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

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| SPORTSCASTR INC.<br>(d/b/a PANDA INTERACTIVE),<br><br>Plaintiff,<br><br>v.<br><br>GENIUS SPORTS LTD.,<br><br>Defendant. | Civil Action No. 2:23-cv-00471-JRG<br><br>JURY TRIAL DEMANDED |

**AMENDED P.R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to P.R. 4-3 and the Court's First Amended Docket Control Order (Dkt. 36), Plaintiff SportsCastr Inc. (d/b/a Panda Interactive) ("PANDA") and Defendant Genius Sports Ltd. ("Genius Sports") (each a "Party" and referred to collectively as the "Parties") jointly file this amended joint claim construction and prehearing statement to reflect agreements reached after the parties filed their original P.R. 4-3 statement. *See* Dkt. 48.

The claim terms listed below occur in U.S. Patent No. 10,805,687 ("the '687 Patent"), U.S. Patent No. 10,425,697 ("the '697 Patent"), U.S. Patent No. 11,039,218 ("the '218 Patent") and U.S. Patent No. 11,871,088 ("the '088 Patent") (the '687, '697, '218 and '088 Patents, collectively, "the Asserted Patents"), which are asserted against Genius Sports.

## I. P.R. 4-3(a)(1) Agreed Claim Constructions

The Parties agree the below terms should be construed as follows:

| Term | Agreed Claim Construction |
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| "and/or" | Plain and ordinary meaning, which is "either or both of the elements so conjoined" or, |

| Term | Agreed Claim Construction |
|---|---|
| ('697 Pat. cl. 7; '687 Pat. cl. 8; '218 Pat. cl. 26, 28, 30) | when there are more than two elements, "one or more of the elements so conjoined."<br><br>'697 Patent at 56:22–39. |
| "at least one of"<br><br>('697 Pat. cl. 7, 8; '687 Pat. cl. 6, 8; '218 Pat. cl. 28, 30) | Plain and ordinary meaning, which when in reference to a list of one or more elements, should be understood to mean "at least one element selected from any one or more of the elements in the list of elements, but not necessarily including at least one of each and every element specifically listed within the list of elements and not excluding any combinations of elements in the list of elements."<br><br>'697 Patent at 56:55–57:10. |
| "means for providing the first copy to the first viewer client device via a first video communication channel"<br><br>('697 Pat. cl. 27, 30; '687 Pat. cl. 27, 30) | Subject to § 112(f)<br><br>Functions: providing the first copy to the first viewer client device via a first video communication channel.<br><br>Structure: a media source that implements the algorithms described in FIGs. 2, 3, 4A-4B, 5A-5C, 6, 7, 8, 9A-9D, 11, and 12, and accompanying disclosures, including 9:16-10:43; 15:30-58; 18:7-19; 19:7-37; 21:21-36; 25:46-26:18; 27:30-52; 28:5-40; 30:54-31:22; 31:23-32:21; 32:22-38:46; 39:34-40:61; and 41:10-44:35 of the '697 Patent, and equivalents thereof. Where the specification describes alternative embodiments for performing the claimed function in a means-plus-function term, the term as properly construed requires the algorithms or structures described with respect to at least one such embodiment, but not necessarily all such embodiments. |
| "means for periodically retrieving, via the Internet and from an event information | Subject to § 112(f).<br><br>Functions: periodically retrieving, via the Internet and from an event information |

| Term | Agreed Claim Construction |
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| provider, first event information germane to a first live sporting event"<br><br>('697 Pat. cl. 27) | provider, first event information germane to a first live sporting event.<br><br>Structure: a control server that implements the algorithms described in FIGs. 2, 3, 15, and 16A-16B, and accompanying disclosures, including 9:16-10:43; 14:64-15:29; 17:24-45; 19:38-63; 21:37-52; 24:6-37; 27:5-27; 45:20-48:8 of the '697 Patent, and equivalents thereof. Where the specification describes alternative embodiments for performing the claimed function in a means-plus-function term, the term as properly construed requires the algorithms or structures described with respect to at least one such embodiment, but not necessarily all such embodiments. |
| "means for retrieving, via the Internet, first event information germane to a first live sporting event"<br><br>('687 Pat. cl. 27) | Subject to § 112(f).<br><br>Function: retrieving, via the Internet, first event information germane to a first live sporting event.<br><br>Structure: a control server that implements the algorithms described in FIGs. 2, 3, 15, and 16A-16B, and accompanying disclosures, including 9:16-10:43; 14:64-15:29; 17:24-45; 19:38-63; 21:37-52; 24:6-37; 27:5-27; 45:20-48:8 of the '697 Patent, and equivalents thereof. Where the specification describes alternative embodiments for performing the claimed function in a means-plus-function term, the term as properly construed requires the algorithms or structures described with respect to at least one such embodiment, but not necessarily all such embodiments. |
| "means for transmitting and receiving first chat information regarding the first live sporting event via at least one first chat/system event Internet communication channel that is different from the first video communication channel and the first event information channel" | Subject to § 112(f).<br><br>Functions: transmitting and receiving first chat information regarding the first live sporting event via at least one first chat/system event Internet communication channel that is different from the first video |

