

UNITED SERVICES AUTOMOBILE)
ASSOCIATION, a Texas reciprocal inter-)
insurance exchange)
) Civil Action No. 2:25-cv-00082-JRG
Plaintiff,)
)
) JURY TRIAL DEMANDED
v.)
)
REGIONS BANK)
)
Defendant.)
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)

USAA Exhibit 2006
Regions Bank v. USAA
IPR2025-01326, Page 1 of 23

Pursuant to P.R. 3-1 and 3-2, Plaintiff United Services Automobile Association (“USAA”) hereby provides its initial “Disclosure of Asserted Claims and Infringement Contentions” and accompanying document production. USAA’s statements are based on an analysis of publicly available materials that describe or discuss aspects of the infringing systems, services, and activities of Defendant Regions Bank (“Regions”), without having received any discovery from Regions. Discovery has not begun, and USAA’s infringement contentions, including all claim charts, are based on information reasonably available to USAA at this time. Regions has neither produced any documents nor made any source code available to USAA for inspection in this action. Accordingly, the accused instrumentalities, their aspects, and the patent claims that they infringe discussed herein and in the attached exhibits include only those of which USAA is presently aware based on USAA’s understanding of how those methods and systems are configured and operated based on publicly available information. USAA expects that information to be revealed in future discovery may result in identification of additional instances of Regions’ infringement and may also enable identification of additional claims infringed by Regions. Furthermore, it is possible that information to be provided in confidential discovery could be inconsistent with public information regarding the accused methods and systems, necessitating amendment of USAA’s contentions. USAA reserves the right to supplement this disclosure, and its contentions, based on information developed in the course of this lawsuit through discovery or additional factual investigation, in view of the Court’s claim construction rulings, in view of Regions’ contentions, or as other circumstances may require. *See* P.R. 3-6.

This disclosure is made solely for the purpose of this action. This disclosure is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and to any and all other objections on any grounds that would require the exclusion of statements contained herein

if such disclosure were asked of, or statements contained herein were made by, a witness present and testifying in court, all of which objections and grounds are expressly reserved and may be interposed at the time of trial.

A. Identification of Infringed Claims

In accordance with P.R. 3-1(a), based on the information presently available to it, USAA asserts that Regions infringes, directly and/or indirectly,¹ both literally and under the doctrine of equivalents, at least the following claims in U.S. Patent Nos. 11,023,719 (the “’719 Patent”), 11,682,222 (the “’222 Patent”), 12,159,310 (the “’310 Patent”), and 12,211,095 (the “’095 Patent”) (together, “Asserted Patents”):

- ’719 Patent: Claims 29-30
- ’222 Patent: Claims 1-20
- ’310 Patent: Claims 1-16
- ’095 Patent: Claims 1-30

Discovery in this matter has not begun and USAA makes these preliminary assertions without discovery yet occurring in this action, and expressly reserves the right to supplement and revise its identification of Asserted Claims and infringing instrumentalities based on additional information obtained through discovery or otherwise to the full extent consistent with the Court’s rules and orders. For example, the examination of Regions source code may result in the addition of Asserted Claims.

B. Identification of Accused Instrumentalities

In accordance with P.R. 3-1(b), based on the public information presently available to it, USAA identifies at least the following apparatuses, products, devices, processes, methods, acts, or

¹ USAA’s infringement allegations include, without limitation, infringement under 35 U.S.C. §§ 271(a)-(c), and (f).

other instrumentalities (hereinafter, “Accused Instrumentalities”) that infringe or are covered by the Asserted Claims of the Asserted Patents: Regions’ Mobile Deposit system, including but not limited to mobile remote deposit offered under *Regions Mobile Deposit*. The Regions Mobile Deposit System includes the Regions Mobile App for iPhone, iPad and Android devices, the mobile devices on which the Regions Mobile App is installed and run, and the Regions hardware and software that implement Regions’ Mobile Deposit service, *e.g.*, by receiving mobile deposits from mobile devices running the Regions Mobile App and processing mobile deposits including updating customer account balances to reflect deposited funds.

For avoidance of doubt, USAA accuses these instrumentalities on a worldwide basis, including worldwide manufacturing, uses, sales, offers to sell, and imports, to the extent permitted by applicable law or any stipulation the parties are able to reach regarding United States nexus. *See, e.g., Carnegie Mellon Univ. v. Marvell Tech. Grp., Ltd.* (Fed. Cir. Aug. 4, 2015). Discovery in this matter has not begun and USAA makes these preliminary assertions without discovery yet occurring in this action, and expressly reserves the right to supplement and revise its identification of Asserted Claims and infringing instrumentalities based on additional information obtained through discovery or otherwise.

C. Preliminary Infringement Claim Charts

1. Infringement

In accordance with P.R. 3-1(c), attached hereto as Exhibits A, B, C, and D are infringement claim charts reflecting the accused Regions instrumentalities’ infringement of the Asserted Claims of the ’719 Patent, ’222 Patent, ’310 Patent, and ’095 Patent, respectively. P.R. 3-1(c) only requires that USAA identify “where each element of each Asserted Claim is found within each Accused Instrumentality.” Nevertheless, although not required to do so at this time, and without limiting its right to provide additional or different contentions later in discovery, USAA has provided, both in

this initial disclosure and in the attached claim charts, additional details regarding Regions' direct and indirect infringement, both literally and under the doctrine of equivalents, of the Asserted Claims.

Regions directly infringes, both literally and under the doctrine of equivalents, the Asserted Claims. For example, Regions infringes the Asserted Claims by making, using, offering to sell or selling within the United States, and/or importing into the United States, systems and methods covered by the Asserted Claims, including, without limitation, as a result of Regions' development, testing, or other internal usage of its mobile deposit-related systems. As another example, Regions directly infringes the Asserted Claims by putting the infringing systems, devices, and other instrumentalities into service, and controlling and benefiting from the infringing systems and devices as a whole. For example, Regions provides applications to third parties, including Regions' customers, that (alone or in conjunction with Regions' internal systems) direct and control performance of all elements of the Asserted Claims, and conditions participation in Regions' mobile check deposit process and receipt of the benefit of depositing checks remotely using a mobile device upon the customer's infringing use of the Regions Mobile Deposit service. As another example, Regions directly infringes by combining all elements of the infringing systems, devices, and other instrumentalities together. As a further example, Regions makes and uses a downloaded software component that, when downloaded and run by a customer's mobile device, will cause the customer's mobile device to perform the programmed functions. All of these activities constitute acts of direct infringement of one or more claims at issue.

Further, as another example, the infringing activities of third parties, including Regions' customers, are attributable to Regions such that Regions directly infringes the Asserted Claims, including, for example, because Regions controls or directs third parties, including Regions'

customers, to use the systems and methods covered by the Asserted Claims of the Asserted Patents in an infringing manner, for example by downloading and installing the Regions Mobile app on their mobile devices, such as iPhones, iPads, and Android smartphones and tablets, and by establishing the manner or timing of that infringing use. As another example, as discussed in more detail below, as well as in the attached claim charts, Regions instructs its customers to use the Regions Mobile Deposit system in an infringing manner and controls the infringing operation of the Regions Mobile App.

Specific non-limiting examples of these and other actions that support USAA's direct infringement allegations can be found in the claim charts attached as Exhibits A, B, C, and D hereto, in USAA's Complaint, and throughout this initial disclosure, and many more examples can be found, for example, on Regions' website, in Region' Mobile App, in Regions' Terms of Service, on third-party websites, including those of entities that Regions controls or directs, such as, for example, Apple and Google and among numerous other public sources, including, for example, press coverage, press releases, white papers, industry publications, and Regions' advertisements in various media. USAA further expects Regions to provide documents and information during the course of discovery that will support its direct infringement allegations.

Regions also indirectly infringes, both literally and under the doctrine of equivalents, the Asserted Claims. For example, Regions contributes to and induces infringement by third parties, including, without limitation, Regions' customers. Specifically, Regions actively and intentionally causes infringement with both knowledge of the Asserted Patents and the specific intent to cause third parties, including its customers, to use the Accused Instrumentalities in an infringing manner. These actions include, for example, Regions intentionally marketing the Regions Mobile Deposit service and Regions Mobile App to third parties, and supplying, selling, causing to be sold, and/or

offering to sell, itself and/or through intermediaries such as Apple and/or Google the Regions Mobile App to these third parties, including Regions' customers. As another example, Regions provides specific instructions to third parties on the infringing use of the Regions Mobile Deposit service. For example, Regions specifically instructs third parties, including Regions' customers, to use the Regions Mobile Deposit service by installing the Regions Mobile App on a mobile device, such as an Android, iPad, or iPhone device, which configures and controls the processor of the mobile device, *e.g.*, the Android, iPhone, or iPad device on which the Regions Mobile App is downloaded and installed, to include the claimed functionality. As another example, Regions specifically encourages customers to use the Regions Mobile Deposit service in an infringing manner, including by providing instructions, technical support, and other direction to encourage customers to use and operate the Regions Mobile Deposit service in an infringing manner. As another example, Regions specifically encourages customers to use the Regions Mobile Deposit service in order to realize various benefits, including, for example, improved convenience or security.

Further, Regions' Accused Instrumentalities are designed specifically for use with other systems (including mobile devices, such as iPhones, iPads, and Android smartphones and tablets) that, when coupled with the Accused Instrumentalities, are used to infringe the Asserted Patents. Regions' control or direction of third parties, including technology providers such as Apple and Google, as well as Regions' customers, is demonstrated through, for example, Regions' website and the websites and app stores of third parties, such as Apple and Google. These devices are especially designed to be used with the Accused Instrumentalities in an infringing manner, and Regions actively works with these third parties and others to provide and encourage the use of third party systems in a manner that infringes the Asserted Patents.

Further, Regions sells and offers to sell within the United States, imports into the United States, and/or supplies or causes to be supplied from the United States, components that constitute material parts of the claimed inventions, knowing that such components are especially made or adapted for use in the Accused Instrumentalities. The components are not staple articles or commodities of commerce suitable for non-infringing uses.

Specific non-limiting examples of these and other actions that support USAA's indirect infringement allegations are discussed below, and additional examples can be found in the claim charts attached as Exhibits A, B, C, and D hereto, in USAA's Complaint, and throughout this initial disclosure, and many more examples can be found, for example, on Regions' website, in Regions' Mobile App, in Regions' terms of service, on third-party websites, including those of entities that Regions controls or directs, such as, for example, Apple and Google, and among numerous other public sources, including, for example, press coverage, press releases, white papers, industry publications, and Regions' advertisements in various media. USAA further expects Regions to provide documents and information during the course of discovery that will further support its indirect infringement allegations.

For example, on its website, Regions specifically instructs third parties to "Download our mobile app" and provides links to "Download on the App Store" or "Get it on Google Play."

Step 2: Download our mobile app

Download the mobile app^[1] and make your life easier with phone or tablet access to budgeting tools, account alerts, virtual banking options and more.

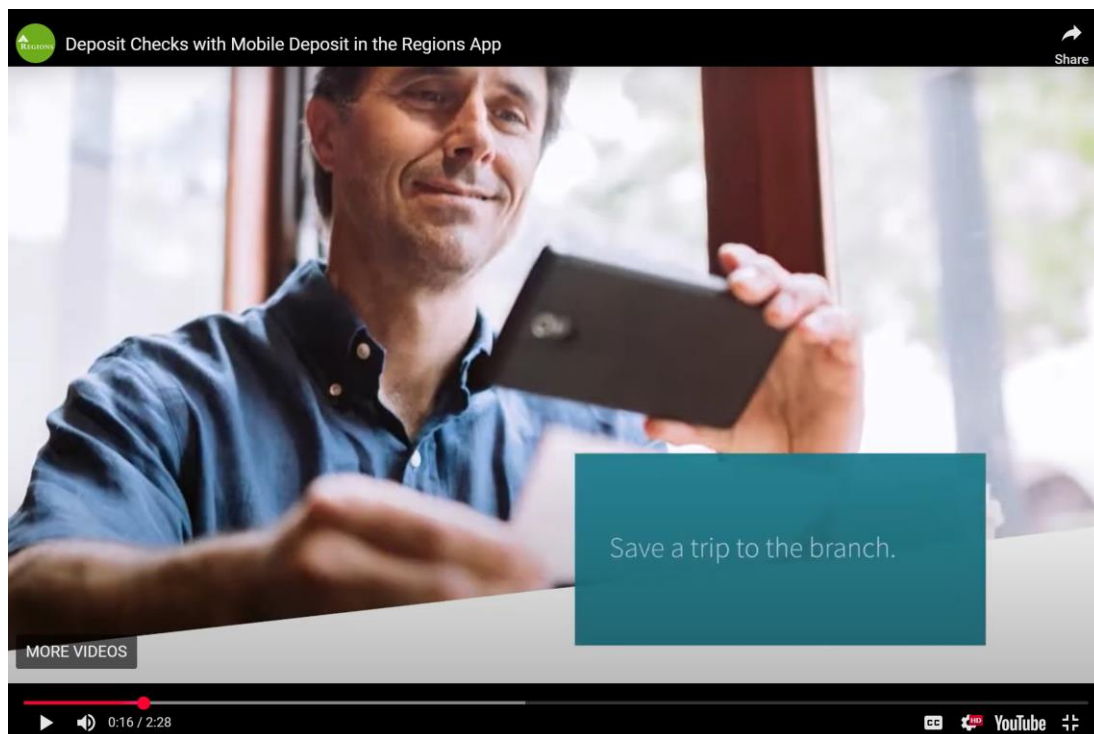


As another example, Regions advertises and promotes its Regions Mobile Deposit System, including through advertisements in web, print, television, online video, in-store displays, and other forms. For example, Regions specifically encourages customers to use the Regions Mobile

Deposit System in an infringing manner in order to realize various benefits, such as the ability to “easily make a deposit form anywhere, anytime,” and “save a trip to the branch.”

What is Regions Mobile Deposit?

Regions Mobile Deposit is an easy way to use the Regions mobile app to deposit checks into your checking, savings, money market account or to load funds to a Now Card. Other commonly used terms for mobile deposit are "remote deposit" or "remote deposit capture." Using your mobile device to capture a photo of the check, you can easily make a deposit from anywhere, anytime.



As further example, Regions makes its app available on the Apple App Store and Google Play Store where it touts the Regions Mobile Deposit System and instructs customers to “Move money when you’re on the go.”

App Store Preview

This app is available only on the App Store for iPhone and iPad.



