IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SPORTSCASTR INC. (d/b/a PANDA INTERACTIVE), *Plaintiff*, v. SPORTRADAR GROUP, AG, and SPORTRADAR AG, *Defendants*.	§ § § § § § § § § §	CIVIL ACTION NO. 2:23-CV-00472-JRG (LEAD CASE)

SPORTSCASTR INC. (d/b/a PANDA INTERACTIVE), *Plaintiff*, v. GENIUS SPORTS LTD., ET AL., *Defendants*.	§ § § § § § § § § §	CIVIL ACTION NO. 2:23-CV-00471-JRG (MEMBER CASE)

MEMORANDUM CLAIM CONSTRUCTION OPINION AND ORDER

In these consolidated patent cases, Sportcastr Inc. ("PANDA") alleges infringement by SportRadar Group AG, Genius Sports, Ltd., Maven Topco Ltd., and various affiliates (together, "Defendants") of claims from U.S. Patents 10,425,697, 10,805,687, 11,039,218, and 11,871,088. Three of these patents, which are related[1] and have a common specification, concern "low-latency viewing of broadcast digital content." ('697 Patent at [54]; *see also* '687 Patent at [54]; '218 Patent at [54].) The '088 Patent, which is not related to the other patents but includes much of the same subject matter, concerns "providing event video streams and synchronized event information via multiple internet channels." ('088 Patent at [54].)

[1] (*See* '218 Patent at [63].)

The parties present ten disputes about claim scope. Having considered the parties' briefing, along with arguments of counsel at the May 9, 2025 hearing, the Court resolves those disputes as follows.

I. BACKGROUND

A. U.S. Patents 10,425,697, 10,805,687, and 11,039,218

These patents concern the problem of latency in live streaming. For example, the patents identify video streaming platforms with latency of up to 15 seconds from when the streaming content is generated and the stream is available to a viewer. ('697 Patent at 2:31–34.) The patents also identify problems in providing "low-latency copies of live videos streams with high quality," and synchronizing those copies among multiple viewers. (*Id.* at 2:40–44.)

According to PANDA, the patents "disclose[] systems and processes related to delivering video with contextual-matched event information." (Patent Owner's Prelim. Resp., Dkt. No. 167-4 at 8.) "[T]he claimed inventions implement a novel, technologically improved, one-to-many socket architecture." (*Id.*) "This socket architecture allows multiple client devices to establish an event information channel with an 'event socket,' which may supply real-time, actionable event information to each client device that is contextually matched with a delivered video stream." (*Id.* at 8.) "Because all viewers of the broadcast may receive the same synchronized information via the same event socket, each viewer client device may be capable of receiving the same information, at generally the same time, in real-time, regardless of video transmission protocol." (*Id.* at 9.)

PANDA also says the innovations of the patents include "a dedicated channel to transmit event information, separate from a communication channel for video streaming, to facilitate pairing of real-time, actionable information with related video content." (*Id.*) "By transmitting video signals to the viewer device separate from event information, the '697 patent facilitates the

inclusion of real-time, contextually matched data alongside the video stream." (*Id.*)

Referring to Figure 2 (below), the backbone of the claimed inventions are media sources (300), a control server (500), a socket server (600), and a web server (700). The web server (700) selects one of the media sources (300) to which a given broadcaster connects to provide a live stream of digital content and to which viewers connect to receive a copy of the live stream. The socket server (600) also provides communication between live-stream broadcasters and their viewers, such as chat messages and system events. In particular, one or more sockets of the socket server (600) dedicated to a particular live stream allow respective client devices used by the broadcaster and viewers to establish a chat or system event channel so chat messages and system event information are shared in a synchronized manner by the broadcaster and corresponding viewers. (*See generally* '697 Patent at 20:12–44.)

