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

R2 Solutions LLC, Plaintiff, v. American Airlines, Inc., Defendant.	Civil Action No. 4:22-cv-00353-ALM Jury Trial Demanded

PLAINTIFF'S DISCLOSURE OF
ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

Pursuant to Patent Rules 3-1 and 3-2 of the Eastern District of Texas, Plaintiff R2 Solutions LLC ("R2" or "Plaintiff") serves its Disclosure of Asserted Claims and Infringement Contentions on Defendant American Airlines, Inc. ("AA" or "Defendant") for infringement of U.S. Patent Nos. 8,190,610 ("the '610 patent"), 8,341,157 ("the '157 patent"), 7,698,329 ("the '329 patent"), and 8,209,317 ("the '317 patent"). The '610 patent, '157 patent, '329 patent, and '317 patent are referred to collectively as the "patents-in-suit."

The following asserted claims and contentions are based upon R2's good faith evaluation of information known to R2 at this time based on publicly-available information and documents. For the avoidance of doubt, the claim elements identified in the attached charts are software limitations or associated with software limitations for the purposes of P.R. 3-1(g) promulgated by this Court (ECF 20 at 4-5), and to the extent that such elements are performed by hardware, firmware, software, and/or any combination thereof, the particular details are in AA's possession, custody, and control. R2 reserves its right to supplement and/or amend these contentions in view

of information and/or documents that may be obtained during discovery, further investigation, the Court's claim construction ruling, applicable case law and authorities, and/or any other reasons permitted under the Court's Scheduling Order, the Local Rules, and the Federal Rules of Civil Procedure.

Additionally, R2 incorporates by reference the allegations made in its live complaint in this case, including all identification of asserted claims, accused instrumentalities, and factual allegations related thereto.

I. P. R. 3-1: Disclosure of Asserted Claims and Infringement Contentions

(a) Each claim of each patent in suit that is allegedly infringed by each opposing party

AA directly and/or indirectly infringes the following claims (collectively, the "asserted claims"), as indicated:

1. Directly and indirectly infringes Claims 1–5 and 17–21 of the '610 patent;
2. Directly and indirectly infringes Claims 1–2, 6, 11–14, 16, and 22 of the '157 patent;
3. Directly and indirectly infringes Claims 1, 4–5, 8, and 11–12 of the '329 patent; and
4. Directly and indirectly infringes Claims 1–5 and 8–14 of the '317 patent.

R2 reserves the right to augment or supplement its contentions to identify additional claims infringed by AA after discovery, in response to AA's production pursuant to P.R. 3-4, or as permitted under the Court's Scheduling Order, the Local Rules, and the Federal Rules of Civil Procedure.

(b) Separately for each asserted claim, each accused apparatus, product, device, process, method, act, or other instrumentality ("Accused Instrumentality") of each opposing party of which the party is aware. This identification shall be as specific as possible. Each product, device, and apparatus must be identified by name or model number, if known. Each method or process must be identified by

name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process

As to the ’610 patent, the Accused Instrumentalities include systems, services, processes, methods, acts, components (hardware and/or software), and/or other instrumentalities that process big data and/or data analytics. The “Accused Instrumentalities” include, without limitation, all instrumentalities associated with mapping and/or reducing functionalities, merging and/or joining data having different schemas, and any other similar functionality and all instrumentalities related to how data is received, input, stored, organized, partitioned, accessed, analyzed, delivered, processed, and transformed into outputs. This includes the data analytics systems utilizing, at least in part, Apache Hadoop, Hive, Spark, Teradata Vantage, and/or similar functionality. The Accused Instrumentalities that perform and/or embody the functionalities and features discussed and particularly described and claimed in the ’610 patent and Exhibit A hereto are referred to as the “Accused AA Data Analytics Instrumentalities.”

As to the ’157 patent, the ’329 patent, and the ’317 patent, the Accused Instrumentalities include systems, services, processes, methods, acts, components (hardware and/or software), or other instrumentalities associated with searches or queries performed in connection with AA’s web platform(s) and mobile application(s). “Accused Instrumentalities” include, without limitation, all instrumentalities associated with receiving, handling, processing, responding to, or otherwise interacting with queries (including user queries and back-end queries) and all instrumentalities related to the location, identification, delivery, display, rendering, ranking, and communication of information relating to such queries. The “Accused Instrumentalities” include, without limitation, the front-end(s) and back-end(s) of AA’s online travel agency and search engine services for hotels, vacation rentals, flights, and airport transfer incorporated into the AA web platform and/or AA mobile application. The Accused Instrumentalities that perform and/or embody the

functionalities and features discussed and particularly described and claimed in the ’157 patent, the ’329 patent, the ’317 patent, and Exhibits B, C, and D hereto are referred to as the “Accused AA Search Instrumentalities.” The Accused AA Search Instrumentalities and Accused AA Data Analytics Instrumentalities are referred to collectively as the “Accused Instrumentalities.”

The Accused Instrumentalities infringe the asserted claims as set forth in Exhibits A, B, C, and D hereto. R2 reserves the right, in response to discovery or as otherwise permitted, to supplement the identification of Accused Instrumentalities to include additional instrumentalities made, used, sold, offered for sale, or imported by AA. By making, using, testing, offering for sale, selling, and/or importing any of the Accused Instrumentalities identified above, AA directly infringes the asserted claims.

As to the asserted claims of the ’610 patent, AA indirectly infringes the ’610 asserted claims in violation of 35 U.S.C. § 271(b) because AA induces direct infringement by its vendors, customers, end users and/or others who make, use, and/or sell the Accused Instrumentalities. AA has been on notice of the ’610 patent as early as October 20, 2021, when R2 explicitly informed AA of resolution of a lawsuit which involved the ’610 patent. Since receiving notice (and thus having knowledge of the claims of the ’610 patent), AA has specifically intended, and continues to specifically intend, for persons who make, use, and/or sell the Accused Instrumentalities, including AA’s vendors, customers, end users, and others, to make, use, and/or sell such Accused Instrumentalities in a manner that infringes the asserted claims of the ’610 patent. AA encourages, directs, and instructs vendors, customers, end users and/or others in the infringing use and operation of the Accused Instrumentalities, via advertisement, technical material, instructional material, instructional videos, technical support, or otherwise.

As to the asserted claims of the ’157 patent, AA indirectly infringes the ’157 asserted claims in violation of 35 U.S.C. § 271(b) because AA induces direct infringement by its vendors, customers, end users and/or others who make, use, and/or sell the Accused Instrumentalities. AA has been on notice of the ’157 patent as early as October 20, 2021, when R2 explicitly informed AA of resolution of a lawsuit which involved the ’157 patent. Since receiving notice (and thus having knowledge of the claims of the ’157 patent), AA has specifically intended, and continues to specifically intend, for persons who make, use, and/or sell the Accused Instrumentalities, including AA’s vendors, customers, end users and/or others, to make, use, and/or sell such Accused Instrumentalities in a manner that infringes the asserted claims of the ’157 patent. AA encourages, directs, and instructs vendors, customers, end users and/or others in the infringing use and operation of the Accused Instrumentalities, via advertisement, technical material, instructional material, instructional videos, technical support, or otherwise.

As to the asserted claims of the ’329 patent, AA indirectly infringes the ’329 asserted claims in violation of 35 U.S.C. § 271(b) because AA induces direct infringement by its vendors, customers, end users and/or others who make, use, and/or sell the Accused Instrumentalities. AA has been on notice of the ’329 patent as early as November 23, 2021, when R2 explicitly informed AA of resolution of a lawsuit which involved the ’329 patent. Since receiving notice (and thus having knowledge of the claims of the ’329 patent), AA has specifically intended, and continues to specifically intend, for persons who make, use, and/or sell the Accused Instrumentalities, including AA’s vendors, customers, end users and/or others, to make, use, and/or sell such Accused Instrumentalities in a manner that infringes the asserted claims of the ’329 patent. AA encourages, directs, and instructs vendors, customers, end users and/or others in the infringing use

and operation of the Accused Instrumentalities, via advertisement, technical material, instructional material, instructional videos, technical support, or otherwise.

As to the asserted claims of the ’317 patent, AA indirectly infringes the ’317 asserted claims in violation of 35 U.S.C. § 271(b) because AA induces direct infringement by its vendors, customers, end users and/or others who make, use, and/or sell the Accused Instrumentalities. AA has been on notice of the ’317 patent as early as October 20, 2021, when R2 explicitly informed AA of resolution of a lawsuit which involved the ’317 patent. Since receiving notice (and thus having knowledge of the claims of the ’317 patent), AA has specifically intended, and continues to specifically intend, for persons who make, use, and/or sell the Accused Instrumentalities, including AA’s vendors, customers, end users and/or others, to make, use, and/or sell such Accused Instrumentalities in a manner that infringes the asserted claims of the ’157 patent. AA encourages, directs, and instructs vendors, customers, end users and/or others in the infringing use and operation of the Accused Instrumentalities, via advertisement, technical material, instructional material, instructional videos, technical support, or otherwise

(c) A chart identifying specifically where each element of each asserted claim is found within each Accused Instrumentality, including for each element that such party contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or materials(s) in the Accused Instrumentality that performs the claimed functions

R2 attaches the following charts setting forth where in the Accused Instrumentalities each element of the asserted claims is found:

Exhibit A: Claim chart for the asserted claims of the ’610 patent;

Exhibit B: Claim chart for the asserted claims of the ’157 patent;

Exhibit C: Claim chart for the asserted claims of the ’329 patent; and

Exhibit D: Claim chart for the asserted claims of the ’317 patent.

R2 reserves the right to modify or seek leave of Court to augment or supplement these contentions after discovery from AA, in response to AA's production pursuant to P.R. 3-4, or as permitted under the Court's Scheduling Order, Local Rules, and the Federal Rules of Civil Procedure.

(d) Whether each element of each asserted claim is claimed to be literally present or present under the doctrine of equivalents in the Accused Instrumentality

Based on its current understanding of the claim language and publicly-available information pertaining to the Accused Instrumentalities, and without notice of any claim construction or non-infringement position from AA, R2 asserts that the Accused Instrumentalities literally infringe each element or step of the asserted claims. However, any claim element or step not literally present in or performed by the Accused Instrumentalities is satisfied under the doctrine of equivalents because any difference between such claim element or step and the accused element or step is insubstantial. In other words, the accused element or step performs substantially the same function, in substantially the same way, to achieve substantially the same result.

(e) For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled

The patents-in-suit are entitled to a priority date no later than the filing date of the earliest application to which it claims priority. As such, the claims of the '610 patent are entitled to a priority date at least as early as October 5, 2006; the claims of the '157 patent are entitled to a priority date at least as early as July 31, 2009; the claims of the '329 patent are entitled to a priority date at least as early as January 10, 2007; and the claims of the '317 patent are entitled to a priority date at least as early as August 10, 2006.

(f) If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party must identify, separately for each asserted claim, each such apparatus, product,

device, process, method, act, or other instrumentality that incorporates or reflects that particular claim.

R2 is not aware of any apparatus, product, device, process, method, act, or other instrumentality of its own that practices the claimed inventions of the patents-in-suit.

II. P. R. 3-2: Document Production Accompanying Disclosure

(a) R2 is not aware at this time of any non-privileged documents sufficient to evidence discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the claimed inventions prior to the date of application for the patents-in-suit, as called for by P. R. 3-2(a);

(b) R2 is not presently aware of any non-privileged documents that evidence conception, reduction to practice, design, and development of each claimed invention that were created on or before the above-referenced dates for each of the patents-in-suit. However, R2 believes that documents responsive to P. R. 3-2(b) may be in the possession of the inventors and/or original assignees of the patents-in-suit. In the event that discovery from such parties leads to documents that evidence conception, reduction to practice, design, and development of any claimed invention that were created on or before the date of application for the patents-in-suit, R2 reserves the right to claim such date.

(c) R2 has produced a copy of the file history for each of the patents-in-suit within the production number range of *WAVE4COMMON000001 - WAVE4COMMON001052*.

Dated: October 13, 2022

Respectfully submitted,

/s/ Edward R. Nelson III
EDWARD R. NELSON III
State Bar No. 00797142
ed@nelbum.com
BRENT N. BUMGARDNER
State Bar No. 00795272
brent@nelbum.com

CHRISTOPHER G. GRANAGHAN
State Bar No. 24078585
chris@nelbum.com
JOHN P. MURPHY
State Bar No. 24056024
murphy@nelbum.com
CARDER W. BROOKS
State Bar No. 24105536
carder@nelbum.com
NELSON BUMGARDNER CONROY PC
3131 West 7th Street, Suite 300
Fort Worth, Texas 76107
817.377.9111

COUNSEL FOR
PLAINTIFF R2 SOLUTIONS LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record for this matter by electronic means on October 13, 2022.

/s/ Edward R. Nelson III