

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARVANA, LLC,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant.

Case No. 7:23-cv-08616 (KMK) (VR)

JURY TRIAL DEMANDED



**IBM'S SUPPLEMENTAL DISCLOSURE OF ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Local Rules of this Court, and the Case Management and Scheduling Order in this case (D.I. 67), Defendant International Business Machines Corporation (“IBM”) hereby serves its Supplemental Disclosure of Asserted Claims and Infringement Contentions on Plaintiff Carvana, LLC (“Carvana”). IBM reserves the right to amend or supplement these contentions to the extent allowed by the Federal Rules of Civil Procedure, the Local Rules of this Court, and any applicable scheduling orders, including the Court’s Case Management Plan and Scheduling Order (D.I. 67).

I. CARVANA’S INFRINGEMENT

IBM contends that Carvana, either alone or in conjunction with others, has infringed, literally and/or under the doctrine of equivalents, one or more of claims of United States Patent Nos. 7,543,234 (the “’234 patent”), 7,631,346 (the “’346 patent”), 7,702,719 (the “’719 patent”) (collectively the “Patents-in-Suit”), at least by having made, designed, offered for sale, sold, provided, used, maintained and/or supported current and prior versions (since at least December 2017) of its “www.carvana.com” website and service, which includes any related webpages,

the right to supplement its infringement contentions, including its doctrine of equivalents contentions, in response to the Court's claim construction ruling.

IBM further incorporates herein its forthcoming expert report(s) regarding infringement of the Patents-In-Suit, to be provided according to the operative Case Management and Scheduling Order adopted by the Court.

IBM's Supplemental Disclosure of Asserted Claims and Infringement Contentions being served today includes the following additional claim chart:¹

- Exhibit G: Carvana's Website Infringes U.S. Patent No. 7,702,719
 - Claims: 1-4, 8, 10-12, 26

IBM's Supplemental Disclosure of Asserted Claims and Infringement Contentions and Exhibit G also cite [REDACTED], which demonstrate examples of infringing uses of Carvana's Accused Products.

¹ Pursuant to the Court's Case Management Plan and Scheduling Order (D.I. 67), the Exhibit accompanying the Supplemental Disclosure of Asserted Claims and Infringement Contentions that IBM is presently serving is directed solely to U.S. Patent No. 7,702,719. IBM incorporates by reference its Disclosure of Asserted Claims and Infringement Contentions and accompanying Exhibits C-F, and all documents cited and/or referenced therein.

Dated: May 24, 2024

Respectfully submitted,

By: /s/ Asim Zaidi

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CERTIFICATE OF SERVICE

I hereby certify that that on May 24, 2024, a true and correct copy of the foregoing IBM'S SUPPLEMENTAL DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS and accompanying exhibit was served by transmission via electronic mail to the following counsel of record for Plaintiff Carvana, LLC:

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