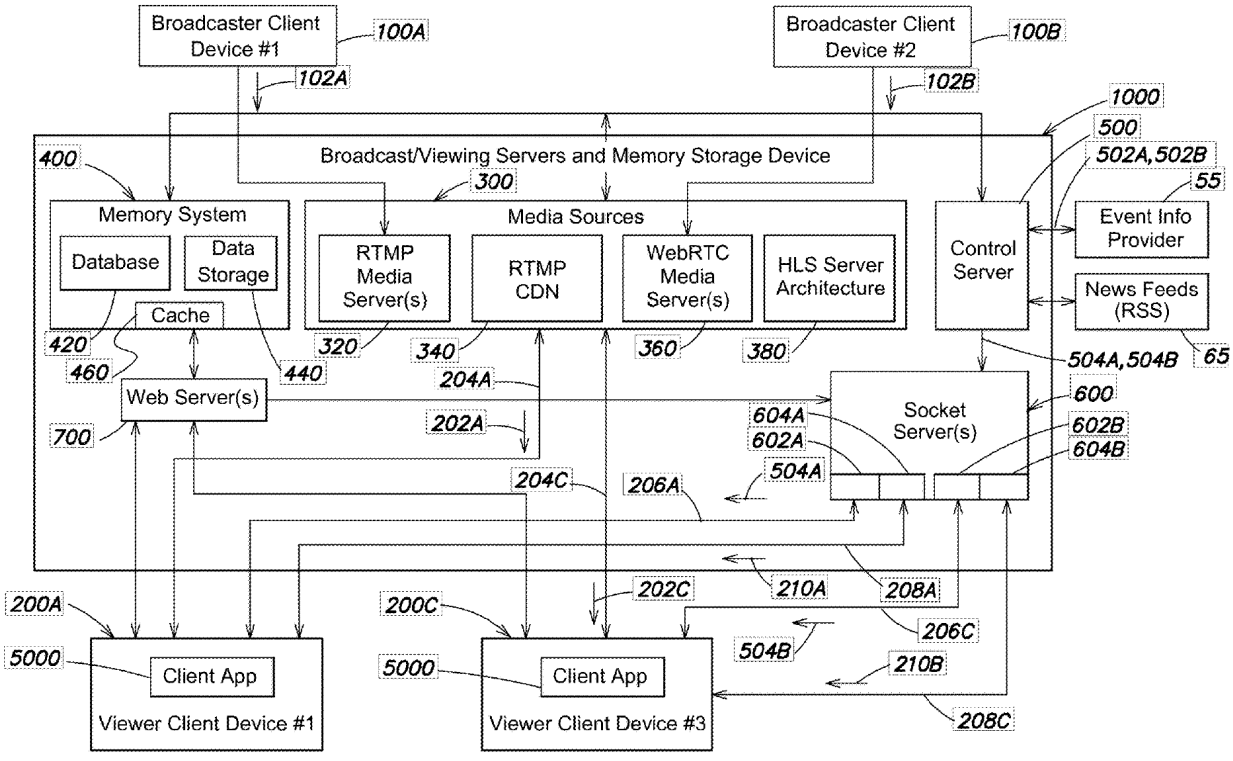


FIG. 2 of the '697 Patent

Claim 19 of the '697 Patent is representative of the claimed subject matter. The claim centers on the media sources (300), the control server (500), the socket server (600), and what each of those components do:

> 19. A system for providing a first plurality of copies of a first broadcaster's live stream of digital content including first video-based commentary about a first live sporting event from a first broadcaster client device to a first plurality of viewer client devices, and for providing a second plurality of copies of a second broadcaster's live stream of digital content including second video-based commentary about a second live sporting event from a second broadcaster client device to a second plurality of viewer client devices, the system comprising:
>
> A) a plurality of media sources to:
>
> receive the first broadcaster's live stream of digital content and the second broadcaster's live stream of digital content;
>
> provide a first copy of the first plurality of copies to a first viewer client device of the first plurality of viewer client devices via a first Internet communication channel between the plurality of media sources and the first viewer client device of the first plurality of viewer client devices; and
>
> provide a first copy of the second plurality of copies to a first viewer client device of the second plurality of viewer client devices via a second Internet communication channel between the plurality of media sources and the first viewer client device of the second plurality of viewer client devices;
>
> B) a control server to periodically retrieve, via the Internet and from an event information provider, first event information germane to the first live sporting event and second event information germane to the second live sporting event; and
>
> C) at least one socket server communicatively coupled to the control server to:

> receive from the control server at least some of the first event information and at least some of the second event information, wherein:
>
> the at least some of the first event information includes first score information for the first sporting event; and
>
> the at least some of the second event information includes second score information for the second sporting event; and
>
> transmit at least the first score information the at least some of the first event information to the first viewer client device of the first plurality of viewer client devices via a third Internet communication channel between at least one first event socket of the at least one socket server and the first viewer client device of the first plurality of viewer devices; and
>
> transmit at least the second score information of the at least some of the second event information to the first viewer client device of the second plurality of viewer client devices via a fourth Internet communication channel between at least one second event socket of the at least one socket server and the first viewer client device of the second plurality of viewer devices.

('697 Patent at 63:62–64:51.)

B. U.S. Patent 11,871,088

The Background and Summary Sections of the '088 Patent are identical to those of the other patents, as are Figures 1–27 and the related text. The different subject matter concerns Figures 28–32F, which relate to a "single screen experience" described beginning at column 54, line 12.

The patent describes the technical problem as synchronizing a broadcaster's video-based commentary with the audio/video feed of a live event. ('088 Patent at 54:47–51.)

> The salient technical considerations to address include 1) the synchronization of a given broadcaster's video-based commentary with an audio/video feed of the live event or a copy of the audio/video feed (rather than the live event itself); 2) the synchronization of one viewer of a first copy of a given broadcaster's integrated live stream of the event with another viewer of a second copy of the given broadcaster's integrated live stream of the event; and 3) the appropriate synchronization of event information and real-time updates to event information for all viewers of copies of any broadcaster's integrated live stream of the live event.

(*Id.* at 54:56–67.)

To address these technical considerations, the patent teaches that each broadcaster's client device first receives a copy of an audio/video feed of the live event and displays the live event to the device. As the broadcaster watches the feed, he comments on the video. Using that commentary, the client device creates a composite outgoing stream of the audio/video feed of the live event and the broadcaster's commentary and transmits that composite stream to a media server, which provides copies for distribution to viewer client devices. (*See generally* '088 Patent at 55:1–29.)

Claim 1 of the '088 Patent recites:

> 1. A system, comprising:
>
> at least one media source to receive an audio/video feed of a live event and provide a first copy of the audio/video feed of the live event from a first media server endpoint of the at least one media source; and
>
> a webserver configured to:
>
> transmit first instructions to a first client device that includes at least one first display, the first instructions transmitted by the webserver enabling the at least one first display of the first client device to render a first video relating to the live event and render first event information relating to the live event, wherein the first instructions transmitted by the webserver cause the first client device to:
>
> connect to the first media server endpoint of the at least one media source to receive, on a first

communication channel between the first media server endpoint and the first client device, the first copy of the audio/video feed of the live event;

connect to a first socket of a socket server to receive, on a second communication channel between the first socket and the first client device, first digital content corresponding to the first event information;

render, on the at least one first display of the first client device, at least some of the first event information as at least one first user-interactive feature overlaid on or adjacent to the first video relating to the live event; and obtain access to first additional information relating to the live event and/or redirect to a first web site or first app when a first user selects at least a portion of the rendered at least one first user-interactive feature; and

transmit second instructions to a second client device that includes at least one second display, the second instructions transmitted by the webserver enabling the at least one second display of the second client device to also render the first event information relating to the live event, wherein the second instructions transmitted by the webserver cause the second client device to:

connect to the first socket of the socket server to receive, on a third communication channel between the first socket and the second client device, the first digital content corresponding to the first event information so that the first digital content received at the first client device and the second client device is synchronized and client-by-client latency between the first client device and second client device to render the first event information is thereby mitigated or significantly reduced;

render, on the at least one second display of the second client device, at least some of the first event information as at least one second user-interactive feature; and