Regions Mobile 4+

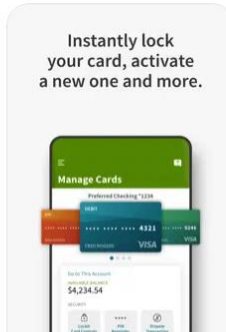
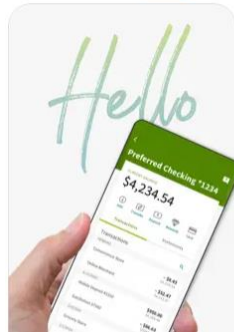
Regions Financial Corp

#183 in Finance

★★★★★ 4.8 • 476.9K Ratings

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Regions Bank

Regions Bank

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About this app →

We make everyday banking easier. Our Regions mobile banking app is a convenient way to bank on the go, with the award-winning service and features you expect. Bank where you want when you want.

App support ▾

More by Regions Bank →

- Regions Real Pass
Regions Bank
3.9★
- Regions Quick Deposit Mobile
Regions Bank
2.6★
- Regions iTreasury Mobile
Regions Bank
3.1★

In addition to encouraging customer to use the Regions Mobile Deposit System in an infringing way, Regions instructs customers how to infringe by providing detailed, step-by-step instructions on its website:

Follow these easy steps to use Regions Mobile Deposit:^[5]

1. To make deposits, you'll be asked to enable access to your location while using the app, and access to your camera in order to capture check images.
2. From the **Accounts** screen, navigate to the main menu. You can swipe right, or select the menu icon.
3. **Learn More** offers tips and information on the mobile deposit process.
4. To start a deposit, choose the account where you want to deposit the check.
5. Enter the check amount.
6. And, choose how soon you want to access your funds. We offer two availability options:

Available for Processing Tonight, at no charge.

And Available Immediately for a fee of one to four percent of the check amount, with a five-dollar minimum.
7. Sign the back of your check and write "For Regions Mobile RDC Service Only." And, if available, check the box that reads "Check here if mobile deposit."
8. Next, take a picture of your check front and back – the app will guide you through the process.
9. Review the deposit for accuracy. To continue, select **Deposit**.

These infringement contentions provide examples of infringement that illustrate USAA's infringement theories. However, the examples are non-limiting and are included to assist in understanding USAA's infringement theories. For example, details regarding how the Accused Instrumentalities implement the Asserted Claims may vary from instrumentality to instrumentality in ways not material to the analysis of the Asserted Claims. The specific instrumentalities selected for the most detailed discussions in the attached claim charts are, as explained in the charts themselves and as further addressed in this document, to be understood as representative of other instrumentalities with structures, operation, or other charted characteristics that do not differ from the charted instrumentalities in ways material to USAA's theories of infringement for the charted claims.

Further, the attached infringement claim charts are, of necessity, based only on publicly available information regarding Regions' instrumentalities. Therefore, additional patents, claims, and infringement claim charts may become applicable as information regarding the Regions instrumentalities is acquired through the discovery process and otherwise. USAA expressly reserves the right to supplement and revise its infringement contentions and charted information as discovery progresses.

2. Willfulness & Intent

Regions' infringement of the Asserted Patents has been and continues to be intentional and willful. Exemplary facts and evidence of Regions' willfulness are set forth below.

a. Knowledge of and Acclaim for USAA's Products Marked with the Asserted Patents and Their Family Members

From the beginning, Regions was well aware of USAA's technology and patents. In a news release issued on August 11, 2009, USAA announced that "New, cutting-edge USAA Deposit@Mobile feature takes branchless banking further on the iPhone." As another example, USAA publicly announced that it had patents filed regarding mobile deposit at a June 2009 industry conference. As a pioneer in mobile deposit, USAA was and continues to be a leader in developing mobile-deposit technology. A 2019 report by Javelin Strategy and Research also named USAA "as an overall 'Leader' in both mobile and online banking," and also evaluated Regions. Regions is aware of this and other acclaim for USAA's Deposit@Mobile® products, including because it was widespread in the industry and because some of the press surrounding USAA also referred specifically to Regions.

USAA also reached out directly to Regions to attempt to engage in a discussion regarding USAA's mobile deposit patents. For example, USAA sent Regions a letter on October 20, 2020, which offered Regions "a license on reasonable terms, as fair compensation for the continued use

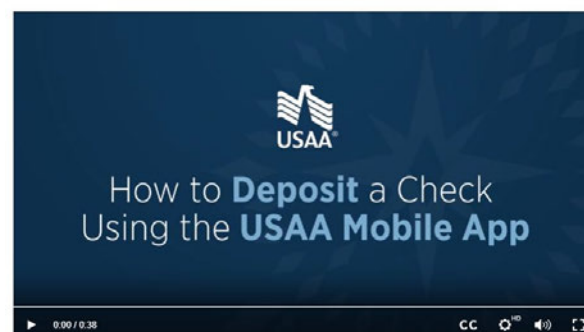
of [USAA's] patent-protected innovation.” In the letter, USAA noted that its “licensing campaign is an effort to recover a small and fair portion of the immense value that it has injected into the financial services industry through its invention of Remote Deposit Technology.” USAA also provided Regions with a list of issued USAA patents, which included the parent patents to the ’719, ’222, ’310, and ’095 Patents. Regions ignored the letter.