| Term | Agreed Claim Construction |
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| ('687 Pat. cl. 28) | communication channel and the first event information channel.<br><br>Structure: a socket of a socket server that implements the algorithms described in FIGs. 2, 3, 21A-21E, 22A-22B, 23A-23B, 24A-24B, and 25A-25C, and accompanying disclosures, including 5:29-44; 9:16-58; 19:64-20:61; 22:7-67; 23:46-24:5; 26:50-27:27; 29:44-30:29; 51:27-52:3; 52:47-62; 52:63-54:11 of the '697 Patent, and equivalents thereof. Where the specification describes alternative embodiments for performing the claimed function in a means-plus-function term, the term as properly construed requires the algorithms or structures described with respect to at least one such embodiment, but not necessarily all such embodiments. |
| "means for transmitting and receiving first chat information regarding the first live sporting event video-based commentary included in the first broadcaster's live stream of digital content via at least one first chat/system event Internet communication channel that is different from the first video communication channel and the first event information communication channel"<br><br>('697 Pat. cl. 28) | Subject to § 112(f).<br><br>Functions: transmitting and receiving first chat information regarding the first live sporting event video-based commentary included in the first broadcaster's live stream of digital content via at least one first chat/system event Internet communication channel that is different from the first video communication channel and the first event information communication channel,<br><br>Structure: a socket of a socket server that implements the algorithms described in FIGs. 2, 3, 21A-21E, 22A-22B, 23A-23B, 24A-24B, and 25A-25C, and accompanying disclosures, including 5:29-44; 9:16-58; 19:64-20:61; 22:7-67; 23:46-24:5; 26:50-27:27; 29:44-30:29; 51:27-52:3; 52:47-62; 52:63-54:11 of the '697 Patent, and equivalents thereof. Where the specification describes alternative embodiments for performing the claimed function in a means-plus-function term, the term as properly construed requires the algorithms or structures described with |

| Term | Agreed Claim Construction |
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| | respect to at least one such embodiment, but not necessarily all such embodiments. |
| "means for updating the first score information and queueing an asynchronous message including the updated first score information for transmission on the first event information communication channel"<br><br>('697 Pat. cl. 29) | Subject to § 112(f).<br><br>Functions: updating the first score information and queueing an asynchronous message including the updated first score information for transmission on the first event information communication channel.<br><br>Structure: a control server that implements the algorithms described in FIGs. 2, 3, 10, 16A-16B, 17A-17B, and 22A-22B, and accompanying disclosures, including 24:6-37; 47:41-48:53; 52:47-62 of the '697 Patent, and equivalents thereof. Where the specification describes alternative embodiments for performing the claimed function in a means-plus-function term, the term as properly construed requires the algorithms or structures described with respect to at least one such embodiment, but not necessarily all such embodiments. |
| "means for updating the first event information and queueing an asynchronous message including the updated first event information for transmission on the first event information communication channel"<br><br>('687 Pat. cl. 29) | Subject to § 112(f).<br><br>Functions: updating the first event information and queueing an asynchronous message including the updated first event information for transmission on the first event information communication channel.<br><br>Structure: a control server that implements the algorithms described in FIGs. 2, 3, 10, 16A-16B, 17A-17B, and 22A-22B, and accompanying disclosures, including 24:6-37; 47:41-48:53; 52:47-62 of the '697 Patent, and equivalents thereof. Where the specification describes alternative embodiments for performing the claimed function in a means-plus-function term, the term as properly construed requires the algorithms or structures described with respect to at least one such |

| Term | Agreed Claim Construction |
|---|---|
| | embodiment, but not necessarily all such embodiments. |

## II. P.R. 4-3(a)(2) Proposed Constructions for Terms in Dispute

A chart showing the Parties' proposed constructions or indefiniteness positions, with an identification of the intrinsic and extrinsic evidence supporting such constructions or positions is attached as Exhibit A.

## III. P.R. 4-3(a)(3) Anticipated Length of Time for Claim Construction Hearing

Plaintiff anticipates 2 hours and Defendant anticipates 3 hours as the total length of time necessary for the claim construction hearing.

## IV. P.R. 4-3(a)(4) Anticipated Witnesses

No Party will call any live witnesses at the claim construction hearing. As identified in Exhibit A, the Parties may submit expert declarations from various experts in support of certain claim construction proposals.

## V. P.R. 4-3(a)(5) Other Issues to be Addressed

The Parties have not identified other issues to be addressed at a claim construction pre-hearing conference.

Dated: October 8, 2024

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**CERTIFICATE OF SERVICE**

The undersigned herby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on October 8, 2024.

*/s/ Matthew D. Wood*

**EXHIBIT A**
**TO P.R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT[1]**

| No. | Disputed Term or Phrase | Plaintiff's Proposed Construction & Support | Defendant's Proposed Construction & Support |
|---|---|---|---|
| 1 | "A system for providing, to a first plurality of viewer client devices, a first plurality of copies of a first live stream of digital content relating to a first live sporting event, and for providing, to a second plurality of viewer client devices, a second plurality of copies of a second live stream of digital content relating to the first live sporting event or a second live sporting event, the system comprising"<br><br>'687 Patent, Claim 1 (Preamble) | Preamble is not limiting.<br><br>Intrinsic Evidence<br><br>'687 Patent, at Abstract, FIG 1A, 1B, and 8, 2:57–3:43; 8:24–55; 13:27–37; 21:5–16; 22:49–23:9; 30:49–11; 31:47–59; 33:34–44:43; 49:14–50:48.[2] | Limiting<br><br>Intrinsic Evidence<br><br>• '687 Patent at cl. 1–8, 10–17 |
| 2 | "A system for providing a first plurality of copies of a first live stream of digital content relating to a first live sporting event to a first plurality of viewer client devices, and for providing a second plurality of copies of a second live stream of digital content relating to a second live | Preamble is not limiting.<br><br>Intrinsic Evidence<br><br>'687 Patent, at Abstract, FIG 1A, 1B, and 8, 2:57–3:43; 8:24–55; 13:27–37; 21:5–16; 22:49–23:9; 30:49–11; 31:47–59; 33:34–44:43; 49:14–50:48. | Limiting<br><br>Intrinsic Evidence<br><br>• '687 Patent at cl. 19–22 |

[1] Defendant and Plaintiff each reserve the right to rely on any evidence the other party cites.

[2] Unless otherwise indicated, citations to one Asserted Patent should also be understood to refer to the corresponding material in the other Asserted Patents, which largely share identical specifications.

| No. | Disputed Term or Phrase | Plaintiff's Proposed Construction & Support | Defendant's Proposed Construction & Support |
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| | sporting event to a second plurality of viewer client devices, the system comprising:"<br><br>'687 Patent, Claim 19 (Preamble) | | |
| 3 | "A method for providing, to a first viewer client device, a first copy of a first live stream of digital content relating to a first live sporting event, the method comprising:"<br><br>'687 Patent, Claim 23 (Preamble) | Preamble is not limiting.<br><br><u>Intrinsic Evidence</u><br><br>'687 Patent, at Abstract, FIG 1A, 1B, and 8, 2:57–3:43; 8:24–55; 13:27–37; 21:5–16; 22:49–23:9; 30:49–11; 31:47–59; 33:34–44:43; 49:14–50:48. | Limiting<br><br><u>Intrinsic Evidence</u><br><br>• '687 Patent at cl. 23, 24, 26 |
| 4 | "A system for providing, to a first viewer client device, a first copy of a first live stream of digital content relating to a first live sporting event, the system comprising:"<br><br>'687 Patent, Claim 27 (Preamble) | Preamble is not limiting.<br><br><u>Intrinsic Evidence</u><br><br>'687 Patent, at Abstract, FIG 1A, 1B, and 8, 2:57–3:43; 8:24–55; 13:27–37; 21:5–16; 22:49–23:9; 30:49–11; 31:47–59; 33:34–44:43; 49:14–50:48. | Limiting<br><br><u>Intrinsic Evidence</u><br><br>• '687 Patent at cl. 27, 28, 30 |
| 5 | "A system for providing a first plurality of copies of a first broadcaster's live stream of digital content including first live sporting event video-based commentary from a first broadcaster client device to a first plurality of viewer client devices, and for providing a second plurality of | Preamble is not limiting.<br><br><u>Intrinsic Evidence</u><br><br>'687 Patent, at Abstract, FIG 1A, 1B, and 8, 2:57–3:43; 8:24–55; 13:27–37; 21:5–16; 22:49–23:9; 30:49–11; 31:47–59; 33:34–44:43; 49:14–50:48. | Limiting<br><br><u>Intrinsic Evidence</u><br><br>• '697 Patent at cl. 1–6, 10–17 |

| No. | Disputed Term or Phrase | Plaintiff's Proposed Construction & Support | Defendant's Proposed Construction & Support |
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| | copies of a second broadcaster's live stream of digital content including second live sporting event video-based commentary from a second broadcaster client device to a second plurality of viewer client devices, the system comprising:"<br><br>'697 Patent, Claim 1 (Preamble) | | |
| 6 | "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:"<br><br>'697 Patent, Claim 19 (Preamble) | Preamble is not limiting.<br><br><u>Intrinsic Evidence</u><br><br>'687 Patent, at Abstract, FIG 1A, 1B, and 8, 2:57–3:43; 8:24–55; 13:27–37; 21:5–16; 22:49–23:9; 30:49–11; 31:47–59; 33:34–44:43; 49:14–50:48. | Limiting<br><br><u>Intrinsic Evidence</u><br><br>• '697 Patent at cl. 19–22 |
| 7 | "A method for providing a first copy of a first broadcaster's live stream of digital content including first live | Preamble is not limiting. | Limiting |

| No. | Disputed Term or Phrase | Plaintiff's Proposed Construction & Support | Defendant's Proposed Construction & Support |
|---|---|---|---|
| | sporting event video-based commentary from a first broadcaster client device to a first viewer client device, the method comprising:"<br><br>'697 Patent, Claim 23 (Preamble) | Intrinsic Evidence<br><br>'687 Patent, at Abstract, FIG 1A, 1B, and 8, 2:57–3:43; 8:24–55; 13:27–37; 21:5–16; 22:49–23:9; 30:49–11; 31:47–59; 33:34–44:43; 49:14–50:48. | Intrinsic Evidence<br><br>• '697 Patent at cl. 23, 24, 26 |
| 8 | "A system for providing a first copy of a first broadcaster's live stream of digital content including first live sporting event video-based commentary from a first broadcaster client device to a first viewer client device, the system comprising:"<br><br>'697 Patent, Claim 27 (Preamble) | Preamble is not limiting.<br><br>Intrinsic Evidence<br><br>'687 Patent, at Abstract, FIG 1A, 1B, and 8, 2:57–3:43; 8:24–55; 13:27–37; 21:5–16; 22:49–23:9; 30:49–11; 31:47–59; 33:34–44:43; 49:14–50:48. | Limiting<br><br>Intrinsic Evidence<br><br>• '697 Patent at cl. 27, 28, 30 |
| 9 | "socket"[3]<br><br>('697 Pat. cl. 1, 2, 4–6, 9, 13, 14, 19–25; '687 Pat. cl. 1, 2, 4, 5, 7, 9, 13, 14, 19–25; '218 Pat. cl. 1–5, 7, 10, 12, 13, | Plain and ordinary meaning, which is "endpoint for network communications"<br><br>Intrinsic Evidence<br><br>'697 Patent FIGs 2, 3, 21A–21E, 22A–22B, 23A–23B, 24A–24B, and 25A– | plain and ordinary meaning, which is "a network communication endpoint identified by port number and network address"<br><br>Intrinsic Evidence |

[3] PANDA objects to the inclusion of GS_00017670 (Beej's Guide to…Using Internet Sockets), GS_00017779, at 14-15, and Microsoft Computer Dictionary (Fifth Edition), at 498, including Defendant's expert Dr. Wicker's reliance on it in his declaration. These references were first provided by Genius Sports in a draft of the JCCS that was sent to PANDA approximately 90 minutes before the deadline to file the JCCS with the Court.

Genius Sports disagrees with PANDA's objection. PANDA similarly identified extrinsic evidence on the day of the deadline for filing the JCCS, PANDA had access to each of the references to which it now objects, and PANDA expressly intends to rely on the same extrinsic evidence or documents that cite that evidence. To the extent PANDA maintains its objection, Genius Sports likewise objects to PANDA's extrinsic evidence.

| No. | Disputed Term or Phrase | Plaintiff's Proposed Construction & Support | Defendant's Proposed Construction & Support |
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| | 15, 16, 19, 20; '088 Pat. cl. 1, 8, 13, 18, 24, 30) | 25C; 5:29-44; 9:16-58; 19:64-20:61; 21:37–52; 22:7-67; 23:42-24:5; 26:50-27:27; 29:44-30:29; 51:27-52:3; 52:47-62; and 52:63-54:11.<br><br><u>Extrinsic Evidence</u><br><br>Plaintiff hereby identifies Dr. Michael Shamos as an expert, and provides his declaration contemporaneously with the submission of this JCCS, in support of Plaintiff's construction of this term.<br><br>SCSTR_PLR_00001; SCSTR_PLR_0004 | • '697 Patent at 2:65–3:34, 5:7–55, 9:16–10:43, 14:41–49, 18:26–44, 19:64–20:61, 21:37–24:5, 24:38–25:33, 26:19–27:27, 29:25–43, 29:57–30:7, 31:59–32:11, 45:20–46:49, 46:61–47:11, 47:41–48:8, 49:5–36, 51:27–52:3, 53:21–37, 53:62–54:11, 54:39–56:3, Figs. 1–3, 16B, 18B, 21A–E, 22A–B, 23A–B, 24A–B, 25A; cl. 1,2, 4–6, 9, 13, 14, 19–25,<br><br>• '687 Patent at cl. 1, 2, 4, 5, 7, 9. 13. 14, 19–25<br><br>• '218 Patent at cl. 1–5, 7, 10, 12, 13, 15, 16, 19, 20<br><br>• '088 Patent at cl. 1, 8, 13, 18, 24, 30<br><br><u>Extrinsic Evidence</u><br><br>• First Amended Complaint (Dkt. 43) ("FAC") ¶¶ 9–13, 47–57<br><br>• Second Amended Complaint (Dkt. 56) ("SAC") ¶¶ 9–13, 80–90 |

| No. | Disputed Term or Phrase | Plaintiff's Proposed Construction & Support | Defendant's Proposed Construction & Support |
|---|---|---|---|
| | | | • Plaintiff's Responses and Objections to Defendant's First Set of Interrogatories (5/29/2024) at 32–33<br><br>• M. Marques da Silva, MULTIMEDIA COMMUNICATIONS AND NETWORKING (GS_00001504), including at 4–49, 329–86<br><br>• A.S. Tanenbaum & D.J. Wetherall, COMPUTER NETWORKS (GS_00010283), including at 29–31, 41–74, 438–63, 495–522, 546–68<br><br>• NEWTON'S TELECOM DICTIONARY (27th ed., 2013) (GS_00017306), including at 1098 ("socket," "socket address," "socket interface," "socket number," and "sockets")<br><br>• WILEY ELECTRICAL AND ELECTRONIC ENGINEERING DICTIONARY (2004) (GS_00017309), including at 721 ("socket")<br><br>• WEBSTER'S NEW WORLD COMPUTER DICTIONARY (10th |

| No. | Disputed Term or Phrase | Plaintiff's Proposed Construction & Support | Defendant's Proposed Construction & Support |
|---|---|---|---|
| | | | ed., 2003) (GS_00017312), including at 197 ("IP address"), 347 ("socket")<br><br>• Brian Hall, "Beej's Guide to Unix IPC" (GS_00017619), at 1, 41–45<br><br>• Brian Hall, "Beej's Guide to Network Programming Using Internet Sockets" (GS_00017670), at 13<br><br>• Scott Klement, "RPG IV Socket Tutorial" (GS_00017779), at 2–3, 14–15<br><br>• Microsoft Computer Dictionary, Fifth Edition (2002), at 498<br><br>• Declaration of Stephen Wicker |
| 10 | "event socket"<br><br>('697 Pat. cl. 1, 2, 4–6, 9, 13, 14, 19–25; '687 Pat. cl. 1, 2, 4, 5, 7, 9, 13, 14, 19, 20, 22, 23, 25; '218 Pat. cl. 1–5, 7, 12, 13, 16, 19, 20) | "socket through which event information can be sent in a synchronized manner to multiple client devices"<br><br><u>Intrinsic Evidence</u><br><br>'218 Patent, 20:24-30, 26:39-56, 27:1-12, 27:8-13, 27:37-44, 46:27-47:7; 47:20-24; FIG. 2; FIG. 3; FIG. 6; FIG. | "a socket dedicated to a particular event"<br><br><u>Intrinsic Evidence</u><br><br>• '697 Patent at 2:65–3:34, 5:7–55, 9:16–10:43, 14:41–49, 18:26–44, 19:64–20:61, 21:37–24:5, 24:38–25:33, 26:19–27:27, 29:25–43, 29:57–30:7, 31:59– |

| No. | Disputed Term or Phrase | Plaintiff's Proposed Construction & Support | Defendant's Proposed Construction & Support |
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| | | 10; FIG. 16, FIG. 17, FIG. 18 (and descriptions thereof);<br><br><u>Extrinsic Evidence</u><br><br>Plaintiff hereby identifies Dr. Michael Shamos as an expert, and provides his declaration contemporaneously with the submission of this JCCS, in support of Plaintiff's construction of this term. | 32:11, 45:20–46:49, 46:61–47:11, 47:41–48:8, 49:5–36, 51:27–52:3, 53:21–37, 53:62–54:11, 54:39–56:3, Figs. 1– 3, 16B, 18B, 21A–E, 22A–B, 23A–B, 24A–B, 25A; cl. 1, 2, 4–6, 9, 13, 14, 19–25,<br><br>• '687 Patent at cl. 1, 2, 4, 5, 7, 9. 13. 14, 19–25<br><br>• '218 Patent at cl. 1–5, 7, 10, 12, 13, 15, 16, 19, 20<br><br><u>Extrinsic Evidence</u><br><br>• First Amended Complaint (Dkt. 43) ("FAC") ¶¶ 9–13, 47–57<br><br>• Second Amended Complaint (Dkt. 56) ("SAC") ¶¶ 9–13, 80–90<br><br>• Plaintiff's Responses and Objections to Defendant's First Set of Interrogatories (5/29/2024) at 32–33<br><br>• M. Marques da Silva, MULTIMEDIA COMMUNICATIONS AND NETWORKING |

| No. | Disputed Term or Phrase | Plaintiff's Proposed Construction & Support | Defendant's Proposed Construction & Support |
|---|---|---|---|
| | | | (GS_00001504), including at 4–49, 329–86<br><br>• A.S. Tanenbaum & D.J. Wetherall, COMPUTER NETWORKS (GS_00010283), including at 41–74, 438–63, 495–522, 546–68<br><br>• NEWTON'S TELECOM DICTIONARY (27th ed., 2013) (GS_00017306), including at 1098 ("socket," "socket address," "socket interface," "socket number," and "sockets")<br><br>• WILEY ELECTRICAL AND ELECTRONIC ENGINEERING DICTIONARY (2004) (GS_00017309), including at 721 ("socket")<br><br>• WEBSTER'S NEW WORLD COMPUTER DICTIONARY (10th ed., 2003) (GS_00017312), including at 197 ("IP address"), 347 ("socket")<br><br>• Brian Hall, "Beej's Guide to Unix IPC" (GS_00017619), at 1, 41–45 |

| No. | Disputed Term or Phrase | Plaintiff's Proposed Construction & Support | Defendant's Proposed Construction & Support |
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| | | | • Brian Hall, "Beej's Guide to Network Programming Using Internet Sockets" (GS_00017670), at 13<br>• Scott Klement, "RPG IV Socket Tutorial" (GS_00017779), at 2–3, 14–15<br>• Microsoft Computer Dictionary, Fifth Edition (2002), at 498<br>• Declaration of Stephen Wicker |
| 11 | "event information"<br><br>('697 Pat. cl. 1, 3, 4, 6, 19, 20, 22, 23, 27; '687 Pat. cl. 1–4, 7, 9, 19, 20, 22, 23, 25, 27, 29; '218 Pat. cl. 1, 3, 4, 6, 7, 11, 12, 15, 30; '088 Pat. cl. 1, 5–8, 11–13, 15–27, 29–34) | "information about a particular event, including but 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, pole position, yards-to-go, yards-to-goal, down), team statistics, player statistics, alerts, trivia, polls, news, broadcaster and/or viewer messages, and/or advertising associated with or relevant to the event, a participant in the event, a location of the event, a date/time of the event." | plain and ordinary meaning/no construction required<br><br><u>Intrinsic Evidence</u><br><br>• '697 Patent at Abstract; 1:1–7, 3:58–64, 4:41–5:14, 6:49–7:6, 7:48–8:15, 13:66–14:11, 14:41–63, 14:38–45, 18:57–66, 20:12–44, 21:36–52, 22:40–52, 24:61–25:33, 26:19–27:27, 29:25–43, 39:11–33, 45:20–34, 46:50–48:8, 52:4–13, 54:39–56:3; Figs. 1A, 15, 16A, 16B, 24A, 16B; cl. 1–4, 6–8, 13, 19, 20, 22, 23, 27–29 |

