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12

13

14                 IN THE UNITED STATES DISTRICT COURT

15            FOR THE NORTHERN DISTRICT OF CALIFORNIA

16

17 X ONE, INC.,                              CASE NO.

18               Plaintiff,                  **COMPLAINT FOR PATENT
                                             INFRINGEMENT**
19       v.

20 UBER TECHNOLOGIES, INC.,                  **DEMAND FOR JURY TRIAL**

21               Defendant.

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COMPLAINT FOR PATENT INFRINGEMENT

1    Plaintiff X One, Inc., through its undersigned attorney, alleges the following for its

2  Complaint against Uber Technologies Inc.:

3                                    **NATURE OF ACTION**

4    1.    This is an action for patent infringement under the patent laws of the United States,

5  Title 35, United States Code.

6                                      **THE PARTIES**

7    2.    X One, Inc. is a Delaware corporation with its principal place of business in Union

8  City, California.

9    3.    Upon information and belief, Uber Technologies, Inc. is a Delaware corporation with

10  its principal place of business in San Francisco, California.

11                              **JURISDICTION AND VENUE**

12    4.    This is an action for patent infringement arising under the United States Patent Laws,

13  35 U.S.C. § 100 et seq.  Subject matter jurisdiction is proper under 28 U.S.C. §§ 1331 and 1338(a).

14    5.    This Court has personal jurisdiction over Uber.  Uber has conducted and does conduct

15  business within the State of California, and on information and belief, its corporate headquarters are

16  located in this District.  Uber, directly or through subsidiaries or intermediaries, offers for sale, sells,

17  and advertises its services in the United States, the State of California, and the Northern District of

18  California.  These infringing services have been, and continue to be, purchased and used by

19  consumers in the Northern District of California.  Uber has committed acts of patent infringement

20  within the State of California and, more particularly, within the Northern District of California.

21    6.    Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

22                                **FACTUAL BACKGROUND**

23    7.    In 2003, X One principal, Mr. Richard Haney, recognized the need for mobile device

24  users to share location information with one another.  At that time, there was no technological

25  solution tied to that particular technology that allowed users to share their locations with one another

26  by updating a map displayed on a user's mobile device.

27    8.    In 2004, Mr. Haney developed product specifications and developed a working

28  prototype using Nextel telephones.

1                    COMPLAINT FOR PATENT INFRINGEMENT

1       9.      In April 2005, a patent application naming Mr. Haney as the sole inventor was filed

2   with the United States Patent and Trademark Office.

3       10.     Since that time, the United States Patent Office has issued more than ten patents to

4   X One, and X One has many more pending patent applications relating to the use of position

5   information in mobile phones.

6       11.     There are two patents at issue in this action: United States Patent No. 8,798,647 (the

7   '647 Patent) and United States Patent No. 8,798,593 (the '593 Patent) (collectively, the patents-in-

8   suit).

9       12.     Uber has been aware of X One's portfolio, including the '647 and '593 Patents, since

10  at least December 2014.  In December 2014, X One emailed Uber's CEO, Mr. Travis Kalanick,

11  identified nine of X One's issued patents, including the '647 and '593 Patents, and offered to engage

12  in licensing discussions.

13      13.     X One alleges that Uber has infringed and continues to infringe one or more claims of

14  the patents-in-suit by engaging in acts that constitute infringement under 35 U.S.C. § 271 et seq.,

15  including but not limited to making, using, offering for sale, and/or selling within the United States

16  certain products and services which embody, or in combination embody, one or more claims of the

17  patents-in-suit.  On information and belief, these products and services include, for example, servers

18  configured or adapted to operate with Uber's mobile device applications on iOS, Android, and

19  Microsoft operating systems ("Uber App" ), as well as the Uber ride-sharing, car-pooling, and

20  delivery services (collectively, the "Accused Products and Services"). The Accused Products and

21  Services permit a rider to request a ride from a driver through the Uber App on the rider's mobile

22  device and allow the rider to track the location of Uber's drivers.

23      **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 8,798,647**

24      14.     X One incorporates by reference the foregoing paragraphs of this Complaint as if

25  fully set forth herein.

26      15.     The '647 Patent is titled "Tracking Proximity of Services Provider to Services

27  Consumer."  The United States Patent and Trademark Office issued this patent on August 5, 2014.

28  A true and correct copy of the patent is attached as Exhibit A.

2                           COMPLAINT FOR PATENT INFRINGEMENT

1  16. The claims of the '647 Patent are directed to specific applications of a technological

2 solution tied to the technology of mobile devices that improve on the previously-existing technology.

3 For example, the claims recite specific ways in which a service provider and a service requestor may

4 share and view their respective locations on a map based on GPS data acquired from their mobile

5 devices.

6  17. The '647 Patent addresses a technological problem and a technological solution

7 unique to the use of GPS-enabled wireless devices: how to share location information between

8 devices without overtaxing system resources, violating individual privacy concerns, or requiring

9 concurrent voice communication.

10  18. Earlier systems and methods did not enable two-way position sharing between mobile

11 devices and were unable to solve this problem.  According to the '647 Patent, at the time of the

12 invention, "[n]o two way position information sharing technology currently exists."  '647 Patent at

13 1:30-31.

14  19. The '647 Patent provides a specific implementation to solve this technological

15 problem and allows users to share position data from their GPS-enabled wireless devices amongst

16 themselves and to plot the users' position data in real-time on an updateable map.  *See, e.g.*, *id.* at

17 12:20-15:13.

18  20. The '647 Patent's specification explains that in some embodiments, location data are

19 not shared outside of a request for services, conserving network resources.  *See, e.g.*, *id.* at 15:26-38;

20 *id.* at 31:55-32:5.

21  21. In some embodiments of the '647 Patent, when location data is shared, only users in

22 the group (e.g., the user requesting services and the active service provider(s)) exchange position

23 data.  *See, e.g.*, *id.* at 15:26-38; *id.* at 31:55-32:5.

