IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RIDESHARE DISPLAYS, INC., Plaintiff, v. LYFT, INC., Defendant.	)	C.A. No. 1:20-cv-01629 RGA **JURY TRIAL DEMANDED**

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff, RideShare Displays, Inc., files this Amended Complaint for Patent Infringement and Demand for a Jury Trial against Defendant Lyft, Inc., and alleges as follows:

THE PARTIES

2. Plaintiff, RideShare Displays, Inc. ("RSDI") is a Delaware Corporation with its principal place of business at 19 Gardner Road, Fairfield, New Jersey, 07004 USA.

3. Defendant, Lyft, Inc. ("Lyft") is a Delaware Corporation with its principal place of business at 185 Berry Street, Suite 5000 San Francisco, California, 94107 USA.

JURISDICTION AND VENUE

4. This action arises under the Patent Act, 35 U.S.C. 101, et seq. This Court has subject matter jurisdiction over this controversy under 28 U.S.C. 1331 and 1338.

5. This Court has personal jurisdiction over Defendant Lyft, Inc., because Lyft is a Delaware Corporation and because Lyft, Inc. has regularly and systematically transacted

business in this judicial district, directly or through intermediaries, and/or committed acts of infringement in this judicial district.

6. Defendant's Registered Agent in the State of Delaware is The Corporation Trust Company, and its registered office in the State of Delaware is 1209 Orange Street, Corporation Trust Center, Wilmington, New Castle County, Delaware 19801.

7. Defendant has been sued in this Judicial District no less than four times and did not contest jurisdiction in those cases.

8. Venue is proper in this Court pursuant to 28 U.S.C. 1400(b).

THE RSDI PATENTS-IN-SUIT

9. RSDI is the owner of all right, title and interest in U.S. Patent No. 9,892,637 ("the '637 Patent"), titled "Vehicle Identification System." On February 13, 2018, the '637 Patent was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). The '637 Patent issued from Application No. 14/723,049, filed on May 27, 2015, and claims priority to Provisional Application No. 62/004,753, filed on May 29, 2014. A true and correct copy of the '637 Patent is attached as **Exhibit A** to this Complaint.

10. RSDI is the owner of all right, title and interest in U.S. Patent No. 10,169,987 ("the '987 Patent"), titled "Vehicle Identification System." On January 1, 2019, the '987 Patent was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). The '987 Patent issued from Application No. 15/860,939, filed on January 3, 2018 and claims priority to Provisional Application No. 62/004,753, filed on May 29, 2014. A true and correct copy of the '987 Patent is attached as **Exhibit B** to this Complaint.

11. RSDI is the owner of all right, title and interest in U.S. Patent No. 10,395,525 ("the '525 Patent"), titled "Vehicle Identification System." On August 27, 2019, the '525 Patent was duly

and legally issued by the United States Patent and Trademark Office ("USPTO"). The '525 Patent issued from Application No. 16/198,140, filed on November 21, 2018 and claims priority to Provisional Application No. 62/004,753, filed on May 29, 2014. A true and correct copy of the '525 Patent is attached as **Exhibit C** to this Complaint.

12. RSDI is the owner of all right, title and interest in U.S. Patent No. 10,559,199 ("the '199 Patent"), titled "Vehicle Identification System." On February 11, 2020, the '199 Patent was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). The '199 Patent issued from Application No. 16/514,492, filed on July 17, 2019 and claims priority to Provisional Application No. 62/004,753, filed on May 29, 2014. A true and correct copy of the '199 Patent is attached as **Exhibit D** to this Complaint.

13. RSDI is the owner of all right, title and interest in U.S. Patent No. 10,748,417 ("the '417 Patent"), titled "Vehicle Identification System." On August 18, 2020, the '417 Patent was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). The '417 Patent issued from Application No. 16/731,558, filed on December 31, 2019 and claims priority to Provisional Application No. 62/004,753, filed on May 29, 2014. A true and correct copy of the '417 Patent is attached as **Exhibit E** to this Complaint.

14. The '637 Patent, '987 Patent, '525 Patent, '199 Patent and '417 Patents are collectively referred to as the "Patents-in-Suit"

15. RSDI is also the owner of all right, title, and interest in U.S. Patent Nos. 10,249,184, 10,467,896; 10,789,837; 10,672,265; and pending applications relating to the same ("Other RSDI RideShare Patents"). The Other RSDI RideShare Patents also relate to various rideshare technologies.

16. RSDI is the owner of all rights, title and interest in and to the Patents-in-Suit and Other RSDI RideShare Patents and possesses the exclusive right of recovery of past, present, and future infringement.

17. RSDI has not licensed the Patents-In-Suit or Other RSDI RideShare Patents to Defendant, or otherwise authorized Defendant to practice any of the claims of the Patents-in-Suit or the Other RideShare Patents.

