

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

WEB3AI TECHNOLOGIES, LLC,

Plaintiff,

v.

STRATEGY INC.,

Defendant.

Civil Action No.: 2:25-cv-00260-AWA-DEM

**PLAINTIFF’S SUPPLEMENTAL BRIEF IN OPPOSITION TO
DEFENDANT’S MOTION TO DISMISS**

Web3AI Technologies, LLC (“**Web3AI**”) respectfully submits this Supplemental Brief to bring to the Court’s attention Strategy Inc.’s (“**Strategy**”) revised positions regarding the § 112(f) limitations of U.S. Patent No. 9,218,574 (the “‘574 patent”).

STRATEGY HAS REVISED ITS POSITION REGARDING THE STRUCTURE OF THE CLAIMED “MODULE” TERMS

Since briefing closed, Strategy has taken three materially different positions on whether the ‘574 patent’s claimed “modules” have corresponding structure:

Forum	Strategy’s Position
Original MTD (Dkt. 23)	Structure is absent : “No module is ever described in the claims or specification beyond the results they are designed to achieve”; “There is no algorithm describing how the claimed . . . modules actually perform their functions”
Corrected MTD (Dkt. 29)	Structure is “ legally insufficient, not absent ” — deleted six sentences asserting structure was absent

Forum	Strategy's Position
IPR Petition (IPR2026-00223)	Identifies specific algorithms and data structures corresponding to the claimed modules in support of its obviousness challenge

Strategy subsequently filed a Corrected Memorandum in which it revised its earlier statement that corresponding structure was “absent” and instead argued that the disclosed structure is “legally insufficient.”

The IPR petition reflects this revised formulation. At pages 3–4, Strategy states: “Consistent with the instant Petition, Petitioner does not maintain in the district court that corresponding structure is entirely absent.” Pet. at 3–4.

The IPR petition then identifies detailed corresponding structure for *every claimed module*. For example:

- Predictive Compiler Module:** “the ‘574 patent discloses **algorithm steps** to achieve recited function(s) . . . the algorithm steps include (i) **receiving training data** (*id.*, 20:24-38), (ii) **generating learned functions from the training data** (*id.*, 21:17-35), and (iii) **forming a machine learning ensemble from the learned functions** (*id.*, 23:28-38), where the output is **executable program code** (*id.*, 19:22-33, 6:55-59).” Pet. at 7.
- Pre-Compute Module:** “the ‘574 patent discloses **algorithm steps** to predetermine various machine learning results . . . The algorithm steps include (i) **computing multiple results over a range before the results are requested by a user** (*id.*, 18:12-27), and (ii) **caching the results indexed by the inputs** (*id.*, 18:46-61). The results are stored in a ‘**results data structure**’ which may include ‘**a lookup table, a tree, a linked list, a heap, a stack, or another indexable data structure.**’ *Id.*, 18:51-53.” Pet. at 8.

Positions taken before the PTAB are relevant to and may be used against a party in

district court proceedings. *See Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1361-62 (Fed. Cir. 2017). The PTAB and this Court apply the same claim construction standard under *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). *See SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348 (2018).

The doctrine of judicial estoppel permits a court to consider whether a party has adopted materially different positions in separate proceedings. *New Hampshire v. Maine*, 532 U.S. 742, 749 (2001).

Web3AI respectfully submits that these subsequent filings are relevant to the Court's evaluation of Strategy's § 112(f) arguments in the pending Motion to Dismiss.

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