> obtain access to the first additional information or second additional information relating to the live event and/or redirect to the first web site, the first app, a second web site or a second app when a second user selects at least a portion of the rendered at least one second user-interactive feature.

('088 Patent at 66:44–67:39.)

II. LEGAL STANDARDS

A. Generally

"[T]he claims of a patent define the invention to which the patentee is entitled the right to exclude." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc). As such, if the parties dispute the scope of the claims, the court must determine their meaning. *See, e.g.*, *Verizon Servs. Corp. v. Vonage Holdings Corp.*, 503 F.3d 1295, 1317 (Fed. Cir. 2007) (Gajarsa, J., concurring in part); *see also Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 390 (1996), *aff'g,* 52 F.3d 967, 976 (Fed. Cir. 1995) (en banc).

Claim construction, however, "is not an obligatory exercise in redundancy." *U.S. Surgical Corp. v. Ethicon, Inc.*, 103 F.3d 1554, 1568 (Fed. Cir. 1997). Rather, "[c]laim construction is a matter of [resolving] disputed meanings and technical scope, to clarify and when necessary to explain what the patentee covered by the claims . . . ." *Id.* A court need not "repeat or restate every claim term in order to comply with the ruling that claim construction is for the court." *Id.*

When construing claims, "[t]here is a heavy presumption that claim terms are to be given their ordinary and customary meaning." *Aventis Pharm. Inc. v. Amino Chems. Ltd.*, 715 F.3d 1363, 1373 (Fed. Cir. 2013) (citing *Phillips*, 415 F.3d at 1312–13). Courts must therefore "look to the words of the claims themselves . . . to define the scope of the patented invention." *Id.* (citations omitted). The "ordinary and customary meaning of a claim term is the meaning that the term would

have to a person of ordinary skill in the art in question at the time of the invention, *i.e.,* as of the effective filing date of the patent application." *Phillips*, 415 F.3d at 1313. This "person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification." *Id.*

Intrinsic evidence is the primary resource for claim construction. *See Power-One, Inc. v. Artesyn Techs., Inc.*, 599 F.3d 1343, 1348 (Fed. Cir. 2010) (citing *Phillips,* 415 F.3d at 1312). For certain claim terms, "the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words." *Phillips*, 415 F.3d at 1314; *see also Medrad, Inc. v. MRI Devices Corp.*, 401 F.3d 1313, 1319 (Fed. Cir. 2005) ("We cannot look at the ordinary meaning of the term . . . in a vacuum. Rather, we must look at the ordinary meaning in the context of the written description and the prosecution history."). But for claim terms with less-apparent meanings, courts consider "those sources available to the public that show what a person of skill in the art would have understood disputed claim language to mean . . . [including] the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art." *Phillips*, 415 F.3d at 1314.

B. Indefiniteness

"[A] patent is invalid for indefiniteness if its claims, read in light of the specification delineating the patent, and the prosecution history, fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention." *Nautilus, Inc. v. Biosig Instruments, Inc*., 572 U.S. 898, 901 (2014). The claims "must be precise enough to afford clear notice of what is

claimed" while recognizing that "some modicum of uncertainty" is inherent due to the limitations of language. *Id.* at 909.

"Indefiniteness must be proven by clear and convincing evidence." *Sonix Tech. Co. v. Publ'ns Int'l, Ltd.*, 844 F.3d 1370, 1377 (Fed. Cir. 2017). And in the context of § 112(f), "[t]he party alleging that the specification fails to disclose sufficient corresponding structure must make that showing by clear and convincing evidence." *TecSec, Inc. v. IBM*, 731 F.3d 1336, 1349 (Fed. Cir. 2013) (quoting *Budde v. Harley-Davidson, Inc.*, 250 F.3d 1369, 1380–81 (Fed. Cir. 2001)).

C. Judicial Correction of Errors

"A district court may correct 'obvious minor typographical and clerical errors in patents.'" *Pavo Sols. LLC v. Kingston Tech. Co.*, 35 F.4th 1367, 1373 (Fed. Cir. 2022) (quoting *Novo Indus., L.P. v. Micro Molds Corp.*, 350 F.3d 1348, 1357 (Fed. Cir. 2003)). "Correction is appropriate 'only if (1) the correction is not subject to reasonable debate based on consideration of the claim language and the specification and (2) the prosecution history does not suggest a different interpretation of the claims.'" *Id.* (quoting *Novo Indus.*, 350 F.3d at 1354). "The error must be 'evident from the face of the patent,'" *id.* (quoting *Grp. One, Ltd. v. Hallmark Cards, Inc.*, 407 F.3d 1297, 1303 (Fed. Cir. 2005)), "and the determination 'must be made from the point of view of one skilled in the art,'" *id.* (quoting *Ultimax Cement Mfg. Corp. v. CTS Cement Mfg. Corp.*, 587 F.3d 1339, 1353 (Fed. Cir. 2009)). "In deciding whether a particular correction is appropriate, the court 'must consider how a potential correction would impact the scope of a claim and if the inventor is entitled to the resulting claim scope based on the written description of the patent.'" *Id.* (quoting *CBT Flint Partners, LLC v. Return Path, Inc.*, 654 F.3d 1353, 1359 (Fed. Cir. 2011)).

