

**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

JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT

Pursuant to Patent Rule 4-3 and the Court’s Patent Scheduling Order (ECF 20), Plaintiff R2 Solutions LLC (“R2” or “Plaintiff”) and Defendant American Airlines, Inc. (“AA” or “Defendant”) submit this Joint Claim Construction and Pre-Hearing Statement with respect to U.S. Patent No. 8,190,610 (“the ’610 patent”), U.S. Patent No. 8,341,157 (“the ’157 patent”), U.S. Patent No. 7,698,329 (“the ’329 patent”), and U.S. Patent No. 8,209,317 (“the ’317 patent”).

Patent Rule 4-3(a)(1)

The parties have reached an agreement regarding construction of the following claim terms, phrases, and/or clauses for the patents at issue.

A. U.S. Pat. No. 8,190,610

Term/Phrase	Agreed Construction
“a plurality of mapping functions that are each user-configurable”	“two or more mapping functions that are each configurable by a user”

Term/Phrase	Agreed Construction
“data group”	“a group of data and a mechanism for identifying data from that group”
“a method of processing data of a data set over a distributed system, wherein the data set comprises a plurality of data groups, the method comprising”	Limiting preamble in Claim 1

B. U.S. Pat. No. 8,341,157

Term/Phrase	Agreed Construction
“determining, at least the one computing device, a plurality of intents from the at least one keyword, each of the plurality of intents indicates a type of information regarding the query keyword that is likely to be desired by a user submitting the query”	“determining, using the at least one computing device, a plurality of intents from the at least one keyword, wherein each of the plurality of intents indicates a type of information regarding the query keyword that is likely to be desired by a user submitting the query”

C. U.S. Pat. No. 7,698,329

Term/Phrase	Agreed Construction
“document”	“any unit of information that may be indexed by search engine indexes”
“recall”	“generating results for a search engine query”
“section”	“defined portion within the structure of a document”

D. U.S. Pat. No. 8,209,317

Term/Phrase	Agreed Construction
“partial query”	“an abbreviated or incomplete search query such that the submitted query is not fully representative of the entire search query desired by the user”

Patent Rule 4-3(a)(2)

The parties hereby identify the following terms for construction in this case. The chart attached as Exhibit A provides Plaintiff’s proposed constructions. The chart attached as Exhibit B provides Defendant’s proposed construction. Exhibits A and B contain an identification of the intrinsic and extrinsic evidence upon which each party intends to rely to support its proposed constructions for the terms listed here. Each party reserves the right to rely on any intrinsic or extrinsic evidence identified by the other party.

<u>Term #</u>	<u>Claim Term</u>
	<u>’610 Patent</u>
1	“identifiable to [that/the] data group” (’610 Patent claims 1, 3, 4, 17, 19, 20)
2	“independently output a plurality of lists of values” (’610 Patent claims 1,17)
3	“the data of the first data group is mapped differently than the data of the second data group” (’610 Patent claims 1, 17)
	<u>’157 Patent</u>
1	“intent(s)” (’157 Patent claims 1, 2, 11, 12, 22)
2	“ranking” (’157 Patent claims 1, 2)
3	“keyword” (’157 Patent claims 1, 2)
4	“token” (’157 Patent claims 1, 2)
5	“classifying the query ... into at least one/a subset of the plurality of intents”

	('157 Patent claims 1, 2)
6	“data object(s)” ('157 Patent claims 1, 2, 11, 12, 14, 16, 22)
7	“display entry” ('157 Patent claims 1, 2, 12, 16, 22)
8	“at least some” ('157 Patent claims 1, 2)
	<u>'329 Patent</u>
1	“each document of said certain documents containing at least one section that is not used by said search engine for recall” ('329 Patent claims 1, 8)
2	“ranking” ('329 Patent claims 1, 8)
3	“abstract” ('329 Patent claims 4, 11)
4	“search engine index” ('329 Patent claims 5, 12)
	<u>'317 Patent</u>
1	“submitted” ('317 Patent claims 1, 2, 4, 5, 8, 11-14)
2	“query data management server” ('317 Patent claims 4, 5)
3	“storing in memory data about previously received queries at the computer database system” ('317 Patent claim 8)
4	“better representative of the entire search query desired by the user” ('317 Patent claims 1, 8)
5	“not fully representative of an entire search query desired by the user” ('317 Patent claims 1, 8)
6	“a database configured to store information about events in the computer database system” ('317 Patent claim 1)

Patent Rule 4-3(a)(3)

The parties respectfully request that the Court hear oral argument on claim construction.