24  22. By limiting the timing of location-data exchange, as well as the users who receive a

25 particular user's location data, some embodiments of the '647 Patent limit the transfer of data across

26 the network and limit potential security concerns from widespread sharing of location data.  *See,*

27 *e.g.*, *id.* at 2:8-12; *id.* at 8:51-9:65.

28

<div align="center">3</div>       COMPLAINT FOR PATENT INFRINGEMENT

1      23.     The claims of the '647 Patent recite formation of a "use-specific group" of users in

2  connection with a request for services via the launch of an application on a wireless device.  *See,*

3  *e.g.*, *id.* at 15:26-38; *id.* at 31:55-32:5.

4      24.     The '647 Patent claims also recite a solution to a technological problem by providing

5  for updateable maps showing the locations of users belonging to a particular group, reducing the

6  need for further voice or text communication and thereby conserving system resources and the

7  amount of data which must be transmitted over a network.  *See, e.g.*, *id.* at 31:49-54.

8      25.     The '647 Patent also addresses another technological problem unique to the use of

9  GPS-enabled wireless devices: how to dynamically share location information between a service

10  requestor and a service provider.  *See, e.g.*, *id.*at 16:44-17:27.

11      26.     According to the '647 Patent specification, earlier systems that allowed one-way

12  position information sharing had "no mechanism to add groups and members of groups" and "no

13  mechanism to set up 'instant buddies.'"  *Id.* at 1:62-67.

14      27.     These earlier systems "are set up at the factory and nothing can be changed in the

15  field by the users and they are always on and cannot be disabled."  *Id.* at 1:67-2:2.

16      28.     The '647 Patent provides specific implementations for users to dynamically enable

17  "temporary location sharing between phones on an ask and accept basis which automatically expires

18  after a configurable interval terminates."  *Id.* at 1:64-67.

19      29.     The '647 Patent discloses embodiments that allow "users [to] change things on the fly

20  in the field such as: adding groups and members; adding instant buddies, changing the size of the

21  area in which their buddies can be tracked, enabling or disabling the location information sharing

22  function without disabling the phone, etc."  *Id.* at 3:20-25.

23      30.     The '647 Patent provides a specific implementation for "businesses to easily identify

24  which service persons are closest to the next job."  *Id.* at 3:26-30.

25      31.     The '647 Patent describes, for example, forming an instant buddy relationship

26  between a tow truck customer and a tow truck driver wherein "[a]fter both phones are set up as

27  instant buddies, each phone shows the location of the other phone on its moving map."  *Id.* at 15:34-

28

4                    COMPLAINT FOR PATENT INFRINGEMENT

1  36. "This allows the tow truck driver to find the user tow truck customer and the user customer to

2  know where the tow truck driver is." *Id.* at 15:36-38.

3      32.      The claims of the '647 Patent recite a specific technological implementation solving a

4  particular technological problem.

5      33.      Claim 22 of the '647 Patent recites sharing location between a requestor and provider

6  of a desired service "in connection with the request for the desired service" with respect to wireless

7  devices. *Id.* at 30:47-31:12.

8      34.      Claim 22 of the '647 Patent recites forming a "use-specific group" between a service

9  provider and a requestor of a desired service based on a request from a requestor "in connection with

10  the request for the desired service" with respect to wireless devices. *Id.* at 30:47-31:12.

11      35.      Claim 22 of the '647 Patent recites an implementation that tracks the location of

12  service providers and provides the requestor of a desired service a map which plots the locations of

13  nearby service providers with respect to wireless devices. *Id.* at 30:47-31:12.

14      36.      Claim 22 of the '647 Patent recites forming a "use-specific group" "in connection

15  with the request for the desired service" and providing a map to the user so the user can track the

16  location of the service provider with respect to wireless devices. *Id.* at 30:47-31:12.

17      37.      X One owns the entire right, title, and interest in and to the '647 Patent.

18      38.      Upon information and belief, Uber has directly infringed one or more claims of the

19  '647 Patent under 35 U.S.C. § 271(a) by, among other things, making, having made, used, offered

20  for sale, sold in the United States products and services used by, or under the direction or control of,

21  Uber in practicing one or more claims of the '647 Patent, including, by way of example and without

22  limitation, the Accused Products and Services.

23      39.      The Accused Products and Services infringe at least Claim 22 of the '647 Patent.

24      40.      Upon information and belief, the Accused Products and Services perform a "method

25  of tracking proximity of position associated with a first wireless device relative to position of a

26  second wireless device, wherein the first wireless device is associated with a requestor of a desired

27  service and the second wireless device is associated with a provider of the desired service."  For

28  example, according to Uber documents, the Accused Products and Services allow a first wireless

device (associated with a rider) to track the position of a second wireless device (associated with a