III. THE LEVEL OF ORDINARY SKILL IN THE ART

The level of ordinary skill in the art is the skill level of a hypothetical person who is presumed to have known the relevant art at the time of the invention. *In re GPAC*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). In resolving the appropriate level of ordinary skill, courts consider the types of and solutions to problems encountered in the art, the speed of innovation, the sophistication of the technology, and the education of workers active in the field. *Id.* Importantly, "[a] person of ordinary skill is also a person of ordinary creativity, not an automaton." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007).

Here, PANDA says a skilled artisan at the time of invention was "a person with a bachelor's degree in electrical engineering, computer engineering, computer science, or equivalent degree and, in addition, approximately two years of work experience with Internet video streaming, Internet communication, and related protocols." Dkt. No. 149 at 2 (citing Shamos Decl., Dkt. No. 149-1 ¶ 43). Defendants say a skilled artisan "would have held at least a bachelor's degree in electrical engineering, computer engineering, or a related field [and] have a basic understanding of and at least four years' experience with researching, designing, implementing, or testing live streaming technology." Dkt. No. 167 at 1. Defendants also assert "[a]ny differences between the parties' proposed level of skill are irrelevant to the resolution of any disputed terms." *Id.*

IV. THE DISPUTED TERMS

A. Term 13: "event socket" ('697 Patent, Claims 19–20; '687 Patent, Claims 1, 2, 13, 19, 20; '218 Patent, Claims 1–5, 16, 19)

PANDA's Construction	Defendants' Construction
"socket through which event information can be sent in a synchronized manner to multiple client devices"	"a socket dedicated to a particular event"

The parties dispute whether an "event socket" must be dedicated to a specific event, as Defendants urge. PANDA says Defendants' construction reads out examples in the specification. (Dkt. No. 149 at 5.) Specifically, PANDA points to Figures 6 and 16, which it says clarify that an "event socket" can have more than one "event information channel," and the *channels* are dedicated to events—not the sockets. (*Id.*) PANDA also says Defendants' construction would conflict with the other claim language or render it superfluous. (Hr'g Tr., Dkt. No. 212 at 9:9–15.) Defendants respond that their construction comes directly from the specification, whereas PANDA's construction "fails to account for the allegedly novel aspects of the event sockets." (Dkt. No. 167 at 2.)

The Court agrees with Defendants for two reasons. First, Defendants' position is how a skilled artisan would understand the term given that "event" modifies "socket," and the specification supports that understanding. The Detailed Description explains socket servers "establish one or more first event sockets [] dedicated to the first event information and one or more second event sockets [] dedicated to the second event information." ('697 Patent at 21:48–52; *see also id.* at 22:62–63 ("particular sockets of the socket server(s)" are "dedicated to a particular event"), 20:5–11 ("sockets of the socket server(s) dedicated to the particular event" allow event information to be shared with all viewers "following the particular event"), 27:19–27 ("all viewers" of a particular event are coupled to "sockets dedicated to the event"), 47:3–11 (same).) On the other hand, the specification does not disclose an "event socket" dedicated to more than one event.

Second, during related IPR proceedings, PANDA characterized its invention as having sockets dedicated to particular live streams. For example, PANDA told the PTAB that its patents use a socket server that "transmits the event information back to viewers . . . through a dedicated socket." (Patent Owner's Prelim. Resp., Dkt. No. 167-4 at 63–64; *see also id.* at 8–9 (describing

the innovations of the '697 Patent as "all event viewers (regardless of the video stream they receive) may receive synchronized information from the same event socket dedicated to that event").) PANDA called this "a novel, technologically improved, one-to-many socket architecture [that] allows multiple client devices to establish an event information channel with an 'event socket.'" (*Id.*)

PANDA makes four arguments against Defendants' construction, but they are not persuasive. First, PANDA cites excerpts that describe viewers connecting to "one or more sockets of a socket server that is/are dedicated to an event." (Dkt. No. 149 at 6 (citing '218 Patent at 27:8–13, 27:37–44).) PANDA argues this language shows the specifications do not foreclose sockets from being dedicated to multiple events, but it actually shows the converse—that multiple sockets can be dedicated to the same event.

Second, PANDA distinguishes between "event sockets" and "event information." Pointing to Figures 6 and 16, PANDA cites the disclosure that "event information and updates to event information are provided to broadcaster client devices and viewer client devices via a socket-based 'event information channel' dedicated to the event." (Dkt. No. 149 at 6.) Thus, says PANDA, it is the channel, not the socket, that must be dedicated. But that an "event information channel" might be dedicated to an event is not inconsistent with a socket *also* being dedicated to an event.

Third, PANDA says Defendants' construction conflicts with the claims' recitation that the "event socket" must "correspond" to a particular event, because "dedicated" and "correspond" have different scope. (Hr'g Tr., Dkt. No. 212 at 9:20–24.) But that alone does not make Defendants' construction improper. If an "event socket" is a socket dedicated to an event, the claim language simply limits to which specific event the recited "event socket" corresponds.