FACTUAL BACKGROUND

18. The rideshare space has been one of the hottest growth markets worldwide.

19. However, the rapid expansion of the rideshare market has exposed substantial and serious weaknesses in vehicle/driver/passenger identification, security, and safety resulting in significant concerns for drivers and passengers, as well as growing litigation and regulatory issues.

The Parties

20. Plaintiff, RSDI is the pioneer and innovative leader in the development of rideshare technologies, including active display systems and advanced technologies for the rideshare industry.

21. The active display technology developed and patented by RSDI – referred to as LOCUS™ - provides passengers with the ability to immediately locate and securely identify the correct rideshare vehicle and driver. LOCUS™ displays a single-use identifier (e.g. a particular text string or color) that is sent simultaneously to both the driver's and passenger's cell phones/mobile device for each trip. A visor mounted display, visible from the exterior of the driver's vehicle, displays a single-use identifier matching the identifier sent to the passenger's cell phone/mobile device. In addition, LOCUS™ provides a universal delivery system for messages, logos, advertisements, driver or passenger emergency and medical alerts.

22. RSDI designed, developed and prototyped the LOCUS™.

23. Defendant, Lyft, controls a ride sharing platform that uses apps ("the Lyft App(s)") to connect passengers requesting rides with drivers who have vehicles. Both the passenger and driver operate Lyft Apps, which are designed and controlled by Lyft. Lyft conditions participation in its ride sharing network by performance of a step or steps of a patented method and establishes the manner or timing of that performance for drivers and passengers.

24. Lyft serves over 600 cities in the U.S., as well as other cities abroad.

25. Among the cities and towns served by Lyft are cities and towns in the District of Delaware.

26. To date, Lyft has serviced well over 1 billion cumulative rides. According to its SEC filings, in 2018, Lyft serviced 30.7 million riders with 1.9 million drivers, and over 1 billion cumulative rides.

27. According to Lyft's public financial reporting, in 2016, 2017, 2018, Lyft bookings were $1.9 billion, $4.6 billion and $8.1 billion respectively.

28. Lyft's published corporate Mission Statement is "to improve people's lives with the world's best transportation."

29. Lyft provides certain software and hardware technology to its drivers and riders.

30. One such technology is the "Amp" device.

31. The Lyft Amp (pictured below) is a device for enabling riders to identify their assigned vehicle and driver.

32. Upon information and belief, Lyft designed the Amp in unison with the Igor Institute and Ammunition. The Lyft Amp is manufactured for Lyft by companies including but not limited, to, Chicony Global, Chicony Electronics, and Chicony America.

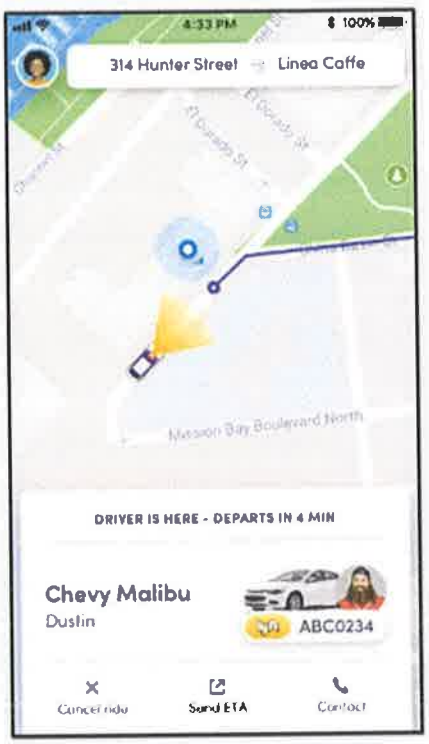
33. Lyft purchases, imports, uses, and distributes the Lyft Amp.

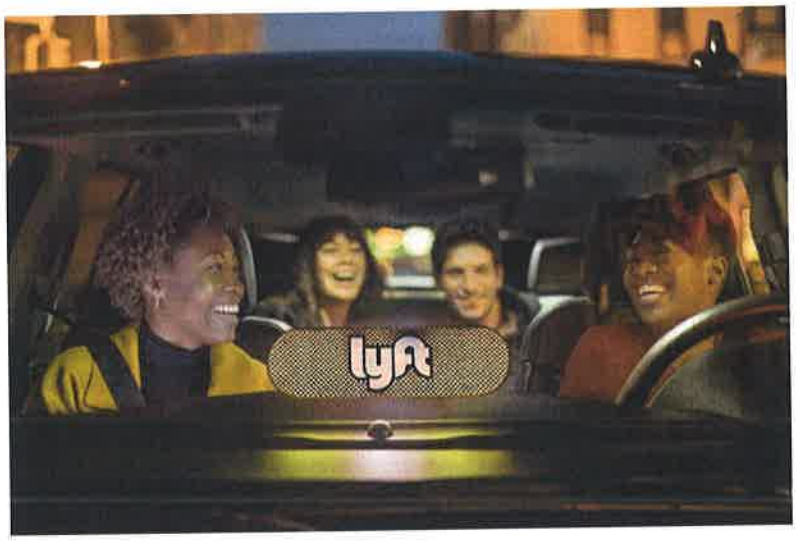
34. As per Lyft's stated terms and conditions, Lyft provides the Amp to eligible Lyft drivers and provides instructions for how to use it, install it, and pair it with their mobile device.

35. The primary function of the Amp is to provide a "beaconing" function that allows passengers to correctly identify their driver's vehicle by color, where the color is assigned from a select group of colors predetermined by Lyft.

36. Through the "Lyft App", passengers are alerted via their cell phone/mobile device of the unique color identifier (green, orange, yellow, white, purple, and grey) which is also displayed on the Amp device of their Lyft driver.

37. For example, as illustrated below, when the color yellow is used as the identifier, the Amp device changes color to yellow and the icon(s) in the rider's Lyft App corresponding to the driver's vehicle likewise are displayed as yellow:





38. The Amp replaced Lyft's prior "Glowstache" and "Moustache" devices and sits in the front windshield of the Lyft driver's vehicle.

39. By matching the color displayed on the Amp with the color sent from a server under the control and direction of Lyft, received by the rider's cell phone/ mobile device, and then displayed on the Lyft App running on the rider's cell phone/ mobile device, riders can easily, safely, and securely identify the correct vehicle before entering.

40. In its Help Center, Lyft describes the "beaconing" feature of the Amp as follows: "Passengers will be alerted of a unique Amp color that will be projected when you are picking them up. This feature helps you stand out in the crowded streets."

Safety and Security is a Mission-Critical Issue for the RideShare Industry, Including Lyft

41. The safety and security of the rideshare industry, including the ability of riders to identify their vehicles and their drivers, has been and continues to be a source of much public concern and discussion by the media, government regulators, and the public.

42. Lyft provides services conforming to those of a "common carrier," and has been designated as such by many states.

43. As such, Lyft must comply with laws and regulations in many states requiring ride share vehicles display distinctive signage that is sufficiently large and color-contrasted so as to be readable during daylight hours at a distance of at least fifty feet. The purpose of the distinctive signage requirement is to provide passengers the ability to clearly identify the Lyft vehicle.

44. For example, the Pennsylvania Utility Commission ("PUC"), which is charged with regulating motor carriers in the State of Pennsylvania, includes rideshare companies (i.e., "Transportation Network Companies"), including Lyft, in its purview. The PUC designates Lyft as a TNC -Transportation Network Company. Lyft must be licensed by the PUC and is regulated by Title 66 of the PA Consolidated Statutes, Chapter 26, § 2605 (2016).

45. The state of Maryland likewise designates Lyft, and other rideshare companies, as a common carrier.

46. As a "common carrier," Lyft has a heightened obligation to protect the public safety and welfare. For example, *"[c]ommon carriers must use the highest care and vigilance of a very cautious person. They must all do that human care, vigilance and foresight reasonably can do under the circumstances to avoid harm to passengers."* CACI No. 902 (Duty of Common Carrier).

47. In addition, many States have enacted legislation referred to as "Sami's Law" to protect passengers and drivers. Lyft is required to implement an enhanced digital system to verify

passengers with their authorized rideshare vehicle and driver. Federal Legislation, H.R. 4686, which has passed The U.S. House of Representatives, requires the same safety measures nationally.

48. Sami's Law was named after Samantha "Sami" Josephson, a 21-year-old University of South Carolina student from Robbinsville, New Jersey who was kidnapped and stabbed to death in Columbia, SC in March 2019 by a man who pretended to be her Uber driver.

49. There have been numerous media reports highlighting the safety and driver identification issues with rideshare companies, such as Lyft.

50. For example, on April 16, 2019, both *The Today Show* and *NBC Nightly News* aired an investigative video report entitled, "Beware of fake Uber drivers: Here's how to spot them." Reporter Jeff Rossen led off the investigative news story, framing the issue of riders getting into rideshare vehicles without checking to see whether it was the right car: "Certainly looks like an Uber. It pulls right up. And you get in."

51. As another example, nearly a year before *The Today Show* and *NBC Nightly News* reports, on May 21, 2018, nine members of the U.S. Congress wrote a letter to the CEOs of companies in the rideshare industry, including Lyft CEO, Logan Green, in light of recent "appalling" news reports "to inquire about the practices your companies employ for ensuring passenger safety." ("May 2018 Letter from Congress")

52. The May 2018 Letter from Congress followed a CNN report that found at least 103 Uber drivers and 18 Lyft drivers had been accused of sexually assaulting passengers in the prior four years.