The parties have agreed that the parties should be limited to 90 minutes per side (3 hours total) for argument.

Patent Rule 4-3(a)(4)

At this time, Plaintiff does not intend to call any live witnesses at the claim construction hearing (should the Court decide to hold a hearing).

American may call Dr. Michael Goodrich to provide the Court live testimony of the opinion of a person of skill in the art regarding the proper construction of the claim terms.

Patent Rule 4-3(a)(5)

At present, the parties are unaware of any additional issues that would require the scheduling of a pre-hearing conference prior to a Claim Construction Hearing.

Patent Rule 4-3(b)

At present, Plaintiff does not intend to rely on expert testimony at this time but reserves the right to do so to rebut any expert testimony offered by Defendant or to respond to any claim construction position not disclosed in this Joint Claim Construction and Pre-Hearing Statement.

American will be relying on the testimony of Dr. Michael Goodrich. American is serving a Dr. Goodrich's report on claim construction as required by Local Patent Rule 4-3. American objects to Plaintiff providing any expert testimony that does not comply with Local Patent Rule 4-3.

Patent Scheduling Order – Number of Pages Needed to Brief the Disputed Terms

Plaintiff proposes that 50 pages is appropriate to address all disputed terms in Plaintiff's opening brief and that 50 pages is appropriate to address all disputed terms in Defendant's response brief. Plaintiff also proposes that 30 pages is appropriate for Plaintiff's reply brief. It is Plaintiff's position that the page limits that Plaintiff proposes are reasonable considering the number of patents (4) and number of terms (21) at issue here. Further, Plaintiff's proposed page limit for the opening and responsive briefs is 25 pages less than the Court permitted for the December 2021 consolidated claim construction hearing in related cases, which involved only 6 more terms.

American proposes following Local Rule CV-7 as to the number of briefing pages: thirty (30) pages each for the opening and response brief and ten (10) pages for the reply brief. Given the Court has already received voluminous briefing on claim construction on these patents, the parties should not require nearly double the pages allowed under the rules. Further, the prior briefing covered four consolidated cases with two additional patents and the parties agreed to 75-page briefs. American believes that the reasonable pages limits provided under Local Rule CV-7 will require the parties to file focused briefing that will be the most helpful to the Court.

Dated: January 13, 2023

Respectfully submitted,

<u>/s/ Edward R. Nelson III</u> Edward R. Nelson III State Bar No. 00797142 Brent N. Bumgardner State Bar No. 00795272 Christopher G. Granaghan State Bar No. 24078585 John P. Murphy State Bar No. 24056024 Carder W. Brooks State Bar No. 24110604 NELSON BUMGARDNER CONROY PC 3131 West 7th Street, Suite 300 Fort Worth, Texas 76107 817.377.9111 ed@nelbum.com brent@nelbum.com chris@nelbum.com murphy@nelbum.com carder@nelbum.com COUNSEL FOR PLAINTIFF R2 SOLUTIONS LLC	<u>/s/ John B. Campbell</u> John B. Campbell Texas State Bar No. 24036314 jcampbell@McKoolSmith.com MCKOOL SMITH, P.C. 303 Colorado Street Suite 2100 Austin, TX 78701 Telephone: (512) 692-8700 Telecopier: (512) 692-8744 Alan P. Block Texas State Bar No. 143783 ablock@mckoolsmith.com MCKOOL SMITH, P.C. 300 South Grand Avenue, Suite 2900 Los Angeles, CA 90071 Telephone: (213) 694-1054 Telecopier: (213) 694-1234 Samuel F. Baxter Texas State Bar No. 01938000 Jennifer L. Truelove Texas State Bar No. 24012906 jtruelove@mckoolsmith.com MCKOOL SMITH, P.C. 104 East Houston, Suite 300 Marshall, Texas 75671 Telephone: (903) 923-9002 Telecopier: (903) 923-9099 ATTORNEYS FOR DEFENDANT AMERICAN AIRLINES, INC.
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CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.1, I hereby certify that the foregoing document was electronically filed with the Clerk of Court using the CM/ECF filing system, which will generate and send an e-mail notification of said filing to all counsel of record, on January 13, 2023.

/s/ Edward R. Nelson III