Fourth, PANDA says Defendants' construction excludes disclosed embodiments, (Hr'g Tr.,

Dkt. No. 212 at 9:25–10:3), but the Court finds no evidence of that. PANDA points to the patents' explanation that:

> In various inventive implementations disclosed herein (e.g., as introduced above in connection with FIG. 2), event information and updates to event information are provided to broadcaster client devices and viewer client devices via a socket-based "event information channel" dedicated to the event, and separate from the copy of the live stream of video-based commentary provided on a "video channel."

('218 Patent at 27:1–7.) PANDA stresses this is silent on whether the socket is "dedicated to an event," (Hr'g Tr., Dkt. No. 212 at 14:4–11), which is correct, but that does not mean these "various inventive implementations" would be excluded by Defendants' construction. To the contrary, they are consistent with Defendants' construction, as one would expect each "event information channel" tied to a "dedicated" socket would also be dedicated to the same event. In fact, the next sentence explains, "Thus, all viewers (and broadcasters) of the event, regardless of which live stream they may be generating or watching, connect to one or more sockets of a socket server that is/are dedicated to the event, such that all live streams relating to the event are similarly synchronized to event information and updates to same." ('218 Patent at 27:8–13.)

As a final matter, the parties agree this is a "coined term." (Hr'g Tr., Dkt. No. 212 at 6; Dkt. No. 167 at 2.) Coined terms "ordinarily cannot be construed broader than the disclosure in the specification." *Malvern Panalytical Inc. v. TA Instruments-Waters LLC*, 85 F.4th 1365, 1374 (Fed. Cir. 2023) (quoting *Indacon, Inc. v. Facebook, Inc.*, 824 F.3d 1352, 1357 (Fed. Cir. 2016)); *see also Irdeto Access, Inc. v. Echostar Satellite Corp.*, 383 F.3d 1295, 1300 (Fed. Cir. 2004) ("Absent . . . an accepted meaning [in the art], we construe a claim term only as broadly as provided for by the patent itself."). Here, PANDA acknowledges the patents do not disclose an "event socket" relating to multiple events at the same time, so the term must be limited in that way. Accordingly,

the Court adopts Defendants' construction of "a socket dedicated to a particular event."[2]

B. Term 27: "socket of a socket server" ('088 Patent, Claims 1, 8, 13, 24)

PANDA's Construction	Defendants' Construction
Plain and ordinary meaning, which is "endpoint for network communications"	"a socket dedicated to a particular event"

This dispute has evolved. Initially, the parties disputed the scope of "socket" and, more specifically, whether a socket must be identified by a port number and network address. (*See* Dkt. No. 149 at 3–5.) Defendants' response, however, briefs the term "socket of a socket server" with "event socket." (Dkt. No. 167 at 1.) They explain that, for simplicity, they will refer to "socket of a socket server" as an "event socket," and say PANDA treats these terms identically. (*Id.* at 2 n.5.) PANDA, however, disputes that and accuses Defendants of adding a new term for construction. (Dkt. No. 173 at 1–2.)

Given that PANDA disputes any equivalence between "event socket" and "socket of a socket server," the Court declines to adopt Defendants' construction. "Socket" has an ordinary meaning, which does not require a dedicated association with an event. The only intrinsic evidence Defendants cite for that notion are three similar excerpts from the '687 Patent describing that particular sockets are dedicated to an event. (Dkt. No. 167 at 4 (citing '697 Patent at 22:62–63 ("particular sockets of the socket server(s)" are "dedicated to a particular event"), 20:5–11 ("sockets of the socket server(s) dedicated to the particular event" allow event information to be shared with

[2] "Dedicated" means each socket handles one event at a time. At the hearing, PANDA suggested "'dedicated' would be like . . . a mailbox," where multiple people might get mail. (Hr'g Tr., Dkt. No. 212 at 31:10–18.) But a mailbox is dedicated to one address, not multiple people. PANDA also suggested Defendants' construction could be read to mean the socket is dedicated to one event "for all time." (*Id.* at 32:2–9.) Defendants have not taken that position, nor would the Court sanction it.

all viewers "following the particular event"), 27:19–27 ("all viewers" of a particular event are coupled to "sockets dedicated to the event")).) While that may make the sockets of those embodiments "event sockets," this is insufficient to alter the ordinary meaning of "socket" or "socket of a socket server" in the claims. Because Defendants do not show lexicography or disavowal, and because there is no dispute about the scope of "socket," the Court will give this term a "plain and ordinary meaning" construction.

C. Term 25: "broadcaster" ('697 Patent, Claim 19; '687 Patent, Claim 12)

PANDA's Construction	Defendants' Construction
Plain and ordinary meaning ("a person who sends content to more than one recipient," Dkt. No. 149 at 9)	"a registered user (a user that provides profile information and validation credentials to establish a user account so as to access, via a login process using the validation credentials, the one or more of the various servers and corresponding server functionality), that creates/provides video and/or audio (also referred to herein in some instances as "video-based commentary") for consumption by one or more viewers"

This dispute concerns lexicography. The claims are generally directed to systems "for providing a first plurality of copies of a first *broadcaster's* live stream of digital content . . . from a first broadcaster client device to a first plurality of viewer client devices, and for providing a second plurality of copies of a second *broadcaster's* live stream of digital content . . . from a second broadcaster client device to a second plurality of viewer client devices." ('697 Patent at 63:62–64:4 (emphasis added); *see also* '687 Patent at 60:35 (referring to a "broadcaster's live stream of digital content").) PANDA says "broadcaster" is a well-known term of art, and is simply a person who sends content to more than one recipient, and need not be a "registered user." (Dkt. No. 149 at 9.) Defendants contend the patentee defined the terms to require a "registered user." (Dkt. No.