53. On June 18, 2018, RSDI CEO Steve Rose responded to the May 2018 Letter from Congress, with a letter that was sent to all of the original recipients of that letter, including Lyft CEO Logan Green. ("the June 2018 RSDI Letter to Congress and the Rideshare Industry").

54. The June 2018 RSDI Letter to Congress and the Rideshare Industry highlighted the serious and dangerous problem of fake and imposter ride-share drivers, where unwitting riders get into the wrong Uber or Lyft car.

55. The June 2018 RSDI Letter to Congress and the Rideshare Industry reviewed and explained how RSDI's patented technology addresses and solves this problem.

56. The June 2018 RSDI Letter to Congress and the Rideshare Industry also specifically identified the '637 Patent-in-Suit:

> *"Recognized by U.S. Patent # 9,892,637 for its novelty, innovation, and utility, our LOCUS system employs an electronic mini-billboard to display an alphanumeric [or other] identifier, which is clearly visible to all. A different identifier is sent for each trip via the rideshare app to both the passengers and drivers cell phones, providing dual authentication prior to the passenger entering the vehicle. This averts imposters and prevents unsuspecting passengers from becoming victims."*

57. For example, www.whoisdrivingyou.org, issued a *Who's Driving You* Report that kept a running list of incidents involving Uber and Lyft drivers from 2014-2018.

58. Lyft has touted and promoted the beaconing function of the Amp – the very technology covered by the RSDI Patents-in-Suit – as a critical technology for safety and security.

59. For example, in its September 11, 2020 regularity compliance submission to the State of Pennsylvania Public Utility Commission, Lyft stated:

> *"Lyft also respectfully notes that the Bureau's recommendation fails to take into account important safety features already established on the Lyft platform. In addition to confirming the correct ride by checking the driver and vehicle information shown in a rider's app, Lyft utilizes its "Amp" as another method of correctly matching rider and driver. The Amp is a lighting beacon that sits in the front windshield of a driver's vehicle. When paired with a driver's account, an Amp will display a specific color, which is then*

also indicated in the rider's app. By ensuring a vehicle's Amp is displaying the same color indicated in their app, riders can further confirm they are entering the vehicle with which they were matched."

Defendant's Pre-Suit Notice of the Patents-in-Suit

1. **Lyft Was Aware of the RSDI's Technology Since At Least As Early as March of 2017 and Lyft Was Aware of The '637 Patent-In-Suit Since At Least as Early as March of 2018**

60. On March 30, 2017, RSDI issued a press release entitled "Unique Technology Breaks New Ground in Locating & Identifying the Correct Ride Share Vehicle, While Dramatically Improving Passenger/Driver Safety & the Pickup Process." 2017 ("the 2017 RSDI Press Release")

61. The 2017 RSDI Press Release was distributed to numerous internet sources, many individuals, as well as to thousands of media outlets, including NewsWire.

62. The 2017 RSDI Press Release notes the serious problems for rideshare companies and their customers as well as the owners/operators of ride share vehicles, due to "an increase of reported misidentifications between passenger and vehicle, missed transactions, inconveniences, embarrassment and incorrect charges, and … more importantly, serious criminal activities associated with vehicle misidentification are on the rise as well."

63. The 2017 RSDI Press Release described its LOCUS™ system, which it described as consisting of "a proprietary receiver, sensors and processors embedded in a hi-brightness electronic display located in the windshield area of the ride share vehicle, facing the outside" which "displays a unique identifier (i.e. RX7) sent by the ride share company for each trip" that "appears on the display and the same identifier appears on the passenger's mobile device," as an available technology-based solution to the vehicle identification problem.

64. Lyft was aware of the 2017 RSDI Press Release at that time, because copy of the 2017 RSDI Press Release was sent to the company directly. Specifically, RSDI CEO, Steve Rose, emailed a copy of the 2017 RSDI Press Release to Lyft's Dan Trugib.

65. On March 15, 2018 ("the 2018 RSDI Press Release"), RSDI issued a second press release entitled "RSDI Announces Patent For Its Cutting-Edge LOCUS RideShare ID System."

66. Like the 2017 RSDI Press Release, the 2018 RSDI Press Release was distributed to numerous internet sources, many individuals, as well as to thousands of media outlets, including NewsWire.

67. The 2018 RSDI Press Release announced the granting of the '637 Patent-in-Suit.

68. On information and belief, Lyft was aware of the 2018 RSDI Press Release.

69. On information and belief, Lyft was also made aware of issuance of the '637 Patent-in-Suit at this time.

2. Lyft Was Again Made Aware of the '637 Patent-In-Suit in June of 2018

70. As noted above, in Pars. 50-55, Lyft again received notice of the '637 Patent-in-Suit on June 18, 2018 when it received a copy of the June 2018 RSDI Letter to Congress and the Rideshare Industry sent by RSDI CEO, Steve Rose.

71. Defendant has been aware of RSDI's technology patented inventions since at least as early as June 18, 2018, when it received a copy of the June 2018 RSDI Letter to Congress and the RideShare Industry, which was sent by U.S. Postal Service certified mail, and provided details of its technology and specifically identified the '637 Patent-in-Suit.

3. Lyft Was Aware of RSDI and its CEO, Steven Rose, and Contacted Him to Discuss Technology In Mid-2019

72. On Sunday, August 4, 2019, Lyft Global Supply Manager, Mike D'Amico phoned RSDI CEO Steve Rose. After a lengthy discussion, Mr. D'Amico requested and provided an NDA for Mr. Rose to sign and return.

73. Mr. Rose signed and returned the NDA as instructed by Lyft.

74. However, after the Sunday night conversation, Lyft went completely silent. Even after repeated attempts by Mr. Rose to inquire as to the status, Lyft never responded.

4. The December 2019 Call and Aftermath

75. On December 6, 2019, a representative of RSDI who had a prior connection with Lyft's executive management team facilitated an introduction of RSDI to Lyft.

76. Subsequent to RSDI's representative contacting with Lyft, on December 8, 2019, RSDI CEO Steve Rose was introduced to Kristina Omari, Lyft VP of Corporate Development and Tzu-San Hung, Lyft Director of Corporate Development.

77. On December 8, 2019, RSDI CEO Steve Rose and RSDI EVP Elliot Sommer, received an invitation from Tzu -San Hung of Lyft to join a conference call on December 11, 2019.

78. On December 9, 2020, Ms. Hung requested and Mr. Rose sent background information about the RSDI technology.

79. On December 11, 2019, Steve Rose and Elliot Sommer of RSDI participated in the telephone conference call arranged by Lyft with Kristina Omari, Lyft's Head of Corporate Development and Tzu-San Hung, Lyft's Director of Corporate Development and engaged in a 30-minute plus conversation during which they discussed RSDI's patented technology ("the December 2019 Call").

80. During the December 2019 Call, Mr. Rose discussed the RSDI technology and its importance and value proposition focusing specifically on the technology for rideshare identification, passenger safety, and driver protection. He also discussed how additional technologies developed by RSDI could be integrated into the Lyft Amp device.

81. During the December 2019 Call, Lyft's representatives stated that the beaconing function of the RSDI technology was already in the Lyft Amp.

82. At that point of the December 2019 Call, Mr. Rose explained to the Lyft representatives that the Amp is infringing on RSDI's patents: "The Amp is infringing on our IP, but that's a different issue. The technology for whether its colors, or alphanumeric characters, or pictures, is that - we have the IP for that, and we're just trying to partner."

83. Lyft's representatives, however, abruptly ended the call, stating that they were "out of time," "had back-to-back meetings," and had to prioritize other opportunities.

84. Before the call ended, the RSDI representatives expressed surprise that Lyft was not interested in or focused on the verification and safety aspect for ensuring safe connection between the rider and driver, and offered to spend more time discussing that aspect of the RSDI technology.

85. Neither RSDI nor its representatives received any further communications from Ms. Omari, Ms. Hung, or Lyft.

86. On Monday January 6, 2020, a representative of RSDI, Garrett Kramer, wrote to Brian Roberts, Lyft's CFO, providing information about RSDI, its patents, and its technology, and stated: "My client has 6 patents that help ride share companies become safer and more efficient." He requested to set up a call to discuss this with Lyft.

87. Later that same day, Mr. Kramer received a response from Lyft's VP of Intellectual Property, Ms. Nair Flores. Ms. Flores stated "I received your email from Brian. I am reaching out to let you know that we are not interested in this portfolio at this time, but if things change, I will let you know."

88. On January 7, 2020, Mr. Kramer wrote back to Ms. Flores with a message from RSDI CEO, Steve Rose, requesting to speak with her directly to better explain its "proprietary platforms, which are protected with IP and ready to roll out. We think Lyft is a natural fit since some of the IP covers stuff Lyft is already using."

89. In this January 7, 2020 email, RSDI also provided Lyft with a list of its then-issued patents, including US Patent Nos. 9,892,637; 10,169,987; 10,249,184; and 10,395,525 and pending US Patent Application Pub. Nos. 2018/0190110 and 2019/0228643.

90. After a further follow-up email by Mr. Kramer, Ms. Flores responded on January 13, 2020, that "It's ok to reach out, but please set expectations that this does not appear relevant to our business at this time."

91. Neither RSDI nor its representatives received any further communications from Ms. Flores or Lyft.

5. RSDI Again Contacted Lyft Later in 2020 and Lyft Ignored RSDI's May 21, 2020 Letters

92. On May 21, 2020, counsel for RSDI wrote identical letters sent individually to each of the following: Lyft's President, John Zimmer, Lyft's CEO, Logan Green, Lyft's General Counsel, Kristin Sverchek, and Lyft's VP of Intellectual Property, Nair Flores ("the May 21, 2020 Letter").

93. The May 21, 2020 Letter provided each of these four Lyft executives with information about the RSDI technology and its patent portfolio.

94. The May 21, 2020 Letter noted that "RSDI owns six issued United States utility patents, 2 design patents, and three pending applications that cover and/or relate to [its technology]," and included an itemized list of these patents, as well as claim charts describing representative claims. It also stated that "Though RSDI has not fully considered the issue, it appears to RSDI that its patents may also be relevant to Lyft's AMP . . . product."

95. The May 21, 2020 Letter also noted that "Lyft was recently granted its own United States Patent No. 10,636,108 on April 28, 2020 directed to the same subject matter. But RDSI's patents, whose priority date precedes that of the Lyft patent by more than two years, were not before the Patent Office during the examination."

96. The May 21, 2020 Letter closed by indicating that "[i]n view of these facts, RSDI's patent portfolio may be of particular interest to Lyft" and requested a meeting to further discuss RSDI's technology and patent portfolio.

97. Lyft provided no response to the May 21, 2020 letters to RSDI or its representatives.

Lyft's Later Issued Beaconing Patent

98. On December 30, 2016, Lyft filed U.S. Patent Appl. No. 15/396,417 ("the '417 Application") with the U.S. Patent and Trademark Office, claiming priority to a provisional application filed on September 30, 2016.

99. One of the attorneys who signed the provisional application filed on September 30, 2016 as Lyft's representative was Ms. Kristin Svercheck, who was at the time and currently remains Lyft's General Counsel.

100. As noted above in Par. 91, Kristin Svercheck was a recipient of RSDI's May 21, 2020 Letter.

101. One of the attorneys who signed the related non-provisional application, the '417 Application, as Lyft's representative when it was filed on December 30, 2016 was Nair Flores, who at the time held the position of Managing Counsel and is currently Lyft's Vice President and Associate General Counsel of Intellectual Property.

102. As noted above in Pars. 86-91, Nair Flores corresponded with RSDI's representatives about the RSDI patent portfolio in January of 2020 was a recipient of RSDI's May 21, 2020 Letter.

103. Lyft sought expedited prosecution of the '417 Application.

104. The '417 Application was originally filed as a "Track One Request."

105. The originally filed claim 1 of the '417 Application was as follows:

> 1. A method comprising:
>
> sending, by a dynamic transportation matching system, transport request information to a provider computing device, the transport request information being associated with a requestor computing device, the transport request information including a request location associated with the requestor computing device;
>
> determining, by the dynamic transportation matching system, a provider estimated arrival time based at least in part on a navigation route to the request location;
>
> selecting, by the dynamic transportation matching system, an identification element from one or more available identification elements;
>
> sending a provider ride match response including the identification element to the provider computing device; and
>
> sending a requestor ride match response including the identification element to the requestor computing device.

106. In the Declaration filed with the '471 Application, Lyft swore and declared that "the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention."

107. The '417 Application was rejected numerous times during prosecution in view of the prior art.

108. Earlier this year, on April 28, 2020, the '417 Application finally issued as U.S. Patent No. 10,636,108 ("the 108 Patent"), entitled "Identifying Matched Requesters and Providers."

109. RSDI's published provisional application filed on May 29, 2014, which was subsequently converted to a nonprovisional application that published as Pub. No. US 2015/0348408 on December 3, 2015, is prior art to the '417 Application and the '108 Patent.

110. RSDI's '637 Patent-in-Suit, filed on May 27, 2015 and issued on Feb 13, 2018, is also prior art to Lyft's '417 Application and Lyft's '108 Patent.

111. During its nearly three-and-half year prosecution, Lyft did not ever identify any of the Patents-in-Suit or their related published applications as prior art to the US Patent and Trademark Office, on any Information Disclosure Statement or otherwise.

112. During its nearly three-and-half year prosecution, Lyft repeatedly made arguments that the pending claims of the '417 Application, which ultimately issued as the '108 Patent, were not invalid in view of the prior art cited by the US Patent and Trademark Office, which included Lubeck et al. (US Patent Publication No. 2016-0293012 or US Patent No. 9,392,418), McKinnon, et al. (US Patent Publication No. 2017-0178269), Magazinik et al. (US Patent Publication No. 2017-0052034), Abbas, et al. (US Patent Publication No.2018-0060827) references.