| No. | Disputed Term or Phrase | Plaintiff's Proposed Construction & Support | Defendant's Proposed Construction & Support |
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| | | Intrinsic Evidence<br><br>'697 Patent, FIGs 15, 16A, 16B, 25, 3:45–64; 4:40–7:6; 9:41–58; 10:16–43; 19:38–20:44; 21:37–52; 22:7–52; 22:40–53; 23:1–29; 26:21–27:27; 29:25–30:29; 39:11–19; 45:20–34; 46:50–48:8; 50:42–56; 52:4–7. | • '687 Patent at cl. 1–4, 7, 9, 13, 19, 20, 22, 23, 25, 27–29<br><br>• '218 Patent at cl. 1, 3, 4, 6, 7, 11–13, 15, 16, 20, 30<br><br>• '088 Patent at cl. 1, 5–8, 11–13, 15–27, 29–34 |
| 12 | "means for transmitting the first score information to at least the first viewer client device via a first event information communication channel that is different from the first video communication channel"<br><br>('697 Pat. cl. 27) | Subject to § 112(f); not indefinite.<br><br>Function: transmitting the first score information to at least the first viewer client device via a first event information communication channel that is different from the first video communication channel.<br><br>Structure: a socket of a socket server that implements the algorithms described in FIGs. 2, 3, 21A-21E, and accompanying disclosures, including 5:29-44; 9:16-10:43; 19:64-20:61; 21:37-22:67; 23:20-45; 26:50-27:27; 29:25-43; 46:61-47:11; 51:27-49; 53:21-37 of the '697 Patent, and equivalents thereof.<br><br>Intrinsic Evidence<br><br>'697 patent, at FIG. 2, FIG. 3, FIGS. 21A-21E; 5:29-44; 9:16-10:43; 19:64- | Subject to § 112(f); indefinite<br><br>Intrinsic Evidence<br><br>• '697 Patent at 5:29–55, 9:16–10:43, 19:64–20:61, 21:53–24:5, 26:50–27:27, 29:25–43, 45:20–46:49, 47:41–48:8, 49:5–36, 51:27–52:20, 53:21–37, 54:39–56:3; cl. 27<br><br>Extrinsic Evidence<br><br>• Declaration of Stephen Wicker |

| No. | Disputed Term or Phrase | Plaintiff's Proposed Construction & Support | Defendant's Proposed Construction & Support |
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| | | 20:61; 21:37-22:67; 23:20-45; 26:50-27:27; 29:25-43; 46:61-47:11; 51:27-49; 53:21-37.<br><br><u>Extrinsic Evidence</u><br><br>Plaintiff hereby identifies Dr. Michael Shamos as an expert, and provides his declaration contemporaneously with the submission of this JCCS, providing his opinion that the term is not indefinite. | |
| 13 | "means for transmitting the first event information to at least the first viewer client device via a first event information communication channel that is different from the first video communication channel"<br><br>('687 Pat. cl. 27) | Subject to § 112(f); not indefinite.<br><br>Function: transmitting the first event information to at least the first viewer client device via a first event information communication channel that is different from the first video communication channel.<br><br>Structure: a socket of a socket server that implements the algorithms described in FIGs. 2, 3, 21A-21E, and accompanying disclosures, including 5:29-44; 9:16-10:43; 19:64-20:61; 21:37-22:67; 23:20-45; 26:50-27:27; 29:25-43; 46:61-47:11; 51:27-49; 53:21-37 of the '697 Patent, and equivalents thereof. | Subject to § 112(f); indefinite<br><br><u>Intrinsic Evidence</u><br><br>• '687 Patent at 5:38–64, 9:25–10:52, 20:6–21:3, 21:62–24:14, 26:59–27:36, 29:34–52, 45:29–46:58, 47:50–48:17, 49:14–45, 51:36–52:29, 53:30–46, 54:39–56:3; cl. 27<br><br><u>Extrinsic Evidence</u><br><br>• Declaration of Stephen Wicker |