173 at 4.)

The alleged definition is in a "Glossary" section that starts in Column 7. Specifically, the applicant wrote:

> BROADCASTER: A registered user that creates/provides video and/or audio (also referred to herein in some instances as "video-based commentary") for consumption by one or more viewers.

('697 Patent at 7:36–40.) PANDA, however, accuses Defendants of ignoring other intrinsic evidence, which it says "makes clear that the patentee was not redefining the term." (Dkt. No. 149 at 10–11 (citing '697 Patent 32:50–54).) It points to an example in which a database "stores user profiles for broadcasters and viewers, in which the user profile may include a user type," such as anonymous users. (*Id.* at 11.) PANDA thus suggests "broadcasters" can be anonymous users, which means they would not be "registered."

The Court agrees with Defendants. The Glossary clearly and unmistakably defines "broadcaster" to be a "registered user." That definition is not inconsistent with the portion of the specification to which PANDA cites, which simply gives examples of different user types but does not purport to modify the previous definition of "broadcaster." Accordingly, the Court adopts the definition set forth in the specification of "[a] registered user that creates/provides video and/or audio for consumption by one or more viewers."[3]

D. **Term 34: "such that the online gaming information is shared in a synchronized manner by the first viewer client device and the second viewer client device ('218 Patent, Claim 4)**

Term 37: "the first digital content received at the first client device and the second client device is synchronized and client-by-client latency between the first client device and second client device to render the first event information is thereby mitigated or significantly reduced" ('088 Patent, Claim 1)

[3] Defendants' construction also incorporates the definition for "registered user." Because there is no dispute about the meaning of that term, the Court opts not to do so.

PANDA's Construction	Defendants' Construction
Not indefinite; plain and ordinary meaning.	Indefinite

Defendants say these limitations "are each directed to ambiguous and undefined concepts of mitigating or significantly reducing 'client-by-client' latency, or 'synchronization issues,' or sharing information in a 'synchronized' manner." (Dkt. No. 167 at 23.) The specification, however, does not provide objective guidance for any of these concepts. (*Id.* at 23–24.) PANDA accuses Defendants of making a hyper-technical argument, despite that these concepts are well-known in the art. (Dkt. No. 149 at 22.)

Defendants make four specific challenges. First, they say neither the claims nor the specification define "latency" in the context of online gaming or digital content—only in the context of video. (Dkt. No. 167 at 24.) Second, they question the meaning of "client-by-client" latency, and how it should be measured. (*Id.* at 24–26.) Third, for Term 37, the specification does not explain the meaning of "mitigation" or "significant reduction," or how much of either is required by the claim. (*Id.* at 26–28.) Finally, the specification provides no baseline against which to measure a reduction for any particular system. (*Id.* at 29.)

The terms are not indefinite. For both terms, Defendants assert ambiguity about whether the "synchronized" refers to synchronizing (1) when multiple viewers receive the same information or (2) events with video. (Dkt. No. 167 at 29; *see also* Hr'g Tr., Dkt. No. 212 at 36:15–37:5.) The specification, however, twice explains:

> Once a change in event status has been detected (e.g., if a play clock updates), the control server provides these changes to the one or more sockets dedicated to the event (to which all viewers and broadcasters of video-based commentary regarding the event are communicatively coupled), resulting in a single synchronized update to all client devices and thereby significantly mitigating client-by-client latency and/or synchronization issues.

('218 Patent at 27:37–45; *see also id.* at 47:17–25.) In other words, providing the changes to sockets dedicated to the event results in mitigating client-by-client latency relative to using undedicated sockets. Importantly, this is the only reference in the specification to "mitigating" latency. This excerpt also shows that "client-by-client latency" refers to the relative difference in latency between two clients receiving the same information.

Claim 4 of the '218 Patent confirms as much. Claim 1, from which Claim 4 depends, recites:

> B) at least one socket server communicatively coupled to the control server to:
>
> receive from the control server at least the first event information; and
>
> transmit at least some of the first event information, including the online gaming information, to at least a first viewer client device of the plurality of viewer client devices via a first event information Internet communication channel between a first event socket of the at least one socket server and the first viewer client device, wherein the first event socket corresponds to the first event information germane to the first sporting event . . . .

('218 Patent at 57:35–55.) Claim 4 then adds the requirement that:

> the at least one socket server transmits at least some of the first event information, including the online gaming information germane to the first sporting event, to the second viewer client device via the second event information Internet communication channel, such that the online gaming information is shared in a synchronized manner by the first viewer client device and the second viewer client device.

(*Id.* at 58:20–27.) In other words, the information is transmitted to the first and second viewer clients at the same time. By doing so, the client-by-client latency is mitigated relative to not doing so.

Because these terms are not indefinite, the Court will give these "plain and ordinary meaning" constructions.[4]

E. Term 32: "germane" ('697 Patent, Claim 19; '687 Patent, Claims 1, 19; '218 Patent, Claims 1, 4, 16)

PANDA's Construction	Defendants' Construction
Plain and ordinary meaning	Indefinite

Generally, these claims refer to "first event information germane to a first live sporting event." (*See, e.g.*, '697 Patent at 57:48–49.) Defendants challenge "germane" as a subjective term of degree without any objective standard in the intrinsic record. (Dkt. No. 167 at 30.) PANDA replies that Defendants' position is based only on attorney argument, and Defendants have not met their burden. (Dkt. No. 173 at 11.)

The Court agrees with PANDA. Defendants do not explain why a skilled artisan, as they have characterized one, would not understand the meaning of the term. Instead, they argue a lay person would not understand its scope by, for example, suggesting one might think concessions information is germane to the live sporting event. (Dkt. No. 167 at 30.)

