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

Valtrus Innovations Ltd. and Key Patent Innovations Ltd.,	§	
	§	
Plaintiffs,	§	
v.	§	**CIVIL ACTION NO. 2:24-CV-00021-JRG**
	§	
SAP America, Inc. and SAP, SE.,	§	**JURY TRIAL DEMANDED**
	§	
Defendants.	§	
	§	

PLAINTIFFS' FIRST SUPPLEMENTAL RESPONSES TO SAP DEFENDANTS' INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and three Stipulated Discovery Order (Dkt. 33-1), Plaintiffs Valtrus Innovations Ltd. and Key Patent Innovations Ltd. (collectively, "Plaintiffs" or "Valtrus") hereby serves the following supplemental objections and responses to SAP America, Inc. and SAP, SE's ("Defendants" or "SAP") Interrogatories (the "Interrogatories").

PRELIMINARY STATEMENT

1. Plaintiffs' investigation and development of all facts and circumstances relating to this action is ongoing. These objections and responses are made without prejudice to, and are not a waiver of, Plaintiffs' right to rely on other facts or documents at trial or any other proceeding.

2. By making the accompanying objections and responses to Defendants' Interrogatories, Plaintiffs do not waive, and hereby expressly reserve, their right to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, Plaintiffs make the objections and responses herein without in

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Valtrus presently asserts infringement by SAP, under at least 35 U.S.C. §§ 271(a)-(c), of claims of U.S. Patent Nos. 6,889,244 (the "'244 Patent"); 7,152,182 (the "'182 Patent"); 7,313,575 (the "'575 Patent"); and 7,936,738 (the "'738 Patent"), (collectively, "the Asserted Patents[1]") by various instrumentalities, as identified in the claim chart exhibits in Plaintiffs' Infringement Contentions served on March 11, 2024, which are incorporated by reference herein. (D.I. 18.)

Exhibit	Patent	Asserted Claims
B	'244	1, 3, 5, 6, 8, and 10
C	'182	1, 6-7, 9-10, 12-13, and 16-18
D	'575	1, 4, 31, 32, and 36
F	'738	1, 2-3, 5, 10, and 33

Charts identifying where each element of each asserted claim of each asserted patent is found within the accused instrumentalities were attached hereto as Exhibits B, C, D, and F in Plaintiffs' Infringement Contentions.

Valtrus also presently contends that every limitation of each asserted claim is literally present in the accused instrumentalities. Additionally, in certain instances, as set forth in Exhibits B, C, D, and F, Valtrus contends that the limitations are alternatively met under the doctrine of equivalents. See Exhibits B, C, D, and F for further explanation. Valtrus reserves all rights under P.R. 3-6. Valtrus also reserves all rights to modify its contentions in view of any newly available discovery, including source code. *Id.*

Plaintiffs' forthcoming expert reports are herein incorporated by reference.

Plaintiffs' investigation is ongoing, and they reserve the right to supplement their response.

<u>INTERROGATORY NO. 6</u>:

For each Asserted Claim, state when Valtrus contends that SAP's alleged infringement began and explain how SAP first became aware of the alleged infringement, and identify each person with knowledge of the foregoing and all documents relating to the foregoing.

[1] As of April 11, 2025, U.S. Patent Nos. 6,823,409 (the "'409 Patent"); 6,691,139 (the "'139 Patent"); and 6,871,264 (the "'264 Patent") are no longer asserted patents in the above-captioned case.

RESPONSE TO INTERROGATORY NO. 6

Plaintiffs incorporate by reference their Preliminary Statement and General Objections provided above as if fully restated herein. Plaintiffs object to this Interrogatory on the grounds that it improperly and prematurely seeks expert material. Defendants' interrogatory is essentially asking Plaintiffs to identify the date of the hypothetical negotiation between the parties, a quintessential expert determination based on the date of first infringement. Information regarding these topics will be provided when either expert reports are due in this action or if the parties mutually agree on a date for exchanging contention responses near the end of discovery. Plaintiffs further object to this Interrogatory on the grounds that it seeks documents or information protected from disclosure by the attorney-client privilege and/or attorney work product doctrine. Plaintiffs also object to this Interrogatory on the grounds that it is overbroad and unduly burdensome, including because it seeks documents or information already in Defendants' possession.

Subject to and without waiving these specific objections or any of the general objections above, Plaintiffs respond that Defendants have been on notice of Valtrus's patent portfolio since at least on or about March 4, 2022, and were provided an exemplary list of Valtrus's patents indicating their likely infringement of several patents, including the '409 and '264 patents. Plaintiffs further notified Defendants of the need to take a license on or about September 7, 2022 and provided an exemplary list of Valtrus's patents indicating their likely infringement of several patents, including the '244 patent. Plaintiffs further notified Defendants of the need to take a license in subsequent discussions and meetings between the parties. Plaintiffs further notified Defendants of the need to take a license on or about November 11, 2023, and provided an exemplary list of Valtrus's patents indicating their likely infringement of several patents, including the '139, '182, '575, and '738 patents. Plaintiffs are willing to meet and confer to exchange expert material near the end of

discovery, if necessary. Plaintiffs' investigation is ongoing, and they reserve the right to supplement their response.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6

Plaintiffs incorporate by reference their Preliminary Statement and General Objections provided above as if fully restated herein.

Subject to the foregoing general and specific objections, to the extent Plaintiffs can understand this Interrogatory, Plaintiffs respond as follows:

SAP represents that SAP Cloud Integration was first made available by SAP in the United States in June 2012. SAP has not yet provided information regarding all of its Kafka usage, but Plaintiffs note that Kafka is built into the Cloud Foundry instance of Cloud Integration. SAP further represents that HANA System Replication was first made available by SAP in the United States in November 2012. SAP further represents that Data Services[2] was first made available by SAP in the United States in January 2008. Based on Plaintiffs' current understanding of the operation of the Accused Products after review of the currently produced discovery, Plaintiffs believe that the Accused Products have not materially changed in their operation in a way that affects the infringing nature of the Accused Product since that date and the date of first infringement is the dates disclosed by SAP in response to Valtrus's Interrogatory No. 32.

Plaintiffs' investigation is ongoing, and they reserve the right to supplement their response.

INTERROGATORY NO. 7:

Identify each of the alleged Inventor(s) of the Asserted Patents and describe in detail the alleged contributions made by each of the alleged inventors to the subject matter of the Asserted Claims described and claimed in the Asserted Patents.

RESPONSE TO INTERROGATORY NO. 7

[2] SAP's Data Services offerings includes follow-on products such as Data Intelligence, Cloud Integration for Data Services, and Smart Data Integration, which Plaintiffs accuse of infringing the '575 patent.