driver).
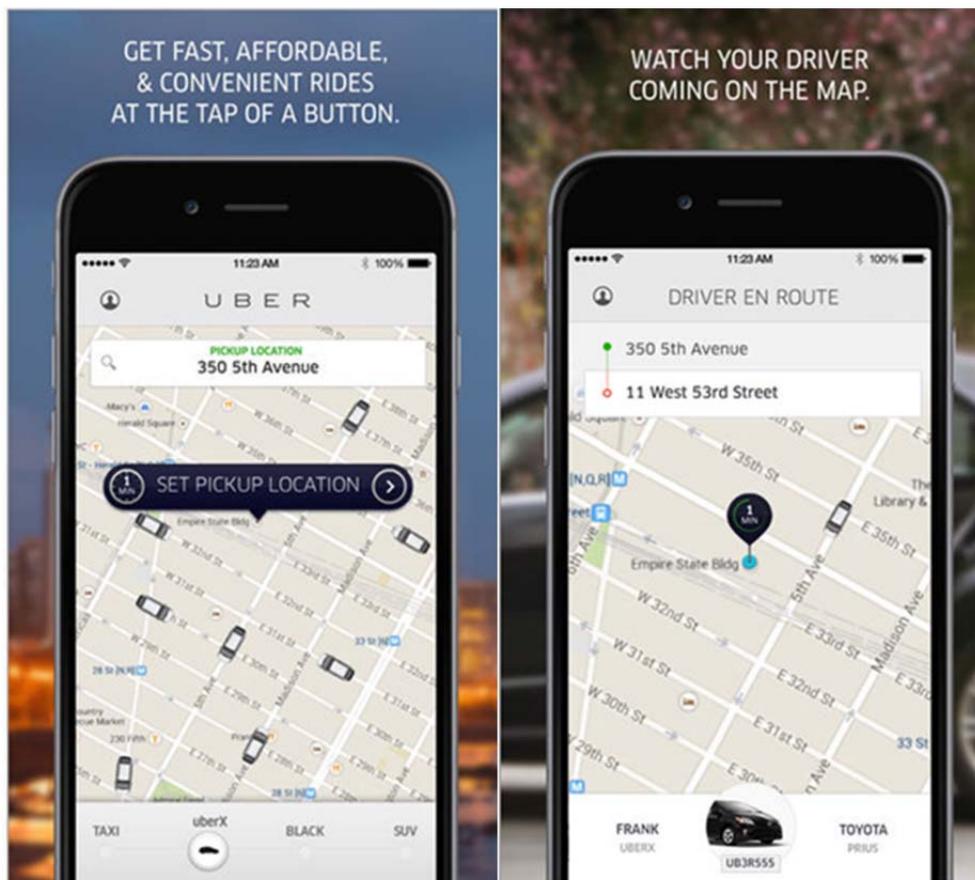


41.      Upon information and belief, the Accused Products and Services perform the claim

element of "selecting the provider of the desired service in association with an application launched

by the requestor on the first wireless device, wherein the second wireless device is associated with

the provider and is thereby selected in associat[ion] with launch of the application."  For example,

according to Uber documents, the Accused Products and Services use GPS data associated with a

first wireless device (associated with a rider) and a second wireless device (associated with a driver)

to select the driver(s) nearest to the rider in response to a rider's request through the Uber application

on the first wireless device.
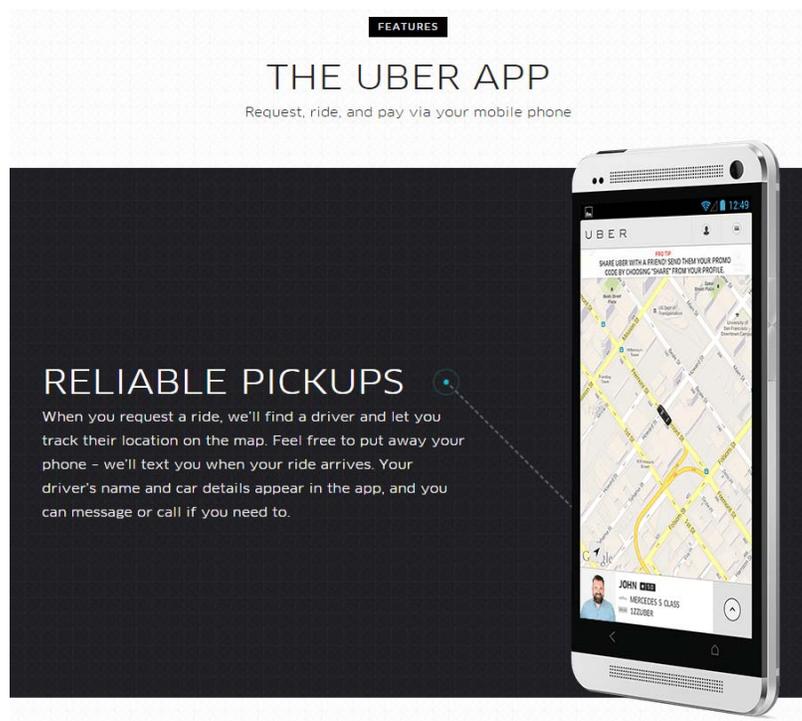
COMPLAINT FOR PATENT INFRINGEMENT

42.     Upon information and belief, the Accused Products and Services perform the claim element of "causing receipt of information on the first wireless device representing position of the provider, dependent on global positioning system (GPS) position data provided by the second wireless device, and receipt of information representing a map associated with the position associated with the first wireless device and the position of the second wireless device."   For example, according to Uber documents, the Accused Products and Services use GPS data from the driver's wireless device to plot the location of the driver on a map displayed on the rider's wireless device.