The specification gives extensive examples about the type of information that is "germane" to a live sporting event.

> For example, in connection with sports games, displayed event information may include, but is not limited to, one or more of team information (e.g., team names, abbreviations and/or logos), score information (e.g., with essentially real-time score updates synchronized with the video-based commentary), player information, venue information, game status information (e.g., on-base, at-bat, timeouts, fouls,

[4] These disputed phrases support the Court's construction of "event socket" and "socket of a socket server" discussed *supra*. For example, if "in a synchronized manner" in Claim 4 of the '218 Patent effectively means in the manner of a socket dedicated to an event, that supports the notion that "socket of a socket server" is broader.

> pole position, yards-to-go, yards-to-goal, down), team statistics, player statistics and the like.

('697 Patent at 4:41–55.) Elsewhere, the specification ties "event information" to a broadcaster's commentary. (*Id.* at 5:1–6 ("In another aspect, various event information or other information germane to a given broadcaster's video-based commentary may be rendered on a viewer client device . . . .").) Because Defendants have not shown a skilled artisan would not be reasonably certain of the scope of "germane" as used in the claims, the Court will give this term a "plain and ordinary meaning" construction.

F. <u>Term 39:</u> "the at least one first display of the first client device" ('088 Patent, Claim 24)

PANDA's Construction	Defendants' Construction
"the at least one first display of the second client device"	Indefinite

Claim 24 recites:

> 24. A system, comprising:
>
> at least one media source to:
>
> receive an audio/video feed of a live event;
>
> provide a first copy of the audio/video feed of the live event from a first media server endpoint of the at least one media source to a first client device;
>
> . . .
>
> a webserver to transmit first instructions to **a second client device that includes at least one first display** to cause the at least one first display of the second client device to render a first video relating to the live event and render first event information relating to the live event, wherein the first instructions transmitted by the webserver cause the second client device to:
>
> . . .
>
> render, on **the at least one first display of the first client**

> **device**, the first video relating to the live event based on the first copy of the composite outgoing stream;
>
> connect to a socket of a socket server to receive, on a second communication channel different from the first communication channel, first digital content corresponding to the first event information; and
>
> render, on **the at least one first display of the first client device**, at least some of the first event information based on the first digital content received on the second communication channel.

('088 Patent at 71:29–67 (emphasis added).)

The parties agree the disputed limitation has an error, but dispute whether correction is appropriate. PANDA asserts the recitations in the "webserver" limitation to a "first client device" should instead read "second client device." (Dkt. No. 149 at 30.) PANDA says this is not subject to reasonable debate, (*id.*), but Defendants disagree, (Dkt. No. 167 at 30.)

The Court agrees with PANDA. Although the parties agree there is an error, Defendants offer no reasoning as to why the nature of the error is subject to reasonable debate. (Dkt. No. 167 at 30.) Nothing from the claim language suggests the "first client device" includes a "first display." Rather, the only reference to a first display relates to the *second* client device. Because Defendants offer no other option for how the claim could reasonably be read, the Court concludes the error is judicially correctable to "the at least one first display of the *second* client device."

G. <u>Term 40:</u> "wherein the second instructions transmitted by the webserver cause the third client device to: connect to the second media server endpoint to receive, on a fourth communication channel between the first media server endpoint and the third client device, the first copy of the composite outgoing stream" ('088 Patent, Claim 31)

PANDA's Construction	Defendants' Construction
"wherein the second instructions transmitted by the webserver cause the third client device to: connect to the second media server endpoint to receive, on a fourth communication channel between the second media server endpoint and the third client device, the first copy of the composite outgoing stream"	Indefinite

Claim 31, which indirectly depends from Claim 24, recites:

> 31. The system of claim 30, wherein the webserver is configured to transmit the second instructions to the third client device to further enable the at least one second display of the third client device to render the first video relating to the live event and render the first event information relating to the live event, wherein the second instructions transmitted by the webserver cause the third client device to:
>
> connect to the second media server endpoint to receive, on a fourth communication channel between the first media server endpoint and the third client device, the first copy of the composite outgoing stream.

('088 Patent at 72:31–41.) Like the prior dispute, the parties agree this claim has an error, but disagree about whether correction is subject to reasonable debate. (Dkt. No. 149 at 30; Dkt. No. 167 at 30.) The claim requires "the third client device to connect to the second media server endpoint, on a fourth communication channel," to receive a copy of a stream. The claim, however, then defines the fourth communication channel as existing between the *first* media server endpoint and the third client device—not the *second* media server endpoint and the third client device. A skilled artisan would recognize the error in the claim as written. Because Defendants offer no explanation for how correction is subject to reasonable debate or explain any inconsistency of the proposed correction with the prosecution history, the Court corrects this term to PANDA's proposed construction.

H. Term 30: "persistent connection" ('687 Patent, Claims 16; '218 Patent, Claim 3)

PANDA's Construction	Defendants' Construction
Plain and ordinary meaning	Plain and ordinary meaning, which is a "connection to a client that remains open after a server sends a response"

The parties dispute the ordinary meaning of this term. In its opening brief, PANDA cites a technical dictionary for the definition of "[a] connection to a client that remains open after a server sends a response." (Dkt. No. 149 at 13 (citing Microsoft Comput. Dict., Dkt. No. 149-5).) In their response, Defendants accept that technical definition, which they say is not meaningfully different from their proposed construction. (Dkt. No. 167 at xx.) Their brief does not, however, provide any substantive argument about the term's meaning. In its reply, PANDA accuses Defendants of creating new constructions based on PANDA's brief. (Dkt. No. 173 at 1.)

