod reserves the right to supplement its extrinsic evidence in response to Amazon, including expert testimony by Dr. Gareth Loy.</p>	<p>Indefinite</p> <p>Intrinsic Evidence: ’488 patent: 3:3-41, 10:17-56, claims.</p> <p>Extrinsic Evidence: Expert testimony of Dan Schonfeld, Ph.D.</p>

<u>Terms</u>	<u>Patent Claims</u>	<u>Audio Pod’s Proposal</u>	<u>Amazon’s Proposal</u>
<p>“digital audio narration”</p>	<p>’907 patent: 1, 21</p>	<p>Plain and ordinary meaning</p> <p>Intrinsic Evidence: ’907 patent: Abstract; 1:21-4:40, 12:65-19:11, 19:37-23:56, Figs. 4, 5, 19, 21, 22, 24, and related text; claims.</p> <p>Extrinsic Evidence: Audio Pod reserves the right to supplement its extrinsic evidence in response to Amazon, including expert testimony by Dr. Gareth Loy.</p>	<p>Construction: digital audio recording of a narrator reading aloud the text of the originating work</p> <p>Intrinsic Evidence: ’907 patent: 3:12-17, 19:52-55, 20:67-21:6, 21:36-52, 25:23-33, 27:42-44, 29:24-25, 32:56-33:1, Fig. 5c, Fig. 32, claims.</p> <p>Extrinsic Evidence: Expert testimony of Dan Schonfeld, Ph.D.</p>