COMPLAINT FOR PATENT INFRINGEMENT
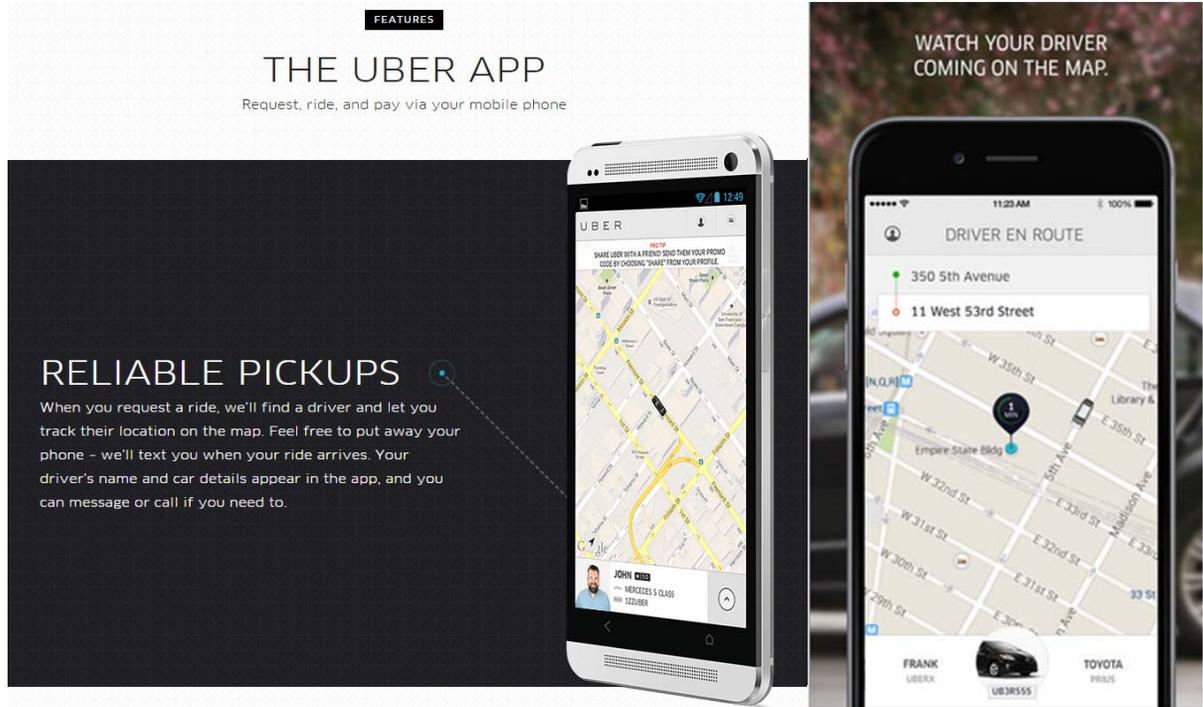
43.     Upon information and belief, the Accused Products and Services perform the claim element of "causing display of the map on the first wireless device with the position associated with the requestor and the position of the second wireless device rendered thereon."  For example, according to Uber documents, the Accused Products and Services display a map on the rider's wireless device showing the positions of both the rider's wireless device and the driver's wireless device.
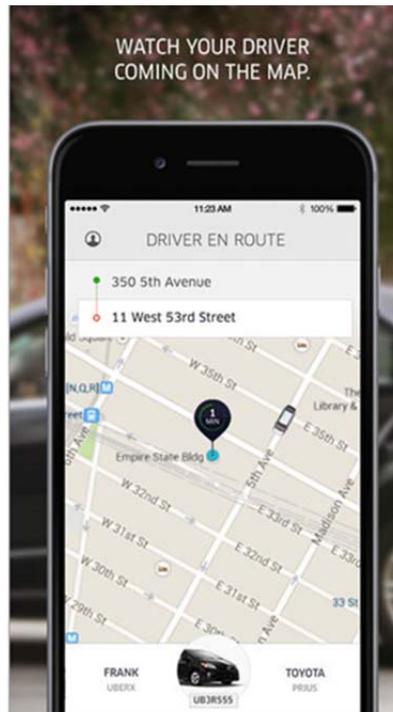
COMPLAINT FOR PATENT INFRINGEMENT

44.     Upon information and belief, the Accused Products and Services perform the claim element of "causing receipt of information on the first wireless device representing intermittent positional update dependent on GPS position data provided by the second wireless device, and causing update of display of the map on the first wireless device with respective position associated with the first wireless device and positional update dependent on the GPS position data provided by the second wireless device rendered thereon."  For example, according to Uber documents, the Accused Products and Services update the map displayed on the first wireless device (associated with the rider) to show the updated position of the first wireless device and the second wireless device (associated with the driver) based on GPS data received from the devices, allowing the rider to track the location of the driver on a map on the first wireless device.
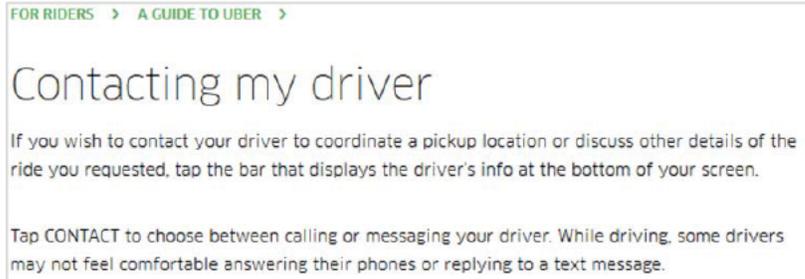
COMPLAINT FOR PATENT INFRINGEMENT

45.     According to Uber documents, the position of the rider also appears on the same map.



46.     Upon information and belief, the Accused Products and Services perform the claim element "wherein selecting the provider of the desired service includes forming a use-specific group to have the first wireless device and the second wireless device in connection with the request for the

1  desired service." For example, according to Uber's website, the Accused Products and Services

2  allow for communication between the rider and driver in connection with the ride request using

3  substitute phone numbers thus creating a ride-specific group including the driver and the rider.

FOR RIDERS  >  A GUIDE TO UBER  >

## Contacting my driver

If you wish to contact your driver to coordinate a pickup location or discuss other details of the ride you requested, tap the bar that displays the driver's info at the bottom of your screen.

Tap CONTACT to choose between calling or messaging your driver. While driving, some drivers may not feel comfortable answering their phones or replying to a text message.

**Substitute phone numbers**

In many locations around the world, Uber uses technology that anonymizes phone numbers to keep contact details confidential. So when you and your driver need to contact each other, your personal information stays private.

9  47.  The Accused Products and Services infringe at least Claim 28 of the '647 Patent.

10  48.  Upon information and belief, the Accused Products and Services include "[a]n

11  apparatus comprising instructions stored on non-transitory machine-readable media."

12  49.  Upon information and belief, the Accused Products and Services include the claim

13  element of "instructions when executed operable to . . . cause receipt of information on the first

14  wireless device representing position of the second wireless device and a map associated with

15  position associated with the first wireless device and the position of the second wireless device."
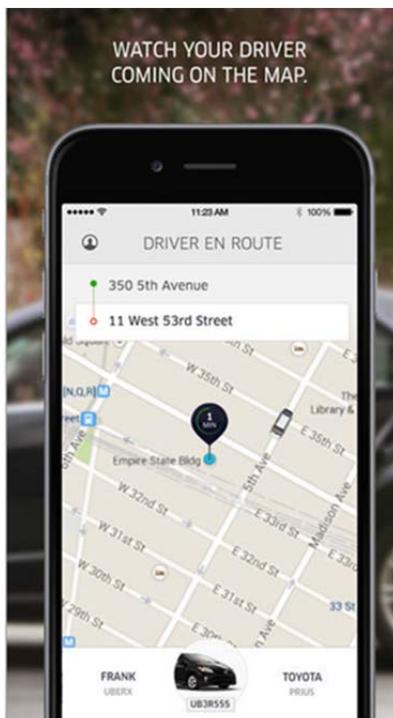
16  For example, according to Uber documents, the Accused Products and Services cause a first wireless

17  device (associated with a rider) to receive information representing the position of a second wireless

18  device (associated with a driver), the position of the first wireless device, and an associated map.
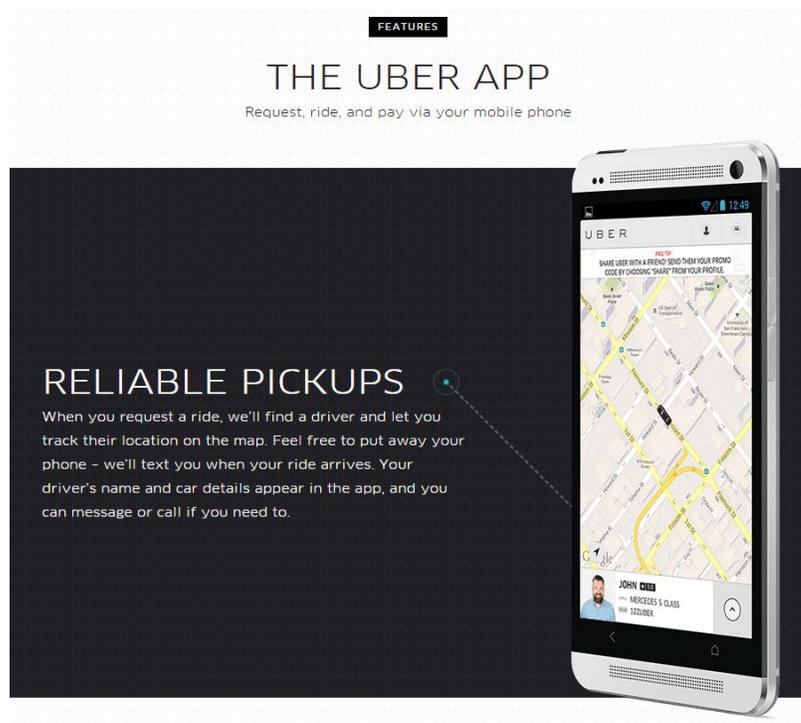
COMPLAINT FOR PATENT INFRINGEMENT
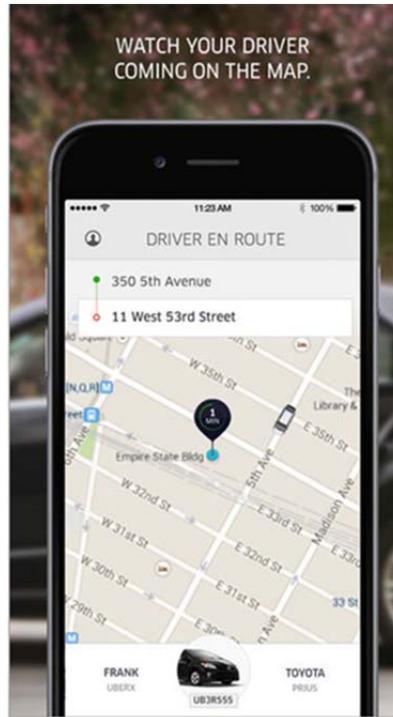
50.     Upon information and belief, the Accused Products and Services include the claim element of "instructions when executed operable to . . . cause display of the map on the first wireless device with the position association with the first wireless device and the position of the second wireless device rendered thereon."  For example, according to Uber documents, the Accused Products and Services cause a first wireless device (associated with a rider) to display a map showing the positions of the first wireless device and a second wireless device (associated with a driver).

COMPLAINT FOR PATENT INFRINGEMENT

51.      Upon information and belief, the Accused Products and Services include the claim element of "instructions when executed operable to . . . cause receipt of information on the first wireless device representing positional update of the second wireless device."  For example, according to Uber documents, the Accused Products and Services cause a first wireless device (associated with a rider) to receive updated information about the position of a second wireless device (associated with a driver), enabling the rider to "track [the driver]'s location on the map."

COMPLAINT FOR PATENT INFRINGEMENT

52.     Upon information and belief, the Accused Products and Services include the claim element of "instructions when executed operable to . . . cause update of display of the map on the first wireless device with the position associated with the first wireless device and updated position of the second wireless device rendered thereon."  For example, based on Uber documents, the Accused Products and Services update the map on a first wireless device (associated with a rider) with the position of the first wireless device and the position of a second wireless device (associated with a driver).