113. Lyft continues to file patents that relate to the '108 Patent and that cover the functionality of its AMP device.

114. Most recently, on April 17, 2020, Lyft filed Patent Application No. 16/852,253 ("the '253 Application"), which claims priority to the '417 Application that ultimately issued as the '108 Patent. The originally filed claim 1 of the '253 Application is:

> 1. A method comprising:
>
> sending, by a dynamic transportation matching system, transport request information to a provider computing device, the transport request information being associated with a requestor computing device, the transport request information including a request location associated with the requestor computing device;
>
> determining, by the dynamic transportation matching system, a provider estimated arrival time based at least in part on a navigation route to the request location;
>
> selecting, by the dynamic transportation matching system, an identification element from one or more available identification elements;
>
> sending a provider ride match response including the identification element to the provider computing device; and
>
> sending a requestor ride match response including the identification element to the requestor computing device.

115. RSDI's published provisional application filed on May 29, 2014, which was subsequently converted to a nonprovisional application that published as Pub. No. US 2015/0348408 on December 3, 2015, is prior art to the '253 Application.

116. RSDI's '637 Patent-in-Suit, filed on May 27, 2015 and issued on Feb 13, 2018, is also prior art to Lyft's '253 Application.

117. Lyft did not identify any of the Patents-in-Suit or their related published applications as prior art to the US Patent and Trademark Office, on any Information Disclosure Statement or otherwise during prosecution of the '253 Application.

118. The Abstract of Lyft's '108 Patent states: "Embodiments provide techniques, including systems and methods, for identifying and matching requestors and providers. For example, embodiments can display an identification pattern that is unique for a matched requestor and provider to allow the providers and requestors to quickly, easily, and accurately validate one

another's identities prior to a service being provided. In some embodiments, the identification element may be presented on a provider communication device to clearly display graphics associated with an identification element to all requestors in an area so that the requestors may easily identify a matched provider."

119. Figure 1 of the '108 Patent is reproduced below:

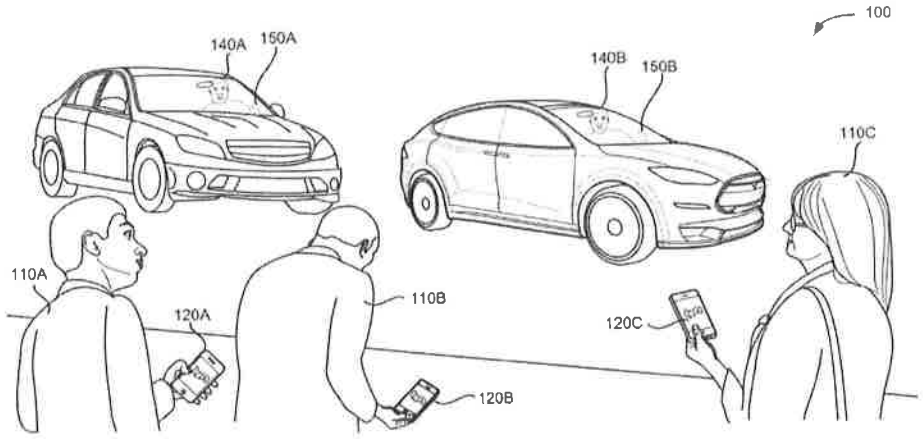


FIG. 1

120. On information and belief, embodiments of the '108 Patent describe Lyft's commercial embodiment of the Amp device.

121. During prosecution, Lyft averred and repeatedly argued that the claims of the '108 Patent were valid over the cited prior art and made numerous statements characterizing the novelty and non-obviousness of the pending claims over the prior art. Lyft ultimately succeeded in convincing the US Patent Office to issue the '108 Patent.

122. As a result of these statements, Lyft is legally estopped from asserting that the earlier filed claims of the RSDI Patents-in-Suit are invalid based on prior art.

Defendant's Infringement

Accused Products

123. As described in further detail below, the hardware and software products and system designed, distributed and controlled by Lyft, including Lyft servers and the Lyft's Amp as used with the Lyft Apps, practices the claimed inventions of the Patents-in-Suit ("Accused Product"). Specifically, the Lyft Apps are provided by Lyft to drivers and passengers who cannot modify the Lyft Apps. Lyft controls and directs the Lyft servers and network in combination with the Lyft passenger application and the Lyft driver application to operate, direct, and control ride-hailing services. All components of the Accused Products are made by or for Lyft; the Lyft Apps are distributed by Lyft; the Accused Products are used under the control and direction of Lyft; and Lyft benefits from the use of each and every component of the Accused Products. Lyft conditions participation in its ride sharing network upon performance of a step or steps of a patented method and establishes the manner or timing of that performance.

124. Under Lyft's design and control a rider application ("Rider App") is provided that, among other things, provides Lyft passengers/customers a method by which to identify a particular vehicle operated by a Lyft driver.

125. Under Lyft's design and control a driver application ("Driver App") is provided that, among other things, provides Lyft a conduit via the Driver App to address an indicator/display, visible from the outside the vehicle.