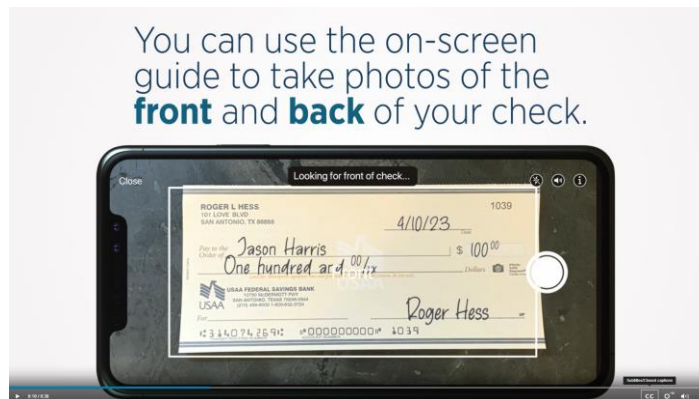
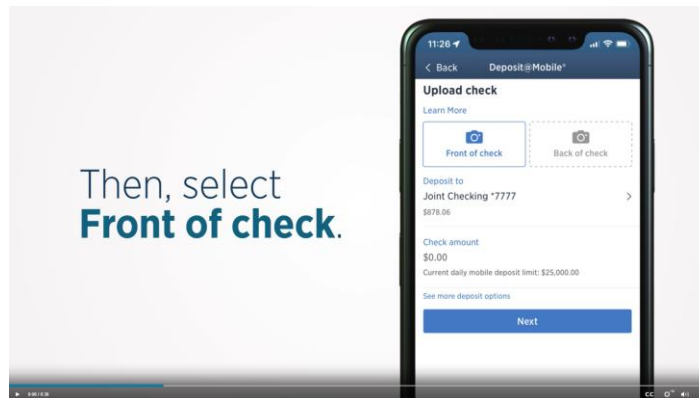
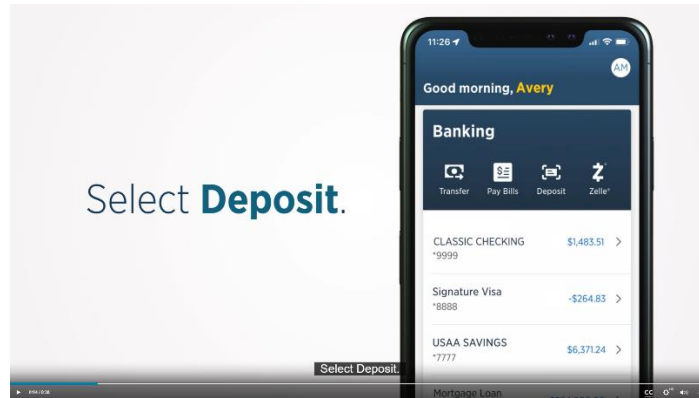
As another example, *The New York Times*, in an article titled “Bank Will Allow Customers to Deposit Checks by iPhone,” reported in August 2009 that “USAA . . . plans to update its iPhone Application this week to introduce the check deposit feature, which requires a customer to photograph both sides of the check with the phone’s camera.” On information and belief, Regions closely monitors media coverage discussing mobile deposit technology.

As another example of Regions’ willful infringement, USAA Deposit@Mobile application practices the Asserted Patents:

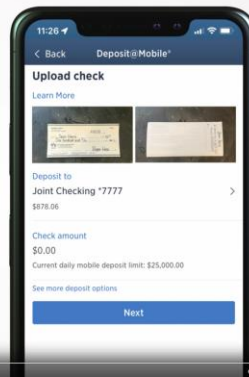
Mobile check deposit

Discover a better way to deposit with USAA. The Deposit@Mobile® feature on the USAA Mobile App lets you deposit up to five checks at a time and accepts a variety of check types.¹ Whether you’re at home or on the go, you can make a deposit into your USAA Federal Savings Bank accounts in a few simple steps.²

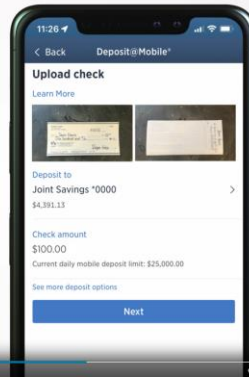




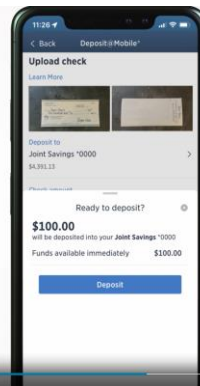
Next, **choose**
the **account** you
want the money
to go to.



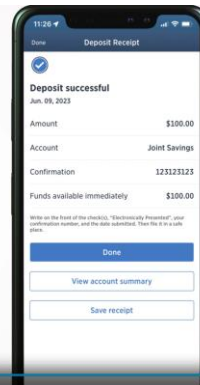
Then, enter the
check amount
and select **Next**.