COMPLAINT FOR PATENT INFRINGEMENT
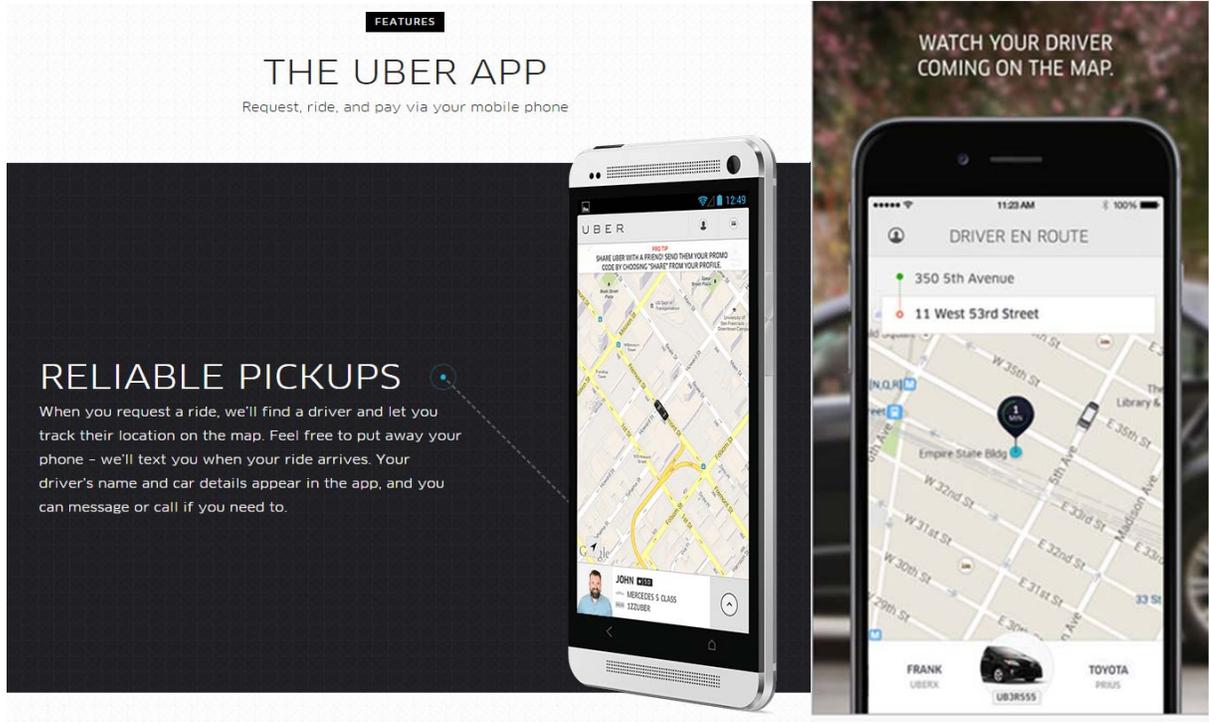
53.     Upon information and belief, the Accused Products and Services include the claim element of "wherein one of the first wireless device and the second wireless device is associated with a provider of a desired service."  For example, the second wireless device is associated with the driver's wireless device.

54.     Upon information and belief, the Accused Products and Services include the claim element of  "wherein the update of the display is to performed to indicate proximity of and direction between the provider of the desired service and a position associated with a requestor of the desired service."  For example, according to Uber documents, the Accused Products and Services enable the rider to "track" the location of the driver on a map showing both the proximity of the driver to the rider and the direction between the driver and the rider.

COMPLAINT FOR PATENT INFRINGEMENT

55.     Upon information and belief, the Accused Products and Services include the claim element of "wherein the causing of the receipt of the information representing the position, the causing of the display, and the causing of the receipt of information representing positional update are invoked responsive to launching an application on the first wireless device in connection with a request by the requestor for the desired service."   For example, based on Uber documents, after the rider launches the Uber application on a first wireless device (associated with a rider), the Uber application receives information representing the location of the rider and the driver, displays the location of the rider and the driver on a map, and updates the map with positional updates for the rider and the driver.

16                              COMPLAINT FOR PATENT INFRINGEMENT

56.     Upon information and belief, the Accused Products and Services include the claim element of "wherein the provider is selected in connection with the request for the desired service." For example, according to Uber documents, the Accused Products and Services select the nearest driver in response to the rider's request for service (e.g., a ride).

17                          COMPLAINT FOR PATENT INFRINGEMENT

57.     Upon information and belief, the Accused Products and Services include the claim element of "wherein the instructions when executed are to cause formation of a use-specific group to have the first wireless device and the second wireless device in connection with the request for the desired service."  For example, according to Uber documents, the Accused Products and Services allow the rider and the driver to communicate by forming a use-specific group consisting of a first wireless device (associated with a rider) and a second wireless device (associated with a driver) in connection with a requested ride.



FOR RIDERS  >  A GUIDE TO UBER  >

## Contacting my driver

If you wish to contact your driver to coordinate a pickup location or discuss other details of the ride you requested, tap the bar that displays the driver's info at the bottom of your screen.

Tap CONTACT to choose between calling or messaging your driver. While driving, some drivers may not feel comfortable answering their phones or replying to a text message.

### Substitute phone numbers

In many locations around the world, Uber uses technology that anonymizes phone numbers to keep contact details confidential. So when you and your driver need to contact each other, your personal information stays private.

18                                          COMPLAINT FOR PATENT INFRINGEMENT

1    58.    Upon information and belief, Uber has actively induced and is actively inducing

2   others (such as Uber drivers and Uber riders) to infringe at least claims 22 and 28 of the '647 Patent

3   under 35 U.S.C. 271(b) through the use of the Accused Products and Services.

4    59.    Upon information and belief, Uber has contributed to and is contributing to the

5   infringement by others (such as Uber drivers and Uber riders) of at least claim 22 and 28 of the '647

6   Patent under 35 U.S.C. 271(c) through the use of the Accused Products and Services.

7    60.    Upon information and belief, Uber has been aware of the '647 Patent since at least

8   December 2014.

9    61.    Upon information and belief, since becoming aware of the '647 Patent, Uber has

10   provided the Uber App to others (such as Uber drivers and Uber riders) and encouraged, aided, or

11   otherwise caused others to use the Accused Products and Services in the United States in a way that

12   infringes at least claims 22 and 28 of the '647 Patent.

13    62.    Upon information and belief, the Uber App is specifically intended for use in

14   accessing and using the Accused Products and Services in a way that infringes at least claims 22 and

15   28 of the '647 Patent, is not a staple article or commodity of commerce, and has no substantial non-

16   infringing uses.

17    **COUNT II: INFRINGEMENT OF U.S. PATENT NO. 8,798,593**

18    63.    X One incorporates by reference the foregoing paragraphs of this Complaint as if

19   fully set forth herein.

20    64.    The '593 Patent is titled "Location Sharing and Tracking Using Mobile Phones or

21   Other Wireless Devices."  The United States Patent and Trademark Office issued this patent on

22   August 5, 2014.  A true and correct copy of the patent is attached as Exhibit B.

23    65.    The claims of the '593 Patent are directed to specific applications of a technological

24   solution tied to the technology of mobile devices, which improve on the previously-existing

25   technology.  For example, the claims recite specific ways in which a service provider and a service

26   requestor may share and view their respective locations on a map based on GPS data acquired from

27   their mobile devices.

28

19                    COMPLAINT FOR PATENT INFRINGEMENT

1      66.     The '593 Patent addresses a technological problem and a technological solution

2    unique to the use of GPS-enabled wireless devices: how to share location information between

3    devices without overtaxing system resources, violating individual privacy concerns, or requiring

4    concurrent voice communication.