Given this is a dispute about the ordinary meaning of the term, the Court needs to know what each party thinks that meaning is. While it is no doubt true, as PANDA contends, that "the plain and ordinary meaning is the plain and ordinary meaning," (Hr'g Tr., Dkt. No. 212 at 47:22–23), that does not help resolve this dispute. PANDA complains that, by Defendants accepting the definition PANDA itself described as "consistent with" the specifications and claims, it now has "no idea what Defendants think is being added, subtracted, or changed from the plain and ordinary meaning." (*Id.* at 47:23–25.) Neither does the Court, because PANDA has not told the Court what that meaning supposedly is, if it is not the dictionary definition PANDA submitted.

The Court construes "persistent connection" as "connection that remains open." The dictionary definition submitted by PANDA appears to implement this ordinary meaning in the context of a specific relationship, but that relationship is not specific to clients and servers, and is therefore too narrow. This also accords with Defendants' originally proposed construction of "a continuous and uninterrupted connection."

I. "online gaming information" ('218 Patent, Claims 1, 3–4, 6, 21, 25; '088 Patent, Claim 6)

PANDA's Construction	Defendants' Construction
Plain and ordinary meaning	Plain and ordinary meaning, which is "information used for, or relevant to, gaming conducted over the Internet"

This dispute is like the dispute over "persistent connection" in that Defendants accept a "definition" offered by PANDA in its opening brief. Defendants originally proposed a construction that limited the meaning of "gaming" to video games. (*See* Hr'g Tr., Dkt. No. 212 at 56:1–7 (noting Defendants' original construction of "information about a video game played over the Internet").) In its brief, PANDA stated the patents use this term "consistent with its plaining meaning . . . e.g., information used for, or relevant to, gaming conducted over the Internet." (Dkt. No. 149 at 14.) In their response, Defendants accepted that definition, (Dkt. No. 167 at xxi), and did not further argue the term, despite that PANDA clearly disagreed with Defendants' proposed construction. At the hearing, however, Defendants made clear they still intended to limit the scope of the term to video games, (Hr'g Tr., Dkt. No. 212 at 55:23–56:8), without ever having made a substantive argument as to why such a limitation is proper.

Defendants' choice to not make that argument seems important given that their construction seems inconsistent with how the patents use the term. For example, one abstract refers to "online gaming information relating to [a] sporting event," ('218 Patent at [57]). Similarly, Claim 21 recites "online gaming information relating to [a] first sporting event." (*Id.* at 61:29–30; *see also* '088 Patent at 68:13–14 (reciting, in Claim 6, "the live event [of Claim 1] is a sporting or gaming event; and the first event information [relating to the live event of Claim 1] is online gaming information").) Clearly, "sporting events" are not video games, so it seems difficult to align Defendants' original construction with these uses of the phrase in the intrinsic record. Without the benefit

of thorough briefing on the underlying dispute to explain otherwise, the Court must reject Defendants' position, and will adopt a "plain and ordinary meaning" construction for the term.

V. CONCLUSION

Term No.	Disputed Term	The Court's Construction
13	"event socket" ('697 Patent, Claims 19–20; '687 Patent, Claims 1, 2, 13, 19, 20; '218 Patent, Claims 1–5, 16, 19–20)	"a socket dedicated to a single event"
27	"socket of a socket server" ('088 Patent, Claims 1, 13, 24)	Plain and ordinary meaning
25	"broadcaster" ('697 Patent, Claim 19; '687 Patent, Claim 12)	"[a] registered user that creates/provides video and/or audio for consumption by one or more viewers"
34	"such that the online gaming information is shared in a synchronized manner by the first viewer client device and the second viewer client device" ('218 Patent, Claim 4)	Plain and ordinary meaning
37	"the first digital content received at the first client device and the second client device is synchronized and client-by-client latency between the first client device and second client device to render the first event information is thereby mitigated or significantly reduced" ('088 Patent, Claim 1)	Plain and ordinary meaning
32	"germane" ('697 Patent, Claim 19; '687 Patent, Claims 1, 19; '218 Patent, Claims 1, 4, 16)	Plain and ordinary meaning

39	"the at least one first display of the first client device" ('088 Patent, Claim 24)	"the at least one first display of the second client device"
40	"wherein the second instructions transmitted by the webserver cause the third client device to: connect to the second media server endpoint to receive, on a fourth communication channel between the first media server endpoint and the third client device, the first copy of the composite outgoing stream" ('088 Patent, Claim 31)	"wherein the second instructions transmitted by the webserver cause the third client device to: connect to the second media server endpoint to receive, on a fourth communication channel between the second media server endpoint and the third client device, the first copy of the composite outgoing stream"
30	"persistent connection" ('687 Patent, Claim 16; '218 Patent, Claim 3)	"connection that remains open"
31	"online gaming information" ('218 Patent, Claims 1, 3–4, 6, 21, 25; '088 Patent, Claims 6)	Plain and ordinary meaning

The Court **ORDERS** each party not to refer, directly or indirectly, to its own or any other party's claim-construction positions in the presence of the jury. Likewise, the Court **ORDERS** the parties to refrain from mentioning any part of this opinion, other than the actual positions adopted by the Court, in the presence of the jury. Neither party may take a position before the jury that contradicts the Court's reasoning in this opinion. Any reference to claim construction proceedings is limited to informing the jury of the positions adopted by the Court.

So ORDERED and SIGNED this 22nd day of August, 2025.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE