

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

EVOLUTIONARY INTELLIGENCE, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:12-cv-00783-MHS-CMC

JURY TRIAL DEMANDED

EVOLUTIONARY INTELLIGENCE, LLC,

Plaintiff,

v.

SPRINT NEXTEL CORPORATION;
SPRINT COMMUNICATIONS COMPANY
L.P.;
SPRINT SPECTRUM, L.P.; and
SPRINT SOLUTIONS, INC.,

Defendants.

Case No. 6:12-cv-00791-MHS-CMC

JURY TRIAL DEMANDED

EVOLUTIONARY INTELLIGENCE, LLC,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Case No. 6:12-cv-00784-MHS-CMC

JURY TRIAL DEMANDED

EVOLUTIONARY INTELLIGENCE, LLC,
Plaintiff,

v.

FOURSQUARE LABS, INC.,
Defendant.

Case No. 6:12-cv-00785-LED

JURY TRIAL DEMANDED

EVOLUTIONARY INTELLIGENCE, LLC,
Plaintiff,

v.

GROUPON, INC.,
Defendant.

Case No. 6:12-cv-00787-MHS-CMC

JURY TRIAL DEMANDED

EVOLUTIONARY INTELLIGENCE, LLC,
Plaintiff,

v.

LIVINGSOCIAL, INC.,
Defendant.

Case No. 6:12-cv-00789-MHS-CMC

JURY TRIAL DEMANDED

EVOLUTIONARY INTELLIGENCE, LLC,
Plaintiff,

v.

MILLENNIAL MEDIA, INC.,
Defendant.

Case No. 6:12-cv-00790-MHS-CMC

JURY TRIAL DEMANDED

EVOLUTIONARY INTELLIGENCE, LLC,
Plaintiff,

v.

TWITTER, INC.,
Defendant.

Case No. 6:12-cv-00792-MHS-CMC

JURY TRIAL DEMANDED

EVOLUTIONARY INTELLIGENCE, LLC,
Plaintiff,

v.

YELP, INC.,
Defendant.

Case No. 6:12-cv-00794-MHS-CMC

JURY TRIAL DEMANDED

**Evolutionary Intelligence's P.R. 3-1 Disclosure of Asserted Claims and
Infringement Contentions, and P.R. 3-2 Disclosures**

Pursuant to Patent Rule 3-1, Plaintiff Evolutionary Intelligence, LLC ("Evolutionary Intelligence") provides its Disclosure of Asserted Claims and Preliminary Infringement Contentions. Evolutionary Intelligence's statements are based on publicly available materials regarding the accused infringing products and services of Defendants. Evolutionary Intelligence has not yet had access to any discovery of Defendants' materials, and therefore certain information is not yet available to Evolutionary Intelligence that is relevant to its infringement claims. Evolutionary Intelligence reserves the right to supplement and/or modify its disclosures herein based on additional information obtained through formal discovery or other means concerning the Defendants' products or services. Further, the patents' claims have not

yet been construed, and Evolutionary Intelligence’s investigation of claim construction issues is continuing. Accordingly, Evolutionary Intelligence reserves its right to supplement and/or modify its disclosures pursuant to P.R. 3-6.

I. Evolutionary Intelligence’s P.R. 3-1(a) Disclosures

A. Apple Inc. (“Apple”)

Subject to ongoing discovery and investigation, Evolutionary Intelligence contends, pursuant to P.R. 3-1(a), that Apple directly, contributorily and/or by inducement infringes the following claims: U.S. Patent No. 7,010,536, claims 1–16; and U.S. Patent No. 7,702,682, claims 1–11 and 14–23. *See* Exhibits A and B.

B. Facebook, Inc. (“Facebook”)

Subject to ongoing discovery and investigation, Evolutionary Intelligence contends, pursuant to P.R. 3-1(a), that Facebook directly, contributorily and/or by inducement infringes the following claims: U.S. Patent No. 7,010,536, claims 1–16; U.S. Patent No. 7,702,682, claims 1–11 and 14–23. *See* Exhibits C and D.

C. Twitter, Inc. (“Twitter”)

Subject to ongoing discovery and investigation, Evolutionary Intelligence contends, pursuant to P.R. 3-1(a), that Twitter directly, contributorily and/or by inducement infringes the following claims: U.S. Patent No. 7,010,536, claims 1-16; U.S. Patent No. 7,702,682, claims 1-11, 14-23. *See* Exhibits E and F.

D. Millennial Media, Inc. (“Millennial”)

Subject to ongoing discovery and investigation, Evolutionary Intelligence contends, pursuant to P.R. 3-1(a), that Millennial directly, contributorily and/or by inducement infringes the following claims: U.S. Patent No. 7,010,536, claims 1–16; U.S. Patent No. 7,702,682, claims 1, 3–7, 10, 11, and 14–22. *See* Exhibits G and H.

E. Sprint Nextel Corporation, Spring Communications Company, L.P., Sprint Spectrum, L.P., and Sprint Solutions, Inc. (collectively, “Sprint”)

Subject to ongoing discovery and investigation, Evolutionary Intelligence contends, pursuant to P.R. 3-1(a), that Sprint directly, contributorily and/or by inducement infringes the following claims: U.S. Patent No. 7,010,536, claims 1-12, and 14-16; U.S. Patent No. 7,702,682, claims 1-11, and 14-23. *See* Exhibits I and J.

F. Groupon, Inc. (“Groupon”)

Subject to ongoing discovery and investigation, Evolutionary Intelligence contends, pursuant to P.R. 3-1(a), that Groupon directly, contributorily and/or by inducement infringes the following claims: U.S. Patent No. 7,010,536, claims 1-5, 7-16; U.S. Patent No. 7,702,682, claims 1, 3-7, 10-11, and 14-23. *See* Exhibits K and L.

G. Livingsocial, Inc. (“Livingsocial”)

Subject to ongoing discovery and investigation, Evolutionary Intelligence contends, pursuant to P.R. 3-1(a), that Livingsocial directly, contributorily and/or by inducement infringes the following claims: U.S. Patent No. 7,010,536, claims 1-4, 7-9, 11-16; U.S. Patent No. 7,702,682, claims 1, 3-7, 10-11, 14-16, 19, and 21. *See* Exhibits M and N.

H. Foursquare Labs, Inc. (“Foursquare”)

Subject to ongoing discovery and investigation, Evolutionary Intelligence contends, pursuant to P.R. 3-1(a), that Foursquare directly, contributorily and/or by inducement infringes the following claims: U.S. Patent No. 7,010,536, claims 1-16; U.S. Patent No. 7,702,682, claims 1, 3-7, 10-11, and 14-23. *See* Exhibits O and P.

I. Yelp, Inc. (“Yelp”)

Subject to ongoing discovery and investigation, Evolutionary Intelligence contends, pursuant to P.R. 3-1(a), that Yelp directly, contributorily and/or by inducement infringes the following claims: U.S. Patent No. 7,010,536, claims 1-9, 11-

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.