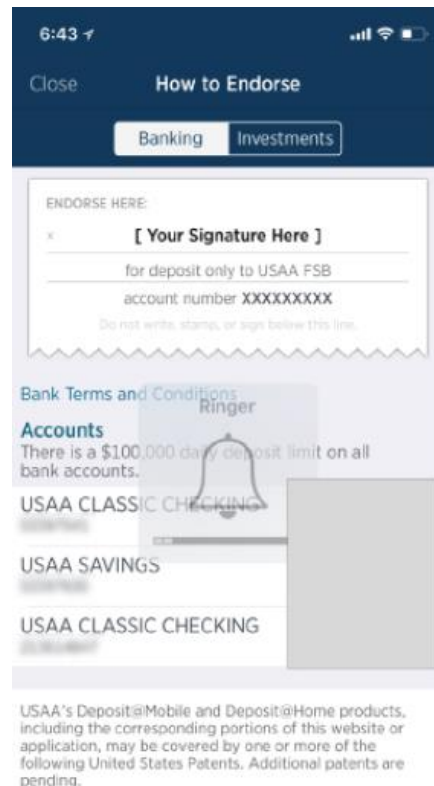
Confirm all the
information is
correct, then
select **Deposit**.



You've **finished**
depositing your
check.



USAA also marks Deposit@Mobile products and materials with its patents. The Deposit@Mobile application, for instance, provides the following disclosure when a customer clicks on the information icon when capturing a check:



In the Deposit@Mobile app, and additionally in website materials explaining how to use Deposit@Mobile, USAA discloses patents that Deposit@Mobile uses, which includes the Asserted Patents and their family members:

Deposit@Mobile® and related Deposit@Home® patent information

USAA's Deposit@Mobile® and related Deposit@Home® includes innovative features that are protected by multiple patents issued by the United States Patent and Trademark Office.

This page is intended to serve as notice under 35 U.S.C. §287(a).

U.S. Patent Nos: 8,699,779; 8,977,571; 7,962,411; 7,873,200; 7,876,949; 7,885,451; 7,900,822; 7,912,785; 7,949,587; 7,970,677; 7,974,899; 8,290,237; 8,320,657; 8,351,677; 8,374,963; 8,391,599; 8,422,758; 8,452,689; 8,688,579; 8,708,227; 8,732,081; 9,159,101; 9,177,197; 9,177,198; 9,224,136; 9,401,011; 9,818,090; 9,898,808; 7,620,604; 7,698,222; 7,792,752; 7,856,402; 7,885,880; 7,896,232; 7,996,314; 7,996,315; 7,996,316; 8,001,051; 8,046,301; 8,235,284; 8,358,826; 8,392,332; 8,433,127; 8,464,933; 8,538,124; 8,542,921; 8,611,635; 8,799,147; 8,837,806; 8,959,033; 9,058,512; 9,129,340; 9,286,514; 9,336,517; 9,569,756; 9,619,872; 9,626,662; 9,779,392; 10,013,681; 10,013,605; 9,946,923; 10,460,295; 10,402,638; 10,380,559; 10,354,235; 10,360,448; 10,402,790; 10,373,136; 10,235,660; 10,380,683; 10,380,565; 10,380,993; 10,482,432; 10,380,562; 10,552,810; 10,521,781; 10,504,185; 10,621,559; 10,506,281; 10,574,879; 10,621,660; 10,719,815; 10,713,629; 10,460,381; 10,706,466; 10,769,598; 10,810,561; 10,769,603; 10,915,879; 10,839,358; 10,956,728; 10,818,282; 10,855,914; 10,848,665; 10,896,408; 11,030,752; 11,023,719; 11,062,130; 11,062,131; 11,062,283; 11,064,111; 11,068,976; 11,070,868; 11,144,753; 11,182,753; 11,250,398; 11,216,884; 11,232,517; 11,222,315; 11,281,903; 11,295,377; 11,295,378; 11,321,678; 11,321,679; 11,328,267; 11,341,465; 11,348,075; 11,373,149; 11,373,150; 11,398,215; 11,429,949; 11,461,743; 11,488,405; 11,531,973; 11,538,015; 11,544,682; 11,544,944; 11,562,332; 11,625,770; 11,682,221; 11,682,222; 11,893,628; 12,002,016; 12,008,522; 12,062,088; 12,067,624; 12,131,300; 12,159,310; 12,182,791; 12,211,015; 12,211,095.

Other patents pending.

USAA's Deposit@Mobile® and related Deposit@Home® includes innovative features that are protected by multiple patents issued by the United States Patent and Trademark Office.

This page is intended to serve as notice under 35 U.S.C. §287(a).

