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11 **UNITED STATES DISTRICT COURT**
 12 **CENTRAL DISTRICT OF CALIFORNIA**

| | | | |
|----|---|---|----------------------------------|
| 14 | Hailo Technologies, LLC, d/b/a Bring, a |) | Case No. 2:17-cv-03031 |
| 15 | California Limited Liability Company |) | |
| 16 | |) | |
| 17 | Plaintiff, |) | FIRST AMENDED COMPLAINT |
| 18 | v. |) | FOR INFRINGEMENT OF |
| 19 | |) | U.S. PATENT NO. 5,973,619 |
| 20 | Lyft, Inc., a Delaware Corporation, |) | |
| 21 | Defendant. |) | DEMAND FOR JURY TRIAL |
| 22 | |) | |

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1 **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Hailo Technologies, LLC d/b/a Bring™, ("Bring™" or "Plaintiff"), by
3 and through its undersigned counsel, for its First Amended Complaint against
4 Defendant Lyft, Inc. ("Lyft" or "Defendant") makes the following allegations. These
5 allegations are made upon information and belief.

6 **NATURE OF THE ACTION**

7 1. This is an action against Defendant for infringement of one or more claims
8 of United States Patent No. 5,973,619 ("the '619 Patent").

9 **PARTIES**

10 2. Plaintiff Hailo Technologies, LLC d/b/a Bring™ is a limited liability
11 company organized under the laws of the State of California and has an office and
12 principal place of business at 177 East Colorado Boulevard, Suite 200, Pasadena,
13 California 91101.

14 3. Bring™ is a service-provider dedicated to developing a unique software
15 solution for ride-hailing customers interested in bringing their biking equipment when
16 traveling on one-way trips, or to and from drop-off points like trailheads or competition
17 starting locations (*see e.g.* <http://www.bring.bike/>).

18 4. Defendant Lyft, Inc. is a corporation incorporated under the laws of the
19 State of Delaware and has an office and principal place of business at 185 Berry Street,
20 Suite 5000, San Francisco, California 94107.

21 **JURISDICTION AND VENUE**

22 5. This patent infringement action arises under the patent laws of the United
23 States, including 35 U.S.C. §§ 271 et seq., 281, and 284.

24 6. This Court has subject matter jurisdiction over this action pursuant to 28
25 U.S.C. §§ 1331 and 1338(a) because it arises under United States Patent law.

26 7. This Court has personal jurisdiction over the Defendant because it (either
27 directly or through its subsidiaries, divisions, groups or distributors) has sufficient
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1 minimum contacts with the forum as a result of business conducted within the State of
2 California and this District; and/or specifically over the Defendant (either directly or
3 through its subsidiaries, divisions, groups or distributors) because of its infringing
4 conduct within or directed at this district.

5 8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c),
6 since the related acts and transactions include the sale and operation of the software
7 identified herein was done by Defendant in the State of California and throughout this
8 district.

9 **FACTS**

10 9. Plaintiff is the sole owner, by assignment, of U.S. Patent No. 5,973,619,
11 entitled "AUTOMATED VEHICLE DISPATCH AND PAYMENT HONORING
12 SYSTEM," which was duly and legally issued on October 26, 1999 by the United States
13 Patent and Trademark Office ("USPTO").

14 10. A copy of the '619 Patent is attached to this Complaint as **Exhibit A**.

15 11. The claims of the '619 Patent are valid and enforceable.

16 **COUNT I: CLAIM FOR PATENT INFRINGEMENT**

17 **UNDER 35 U.S.C. § 271(b) ('619 PATENT)**

18 **AGAINST DEFENDANT LYFT**

19 12. Plaintiff hereby incorporates by reference the allegations of paragraphs 1
20 through 11 of this Complaint as if fully set forth herein.

21 13. Claim 1 of the '619 Patent covers "A method as implemented on a
22 computer system for use by a consumer, said method for delivering instructional
23 messages to said consumer regarding private transportation companies and estimated
24 costs for hiring said transportation company for transporting said consumer to listed
25 destinations and further providing an automated taxi dispatch and payment honoring
26 system, said method comprising the steps of: (1) displaying a list of authorized
27 transportation companies for selection by the operator of the computer; (2) prompting
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1 the consumer to insert the amount of passengers to be traveling in the transportation
2 vehicle; (3) graphically illustrating destination locations; (4) displaying the approximate
3 fare for the number of passengers promoted to a selected destination and types of
4 payment options honored by said selected company; (5) initiating a dispatch call for an
5 available taxi from said selected taxi company; (6) estimate the approximate arrival
6 time for said dispatched taxi." *See* Exhibit A.

