

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-

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