U.S. Patent Nos: 8,699,779; 8,977,571; 7,962,411; 7,873,200; 7,876,949; 7,885,451; 7,900,822; 7,912,785; 7,949,587; 7,970,677; 7,974,899; 8,290,237; 8,320,657; 8,351,677; 8,374,963; 8,391,599; 8,422,758; 8,452,689; 8,688,579; 8,708,227; 8,732,081; 9,159,101; 9,177,197; 9,177,198; 9,224,136; 9,401,011; 9,818,090; 9,898,808; 7,620,604; 7,698,222; 7,792,752; 7,856,402; 7,885,880; 7,896,232; 7,996,314; 7,996,315; 7,996,316; 8,001,051; 8,046,301; 8,235,284; 8,358,826; 8,392,332; 8,433,127; 8,464,933; 8,538,124; 8,542,921; 8,611,635; 8,799,147; 8,837,806; 8,959,033; 9,058,512; 9,129,340; 9,286,514; 9,336,517; 9,569,756; 9,619,872; 9,626,662; 9,779,392; 9,779,452; 9,892,454; 9,898,778; 9,904,848; 10,013,681; 10,013,605; 9,946,923; 10,460,295; 10,402,638; 10,380,559; 10,354,235; 10,360,448; 10,402,790; 10,373,136; 10,235,660; 10,380,683; 10,380,565; 10,380,993; 10,482,432; 10,380,562; 10,552,810; 10,521,781; 10,504,185; 10,621,559; 10,506,281; 10,574,879; 10,621,660; 10,719,815; 10,713,629; 10,460,381; 10,706,466; 10,769,598; 10,810,561; 10,769,603; 10,915,879; 10,839,358; 10,956,728; 10,818,282; 10,855,914; 10,848,665; 10,896,408; 11,030,752; 11,023,719; 11,062,130; 11,062,131; 11,062,283; 11,064,111; 11,068,976; 11,070,868; 11,144,753; 11,182,753; 11,250,398; 11,216,884; 11,232,517; 11,222,315; 11,281,903; 11,295,377; 11,295,378; 11,321,678; 11,321,679; 11,328,267; 11,341,465; 11,348,075; 11,373,149; 11,373,150; 11,398,215; 11,429,949; 11,461,743; 11,488,405; 11,531,973; 11,538,015; 11,544,682; 11,544,944; 11,562,332; 11,625,770; 11,682,221; 11,682,222; 11,893,628; 12,002,016; 12,008,522; 12,062,088; 12,067,624; 12,131,300; 12,159,310; 12,182,791; 12,211,015; 12,211,095.

Other patents pending.

b. Prior Litigation

As another example of Regions' willful infringement, in 2018 USAA filed two complaints against Wells Fargo for infringement of patents to the Asserted Patents.

USAA's claims based on the Asserted Patents were widely discussed in the banking industry. For instance, the *American Banker*, a publication which describes itself as "the essential resource for senior executives in banking and financial services, keeping its users updated on vital developments and focusing sharply on their most important concerns" ran a series of articles reporting on the USAA lawsuits against Wells Fargo and repeatedly noted the opinion of the publication the USAA patents had significant implications for other banks using USAA's mobile deposit technology. These included, for example, a June 2018 article entitled "Is USAA vs. Wells Fargo the start of a broader patent war?" For example, an article in the *American Banker*, published in January 2020, discussed the jury verdict in which Wells Fargo was found to infringe the

Asserted Patents and USAA was awarded \$102.8 million in past damages. For example, the article reported “Wells Fargo has lost a second mobile deposit patent lawsuit brought against it by USAA” and noted that “other banks should be on alert if they use the same technology” and specifically referenced USAA’s Deposit@Mobile product. *Id.* Similar articles appeared in other major publications such as *Bloomberg* and *Business Insider*.

As further example, in 2020 USAA filed complaints against PNC Bank, NA alleging infringement of, among other things, one of the parents to the ’310 and ’095 Patents. In 2021, USAA filed another complaint against PNC, which included claims for infringement of the parent patents for the ’719 and ’222 Patents.

Again, USAA’s claims were widely discussed in the banking industry. . . For example, an article in *American Banker*, published in May 2022, entitled “USAA scores mobile deposit capture patent win against PNC,” addressed the outcome of the suit between USAA and PNC, stating that USAA was awarded \$218 million in damages “over its claims that PNC Bank infringed four USAA patents related to remote check deposit technology.” *American Banker* also reported on this litigation in an April 2022 article titled “Truist, TD join group that pushes back on patent aggression,” noting specifically that “USAA has sued Wells Fargo and PNC over their use of mobile deposit capture.”

As an additional example, in 2022 USAA filed litigation against Truist Bank alleging infringement of, among other things, a parent patent to the ’310 and ’095 Patents. In 2023, USAA amended its complaint against Truist, adding claims for infringement of a parent patent to the ’222 Patent. In October 2023, the *American Banker* published another article reporting on the Truist lawsuit, entitled “USAA wins another remote-deposit patent victory, this time over Truist,” which

noted that Truist had entered into a settlement and patent licensing agreement with USAA to resolve USAA's claims of patent infringement.

As another example, USAA has entered into a number of license agreements with other banks and financial institutions, which also have been widely publicized. For example, on August 28, 2023, USAA announced that it had entered into a license agreement with Discover Financial Services. As another example, in June 2024, USAA announced that it had entered into an agreement with Esquire Bank that provided Esquire Bank with a license to use USAA's patents covering remote deposit capture technology. As another example, in October 2024, USAA announced that it had entered into an agreement with First Citizens Bank & Trust Company that provided First Citizens Bank & Trust Company with a license to USAA's patents covering remote deposit capture technology.

