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

WAG ACQUISITION, L.L.C., Plaintiff, v. GOOGLE LLC and YOUTUBE, INC., Defendants.	§ § § § § § § § § § §	No. 6:21-cv-00816-ADA Jury Trial Demanded

WAG ACQUISITION, L.L.C.'S PROPOSED CLAIM CONSTRUCTIONS

Pursuant to the Scheduling Order (Dkt. No. 35), Plaintiff WAG Acquisition, L.L.C., through the undersigned counsel, hereby serves its proposed claim constructions on Defendants Google LLC and YouTube, Inc. ("Defendants").

The terms set forth herein are those recited in Defendants' February 4, 2022 Disclosure of Proposed Claim Terms for Construction.

Plaintiff reserves the right to amend these contentions in light of discovery and the proposed claim constructions of Defendants.

Claim Term / Phrase	Patent / Claims	WAG's Proposed Construction
"each media data element comprising a digitally encoded portion of the program and having a playback rate"	'636 patent, cls. 1, 5, 9; '824 patent, cls. 1, 5, 9; '594 patent, cls. 1, 6, 11	Plain and ordinary meaning
"the playback rate of the one or more media data elements sent via that connection"	'636 patent, cls. 1, 5, 9; '824 patent, cls. 1, 5, 9	Plain and ordinary meaning
"the playback rate of the media data elements"	'594 patent, cls. 1, 6, 11	Plain and ordinary meaning

“playback rate”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9; ’594 patent, cls. 1, 6, 11	Plain and ordinary meaning
“serial identifier(s)”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9; ’594 patent, cls. 1, 6, 11	Plain and ordinary meaning
“serial identification indicating a time sequence”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9	Plain and ordinary meaning
“serially identifying” / “serially identify” / “serially identified”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9; ’594 patent, cls. 1, 6, 11	Plain and ordinary meaning
“the data connection between the server system and each requesting user system”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9	Plain and ordinary meaning
“the data connection between the server system and each requesting user system”	’594 patent, cls. 1, 6, 11	Plain and ordinary meaning
“the data connection”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9; ’594 patent, cls. 1, 6, 11	Plain and ordinary meaning
“a data rate more rapid than the playback rate of the one or more media data elements”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9; ’594 patent, cls. 1, 6, 11	Plain and ordinary meaning
“automatically send additional requests for subsequent media data elements for storage in the memory of the media player as required to maintain about a predetermined number of media data elements in the memory of the media player during playing”	’594 patent, cls. 1, 6, 11	Plain and ordinary meaning
“each sending is at a transmission rate as fast as the data connection between the server system and each requesting system allows”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9	Plain and ordinary meaning
“all of the media data elements that are sent by the server system to the requesting user systems are sent from the data structure under the control of the server system as the media	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9	Plain and ordinary meaning

data elements were first stored therein”		
“receiving requests at the server system via one or more data connections over the Internet, for one or more of the media data elements stored in the data structure” / “receive requests at the server system via one or more data connections over the Internet, for one or more of the media data elements stored in the data structure”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9	Plain and ordinary meaning
“supplying, at the server system, media data elements representing the program” / “to supply, at the server system, media data elements representing the program”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9	Plain and ordinary meaning
“all of the media data elements that are sent by the server to the one or more user systems are sent in response to the requests”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9	Plain and ordinary meaning
Whether preambles are limiting	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9; ’594 patent, cls. 1, 6, 11	The preambles are limiting
“media data element(s)”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9; ’594 patent, cls. 1, 6, 11	Plain and ordinary meaning
“the media source”	’594 patent, cls. 1, 6, 11	Plain and ordinary meaning
“data rate”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9; ’594 patent, cls. 1, 6, 11	Plain and ordinary meaning
“transmission rate”	’636 patent, cls. 1, 5, 9; ’824 patent, cls. 1, 5, 9	Plain and ordinary meaning
“a rate as fast as the data connection between the media source and the media player allows”	’594 patent, cls. 1, 6, 11	Plain and ordinary meaning

LISTON ABRAMSON LLP
The Chrysler Building
405 Lexington Ave, 46th Floor
New York, New York 10174
Tel: (212) 257-1630
By: s/ Ronald Abramson
Email: *ron.abramson@listonabramson.com*
Ronald Abramson (*Admitted pro hac vice*)
David G. Liston (*Admitted pro hac vice*)
Ari J. Jaffess (*Admitted pro hac vice*)
Alex G. Patchen (*Admitted pro hac vice*)
M. Michael Lewis (*Admitted pro hac vice*)
Gina K. Kim
Email: *docket@listonabramson.com*

HALEY & OLSON, P.C.
Brandon R. Oates (State Bar No. 24032921)
Email: *boates@haleyolson.com*
100 North Ritchie Road, Suite 200
Waco, Texas 76712
Tel: (254) 776-3336
Fax: (254) 776-6823

Attorneys for Plaintiff WAG Acquisition, L.L.C.

CERTIFICATE OF SERVICE

I, Ronald Abramson, hereby certify that on this day a true and correct copy of the foregoing document, WAG Acquisition, L.L.C.'s Proposed Claim Constructions was served on all attorneys of record for Defendants via electronic mail.

Dated: February 18, 2022

/s/ Ronald Abramson

Ronald Abramson