5        67.     Earlier systems and methods did not enable two-way position sharing between mobile

6    devices and were unable to solve this problem.  According to the '593 Patent, at the time of the

7    invention, "[n]o two way position information sharing technology currently exists."  '593 Patent at

8    1:30-31.

9        68.     The '593 Patent provides a specific implementation to solve this technological

10    problem and allows users to share position data from their GPS-enabled wireless devices amongst

11    themselves and to plot the users' position data in real-time on an updateable map.  *See, e.g.*, *id.* at

12    12:20-15:13.

13        69.     The '593 Patent's specification explains that, in some embodiments, location data are

14    not shared outside of the buddy list, conserving network resources.  *See, e.g.*, *id.* at 15:26-38; *id.* at

15    30:49-31:2.

16        70.     In some embodiments of the '593 Patent, when location data is shared, only users in

17    the buddy list (e.g., the user requesting services and the active service provider(s)) exchange position

18    data.  *See, e.g.*, *id.* at 15:26-38; *id.* at 30:49-31:2.

19        71.     By limiting the timing of location-data exchange, as well as the users who receive a

20    particular user's location data, some embodiments of the '593 Patent limit the transfer of data across

21    the network and limit potential security concerns from widespread sharing of location data.  *See,*

22    *e.g.*, *id.* at 2:8-12; *id.* at 8:51-9:65.

23        72.     The '593 Patent claims recite the formation of a "buddy list" of users so that users

24    may dynamically initiate a location-sharing relationship.  *See, e.g.*, *id.* at 15:26-38; *id.* at 30:49-31:2.

25        73.     The '593 Patent claims also recite a solution to a technological problem by providing

26    for updateable maps showing the locations of users belonging to a particular buddy list in a manner

27    not requiring concurrent voice communications, reducing the need for further voice or text

28

        COMPLAINT FOR PATENT INFRINGEMENT

1  communication and thereby conserving system resources and the amount of data which must be

2  transmitted over a network.  *See, e.g.*, *id.* at 30:59-31:2.

3      74.    The '593 Patent also addresses another technological problem unique to the use of

4  GPS-enabled wireless devices: how to dynamically share location information between a service

5  requestor and a service provider.

6      75.    Earlier systems that allowed one-way position information sharing had "no

7  mechanism to add groups and members of groups" and "no mechanism to set up 'instant buddies.'"

8  *Id.* at 1:62-67.

9      76.    These earlier systems "are set up at the factory and nothing can be changed in the

10 field by the users and they are always on and cannot be disabled."  *Id.* at 1:67-2:2.

11     77.    The '593 Patent provides a specific implementation for users to dynamically enable

12 "temporary location sharing between phones on an ask and accept basis which automatically expires

13 after a configurable interval terminates."  *Id.* at 1:64-67.

14     78.    The '593 Patent discloses embodiments that allow "users [to] change things on the fly

15 in the field such as: adding groups and members; adding instant buddies, changing the size of the

16 area in which their buddies can be tracked, enabling or disabling the location information sharing

17 function without disabling the phone, etc."  *Id.* at 3:20-25.

18     79.    The '593 Patent provides specific implementations for "businesses to easily identify

19 which service persons are closest to the next job."  *Id.* at 3:26-30.

20     80.    The '593 Patent describes forming an instant buddy relationship between a tow truck

21 customer and a tow truck driver wherein "[a]fter both phones are set up as instant buddies, each

22 phone shows the location of the other phone on its moving map."  *Id.* at 15:34-36.  "This allows the

23 tow truck driver to find the user tow truck customer and the user customer to know where the tow

24 truck driver is."  *Id.* at 15:36-38.

25     81.    The claims of the '593 Patent recite a specific technological implementation solving a

26 particular technological problem.

27     82.    Claim 19 of the '593 Patent allows an individual to track the location of users on a

28 buddy list and display their location on a map.  *Id.* at 30:49-31:2.

COMPLAINT FOR PATENT INFRINGEMENT

83.     Claim 19 of the '593 Patent allows the user "to change geography represented by the map," thereby changing the size of the area in which their buddies can be tracked. *Id.* at 30:49-31:2.

84.     Claim 19 of the '593 Patent recites an apparatus which "store[s] position information associated with cell phones of plural ones of the multiple users" and "plot[s] the last known location of at least two of the multiple users on the map" with respect to wireless devices. *Id.* at 30:49-31:2.

85.     Claim 19 of the '593 Patent permits an individual to track users on his "buddy list" on a map and "to plot the last known location of at least two of the multiple users on the map" with respect to wireless devices. *Id.* at 30:49-31:2.

86.     X One owns the entire right, title, and interest in and to the '593 Patent.

87.     Upon information and belief, Uber has directly infringed one or more claims of the '593 Patent under 35 U.S.C. § 271(a) by, among other things, making, having made, used, offered for sale, sold in the United States products and services used by, or under the direction or control of, Uber in practicing one or more claims of the '593 Patent, including, by way of example and without limitation, the Accused Products and Services.

88.     The Accused Products and Services infringe at least Claim 19 of the '593 Patent.

89.     Upon information and belief, the Accused Products and Services include the claim element "server."

90.     Upon information and belief, the Accused Products and Services include the claim element "a database representing an account for a first individual, the account having an associated buddy list that identifies multiple users."  For example, according to Uber's website, a rider must have an Uber account before requesting a ride using the Accused Products and Services.

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## Creating an Uber account

Creating an Uber account requires a valid email address and phone number. You'll also need to create a password and agree to terms and conditions and our privacy statement.

Fill in your first and last name, phone number, and preferred language. Once you complete this part of the signup process, we send a text SMS to verify your phone number.

Next, enter your payment information. Adding a credit card or debit card number allows your trip fares to be automatically charged after each ride. Please note that we cannot accept prepaid cards.