Notwithstanding Regions' specific knowledge of the Asserted Patents and their applicability to the Accused Instrumentalities, Regions has never sought or received authorization from USAA to practice the Asserted Patents. Instead, without authorization, Regions has proceeded to design the Accused Instrumentalities. As discovery has not yet begun, USAA reserves the right to rely on additional evidence of willfulness as it is identified through further investigation or the discovery process.

D. Literal Infringement and Doctrine of Equivalents

In accordance with P.R. 3-1(d), USAA alleges that each element of each Asserted Claim of the Asserted Patents is literally present in the Accused Instrumentalities.

Regions has not yet provided any non-infringement contentions or otherwise identified any elements of the claims that it asserts are not satisfied by the Accused Instrumentalities. To the extent that, in the future, any differences are alleged to exist between the Asserted Claims and the Accused Instrumentalities, such differences are expected to be insubstantial—the Regions

Accused Instrumentalities perform exactly or substantially the same function as recited in the claims, in exactly or substantially the same way as recited in the claims, to yield exactly or substantially the same result as contemplated by the claims. Furthermore, because the structure and functionality provided by Regions is being used to satisfy the limitations, there is no claim vitiation. Thus, should the Court find any of the claim elements not satisfied literally, the Regions Accused Instrumentalities would still infringe under the doctrine of equivalents.

Discovery in this matter is ongoing and USAA makes these preliminary assertions without discovery yet occurring in this action, and expressly reserves the right to supplement and revise its contentions regarding infringement under the doctrine of equivalents based on additional information obtained through discovery or otherwise.

E. Priority Dates

In accordance with P.R. 3-1(e), USAA presently understands that the Asserted Claims of the '719 Patent and '222 Patent are entitled to priority dates of at least as early as, and possibly earlier than October 31, 2006 (Filing Date of Appl. No. 11/590,974).

Additionally, the Asserted Claims of the '310 Patent and '095 Patent are entitled to priority dates of at least as early as, and possibly earlier than August 21, 2009 (Filing Date of Appl. No. 12/545,127).

USAA notes that these priority dates that may be claimed based on earlier applications as distinguished, for example, from even earlier dates that may be claimed on alternative bases such as the timing of conception or actual reduction to practice. Based on USAA's investigation to date, the inventions disclosed in the '719 and '222 Patents were conceived by at least June 2005 and the inventions disclosed in the '310 and '095 Patents were conceived by at least July 2008 in connection with research and development work by USAA's Applied Research and IT Technology teams related to USAA's Deposit@Home and Deposit@Mobile Products, and these inventions

were diligently reduced to practice by at least the filing dates of the 2006 and 2009 priority applications discussed above. USAA reserves the right to assert earlier dates that may be claimed on bases such as the timing of conception or actual reduction to practice.

F. Identification of Practicing Instrumentalities

In accordance with P.R. 3-1(f), at present, USAA identifies the following apparatuses, products, devices, processes, methods, acts, or other instrumentalities that it presently believes incorporate or reflect each Asserted Claim of the Asserted Patents: *e.g.*, one or more versions of USAA's Deposit@Mobile® service embodies each of the following claims:

- '719 Patent: Claims 29-30
- '222 Patent: Claims 1-20
- '310 Patent: Claims 1-16
- '095 Patent: Claims 1-30

USAA's investigation of other apparatuses, products, devices, processes, methods, acts, or other instrumentalities is ongoing, and USAA reserves its right to supplement or amend this identification as its investigation proceeds.

G. Document Production Accompanying Initial Disclosure

Documents that may fall within the category of P.R. 3-2(a) include: USAA_REGIONS00000001 – USAA_REGIONS00000106. This listing does not constitute an admission that any identified document evidences or is prior art, or evidences a discussion, disclosure, sale, or offer to sell of any invention, or evidences the date of any such activity. Further, the listing of any document herein is not an admission regarding the scope, priority date, or dates of conception or reduction to practice of any invention.

Documents that may fall within the category of P.R. 3-2(b) include:
USAA_REGIONS000000001 – USAA_REGIONS00006015.

Documents that may fall within the category of P.R. 3-2(c) include:
USAA_REGIONS00006016 – USAA_REGIONS00009184.

Further, USAA is prepared to make available for inspection on reasonable notice certain source code materials that may fall within the categories of P.R. 3-2(a) and P.R. 3-2(b), subject to procedures necessary to protect the confidentiality of such materials reflected in an appropriate protective order or other interim agreement between the parties.

Discovery in this matter has not yet begun. Consequently, USAA continues to investigate the facts relating to this action. USAA anticipates that, as this action proceeds, further documents and source code may be discovered, or their significance better understood, and USAA reserves the right to modify, amend or supplement its disclosures with such pertinent documents and source code.

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Respectfully submitted,

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