7 14. Defendant Lyft developed, develops, used, uses, sells, implements, and
8 distributes systems and software solutions that connect users with independent private
9 car operators for securing paid transportation, including without limitation the "Lyft"
10 Software Application ("Accused Product").

11 15. A claim chart comparing Claim 1 of the '619 Patent to the Accused
12 Products is attached as **Exhibit B**.

13 16. Defendant offers the Accused Product as a free application for download
14 by either passengers or drivers. *See* Exhibit B, p. 1.

15 17. The Accused Product executes a method for delivering instructional
16 messages to a user regarding private transportation companies and the estimated costs
17 for hiring one of the transportation companies to travel to a destination, and for
18 providing an automated vehicular dispatching and payment system. *See* Exhibit B, p.
19 1.

20 18. The Accused Product shows the user a graphical representation of the
21 authorized independent car operators Lyft may select for the ride, based on their
22 proximity to the user, their availability, and their service-type registration (*e.g.* Line,
23 Lyft, Plus, Premier). *See* Exhibit B, p. 2.

24 19. When utilizing the "Lift Line" function, the Accused Product prompts the
25 user to indicate how many individuals will occupy the independent operator's vehicle.
26 *See* Exhibit B, p. 3.

1 20. The Accused Product prompts the user with several contextually-sensitive
2 locations they can pick as a destination. Once selected, the Accused Product shows the
3 user a distinctly-colored marker for their desired destination, which appears on a map
4 from data made available by Lyft remotely. *See* Exhibit B, p. 4.

5 21. Once a destination is selected, the Accused Product presents the user with
6 an approximate cost for the ride, the confirmed number of seats the user is requesting,
7 and the method of paying for the ride that the independent operator is required to honor.
8 *See* Exhibit B, p. 5.

9 22. When the user presses the "Request Line" button on the user interface of
10 the Accused Product, Lyft distributes a request to selected independent operators to
11 provide their vehicle for the fare. *See* Exhibit B, p. 6.

12 23. Once an independent operator accepts Lyft's request for providing their
13 vehicle in satisfaction of the user's fare, the Accused Product shows the approximate
14 location of the operator's vehicle and the estimated time of the vehicle's arrival to their
15 location. *See* Exhibit B, p. 7.

16 24. Each preprogrammed aspect of the Accused Product, itemized in
17 paragraphs 16-23 above, is a limitation in Claim 1 of the '619 Patent. *See* Exhibit B.

18 25. Defendant Lyft, including its agents and assigns, distributes the Accused
19 Product, which is preprogrammed to practice the method of Claim 1 of the '619 Patent.

20 26. Defendant Lyft practices at least one step of the method of Claim 1 of the
21 '619 Patent. *See* Exhibit B, p. 6.

22 27. Thus, Lyft infringes at least Claim 1 of the '619 Patent.

23 28. Plaintiff has been, and will continue to be, irreparably harmed by Lyft's
24 ongoing infringement of the '619 Patent.

25 29. As a direct and proximate result of Lyft's infringement of the '619 Patent,
26 Plaintiff has been and will continue to be damaged in an amount yet to be determined,
27 including but not limited to Plaintiff's lost profits and/or a reasonable royalty.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief against Defendant as follows:

A. In favor of Plaintiff that Defendant has infringed one or more claims of the '619 Patent, either literally or under the doctrine of equivalents;

B. Requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '619 Patent as provided under 35 U.S.C. § 284, but not less than a reasonable royalty; and

C. For such other and further relief, as may be just and equitable.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all issues and causes of action triable to a jury.

Dated: April 26, 2017

Respectfully submitted,

COTMAN IP LAW GROUP, PLC

/s/Rasheed M. McWilliams

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Obi Iloputaife

Jayson S. Sohi

Counsel for Plaintiff

Hailo Technologies, LLC d/b/a Bring™