After you provide this info, we'll send an email to confirm your account registration. Once you confirm, you'll be able to use your app to request a ride.
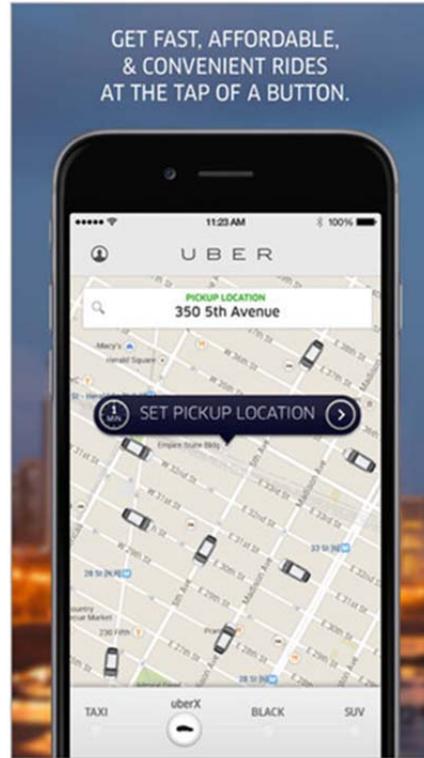
91.     Upon information and belief, the Accused Products and Services store the Uber account in a database.

92.     Upon information and belief, the Accused Products and Services formulate a list of drivers (e.g., a buddy list) associated with the present location of the rider.  For example, according to Uber documents, when a rider opens the Uber App the rider is shown multiple available drivers near the rider.

COMPLAINT FOR PATENT INFRINGEMENT

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93.     Upon information and belief, the Accused Products and Services include the claim element "software to request and store position information associated with cell phones of plural ones of the multiple users by receiving information from cell phones associated with the respective multiple users in a manner not requiring concurrent voice communications."  For example, according to Uber documents, the Accused Products and Services display a map on a rider's cell phone showing the location of available drivers near the rider's location.  Upon information and belief, the Accused Products and Services generate this map using software that automatically requests and stores GPS position from drivers' cell phones.

COMPLAINT FOR PATENT INFRINGEMENT

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94.      Upon information and belief, the Accused Products and Services include the claim element "software responsive to a request from the first individual to obtain a map, to obtain a last known position for multiple users identified by the buddy list, to plot the last known location of at least two of the multiple users on the map, to transmit the map with plotted locations to the first individual, and to permit the first individual to change geography represented by the map by zooming the map and to responsively transmit to the first individual a map representing the changed geography with plotted position of at least one of the multiple users, each in a manner not requiring concurrent voice communications."  For example, according to Uber documents, the Accused Products and Services respond to a request from a first individual (a rider) to show a map which indicates the last known location of multiple users (available drivers) near the rider's location.  Upon information and belief, the Accused Products and Services transmit this map with plotted locations to the rider and permit the rider to change the geography represented by the map by zooming the map.  Upon information and belief, once the map is zoomed the Accused Products and Services transmit a new map representing the changed geography to the rider.  Upon information and belief, the Accused Products and Services do not require concurrent voice communications.

COMPLAINT FOR PATENT INFRINGEMENT
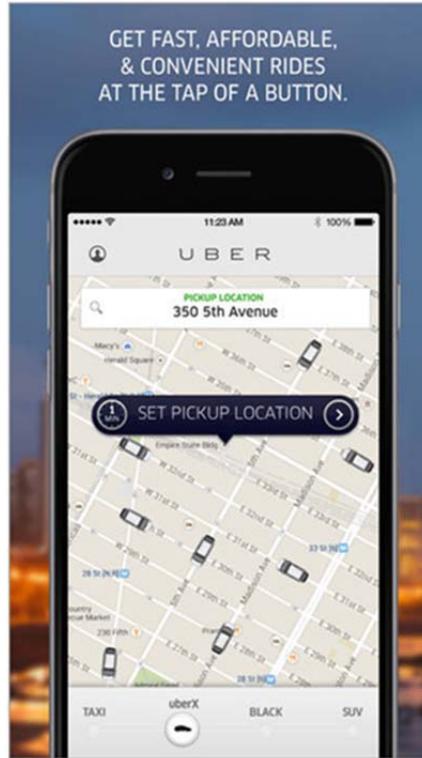
95.     Upon information and belief, Uber has actively induced and actively induces others (such as Uber drivers and Uber riders) to infringe at least claim 19 of the '593 Patent under 35 U.S.C. 271(b) through the use of the Accused Products and Services.

96.     Upon information and belief, Uber has contributed to and contributes to the infringement by others (such as Uber drivers and Uber riders) of at least claim 19 of the '593 Patent under 35 U.S.C. 271(c) through the use of the Accused Products and Services.

97.     Upon information and belief, Uber has been aware of the '593 Patent since at least December 2014.

98.     Upon information and belief, since becoming aware of the '593 Patent, Uber has provided the Uber App to others (such as Uber drivers and Uber riders) and encouraged, aided, or otherwise caused others to use the Accused Products and Services in the United States in a way that infringes at least claim 19 of the '593 Patent.

99.     Upon information and belief, the Uber App is specifically intended for use in accessing and using the Accused Products and Services in a way that infringes at least claim 19 of

COMPLAINT FOR PATENT INFRINGEMENT

1   the '593 Patent, is not a staple article or commodity of commerce, and has no substantial non-

2   infringing uses.

## PRAYER FOR RELIEF

4       WHEREFORE, X One respectfully prays for the following relief:

5       (a) A judgment that Uber is liable for infringing the patents-in-suit;

6       (b) An award of all damages sufficient to fully compensate X One for past infringement, up

7   until entry of the final judgment, by Uber under 35 U.S.C. § 284;

8       (c) Enhancement of damages under 35 U.S.C. § 284;

9       (d) A judgment requiring Uber to pay X One's pre-judgment interest on the damages

10  awarded; and

11      (e) An award of attorney fees under 35 U.S.C. § 285.

## JURY DEMAND

13      X One requests a trial by jury on all issues so triable.

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15  Dated: October 19, 2016                  FINNEGAN, HENDERSON, FARABOW,
                                               GARRETT & DUNNER, LLP

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18                                           By: /s/ Jacob A. Schroeder
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