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| | | Intrinsic Evidence<br><br>'697 patent, at FIG. 2, FIG. 3, FIGS. 21A-21E; 5:29-44; 9:16-10:43; 19:64-20:61; 21:37-22:67; 23:20-45; 26:50-27:27; 29:25-43; 46:61-47:11; 51:27-49; 53:21-37.<br><br>Extrinsic Evidence<br><br>Plaintiff hereby identifies Dr. Michael Shamos as an expert, and provides his declaration contemporaneously with the submission of this JCCS, providing his opinion that the term is not indefinite. | |
| 14 | "provide a single synchronized update and mitigate client-by-client latency and/or synchronization issues"<br><br>('218 Pat. cl. 7) | Not indefinite; plain and ordinary meaning.<br><br>Intrinsic Evidence<br><br>'218 Patent at FIG 2, 8, 9A–9D; 2:45–65; 3:8–15; 4:52–58; 4:65–5:19; 5:32–46; 7:1–25; 20:16–30; 23:19–37; 23:60–63; 26:25–27:45; 28:4–58; 36:8–21; 39:23–40:16; 40:31–41:6.<br><br>Extrinsic Evidence<br><br>Plaintiff hereby identifies Dr. Michael Shamos as an expert, and provides his declaration contemporaneously with the | Indefinite<br><br>Intrinsic Evidence<br><br>• '697 Patent at 23:20–45, 24:61–29:43, 40:5–22, 44:57–45:13<br><br>• '218 Patent at 2:40–3:15, 4:42–6:6, 6:16–46, 7:1–25, 14:61–15:16, 20:16–63, 23:4–63, 24:56–28:58, 30:8–25, 31:40–32:38, 35:25–36:27, 39:5–41:6, 45:4–33, 46:64–47:25, 53:64–54:7, 54:53–56:16; Figs. 1A, 2, 25A–C; cl. 7 |

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| | | submission of this JCCS, providing his opinion that the term is not indefinite.<br><br>Microsoft Computer Dictionary, Fifth Edition, at 506. | Extrinsic Evidence<br><br>• A.S. Tanenbaum & D.J. Wetherall, COMPUTER NETWORKS (GS_00010283), including at 86, 726–27<br><br>• Declaration of Stephen Wicker |
| 15 | "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"<br><br>('088 Pat. cl. 1, 8) | Not indefinite; plain and ordinary meaning.<br><br>Intrinsic Evidence<br><br>'218 Patent at FIG 2, 8, 9A–9D; 2:45–65; 3:8–15; 4:52–58; 4:65–5:19; 5:32–46; 7:1–25; 20:16–30; 23:19–37; 23:60–63; 26:25–27:45; 28:4–58; 36:8–21; 39:23–40:16; 40:31–41:6.<br><br>Extrinsic Evidence<br><br>Plaintiff hereby identifies Dr. Michael Shamos as an expert, and provides his declaration contemporaneously with the submission of this JCCS, providing his opinion that the term is not indefinite.<br><br>Microsoft Computer Dictionary, Fifth Edition, at 506. | Indefinite<br><br>Intrinsic Evidence<br><br>• '697 Patent at 23:20–45, 24:61–29:43, 40:5–22, 44:57–45:13<br><br>• '088 Patent at 2:22–64, 4:41–5:55, 5:64–6:27, 6:49–7:49, 12:42–53, 14:21–43, 19:45–20:25, 22:49–23:26, 24:19–27:9, 27:35–28:22, 29:39–56, 31:4–32:2, 34:59–36:14, 38:57–40:60, 44:56–45:12, 46:49–47:10, 51:50–52:3, 54:12–67, 55:45–67, 56:55–59:22, 61:45–62:65; Figs. 1A, 2, 8, 9A–D, 29<br><br>Extrinsic Evidence<br><br>• A.S. Tanenbaum & D.J. Wetherall, COMPUTER |

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| | | | NETWORKS (GS_00010283), including at 86, 726–27<br><br>• Declaration of Stephen Wicker |