126. Lyft conditions its drivers' use of Lyft's transportation services network upon the performance of the steps performed by the Driver App, and Lyft establishes the manner and timing of its drivers' performance. Defendant requires its drivers to contractually agree to terms

and conditions that provide the drivers a limited license to use the Driver App with Lyft's ride-hailing network. Drivers must download the Driver App to their mobile devices and utilize the Driver App, including performing the specific steps executed by the Driver App, in order to participate in Lyft's ride-hailing transportation network and services. Lyft provides step-by-step instructions and support to its drivers telling them how to utilize the Driver App if the driver wants to pick up and transport passengers in Lyft's transportation network. Those instructions, and the integrated sequence of events that must be performed for a driver to invoke use of the Accused Products and be matched with riders and directed to the riders' pick-up and destination locations, establish the manner and timing of the drivers' performance of the claimed method steps. If drivers do not follow these precise steps, Lyft's services of matching drivers to passengers and coordinating the lifecycle of rides requests are not available.

127. Defendant conditions passengers' use of its transportation services network upon the performance of the steps performed by Rider App, and Lyft establishes the manner or timing of the passengers' performance. Lyft requires its passengers to contractually agree to terms and conditions that provide the passengers a limited license to use the Rider App only in conjunction with Lyft's ride-hailing network. Passengers must download the Rider App to their mobile devices and utilize the Rider App, including performing the claim steps executed by the Rider App, if they wish to use Lyft's ride-hailing transportation network and services. Lyft provides step-by-step instructions and support to its passengers telling them how to utilize the Rider App to secure a ride in Lyft's transportation network. Those instructions, and the integrated sequence of events that must be performed for a passenger to use Lyft and be matched with and picked up by the selected driver, establish the manner and timing of the passengers' actions. If passengers

do not follow these precise actions, Defendant's services of matching drivers to passengers and coordinating the lifecycle of rides requests are not available.

128. Lyft benefits by providing the Accused Products to attract and retain riders and drivers to increase its revenue. More specifically, Lyft benefits from the enhanced safety and ease-of-use associated with the Amp device. the Driver App facilitates the matching of drivers to passengers, and thereby increases driver efficiency, loyalty and revenue, which in turn increases Lyft's revenue. Similarly, the Rider App facilitates the matching of passengers to Lyft drivers, and thereby increases passenger loyalty and ease-of-use of the Lyft network, which in turn leads to increased profits to Lyft. Drivers also receive a benefit of receiving payment from Lyft from using the Driver App and transporting passengers to their destinations.

129. Lyft's promotion, advertising, and instruction efforts include, at a minimum, maintenance of its own website, http://www.lyft.com/, the production and distribution of additional driver application requirements and Frequently Asked Questions (FAQs) on its website (https://www.lyft.com/driver-application-requirements and https://www.lyft.com/drive-withlyft), and other indicia of Lyft-branded products (e.g., https://www.lyft.com/rider). Lyft encourages and sponsors the use of the Accused Products by drivers and passengers.

130. Lyft completely controls the actions of the drivers and passengers to use Accused Products for ride-hailing.

Allegations Relating to Infringement of the '637 Patent

131. Figure 1A of the '637 Patent is reproduced below:

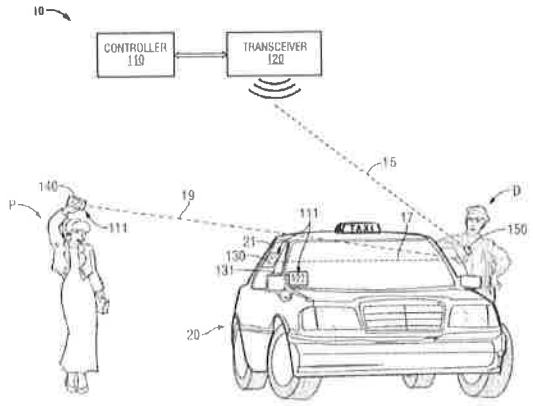


FIG. 1A

132. Defendant's Amp, together with the Lyft Apps, is a vehicle identification system.

133. The Amp includes at least one display associated with a vehicle, wherein the at least one display is located to be visible from an exterior of the vehicle.

134. The Amp includes a transceiver.

135. The Amp includes a controller that is communicatively coupled to the transceiver.

136. The Amp's controller is adapted to generate a first signal to be transmitted by the transceiver to a mobile communication device associated with a driver of the vehicle when it is determined that the vehicle is within a predetermined distance of a specific location, i.e., the driver's pick-up location identified in the Lyft App.

137. The mobile communication device associated with the driver, using the Lyft App, is adapted to generate a second signal to be transmitted to the at least one display of the Amp, the second signal representing an indicator, e.g., a specific color.

138. The Lyft Apps and Lyft Amp are designed and controlled by Lyft. The use of the Accused Products is directed, induced and controlled by Lyft.

Allegations Relating to Infringement of the '987 Patent

139. Figure 1A of the '987 Patent is reproduced below:

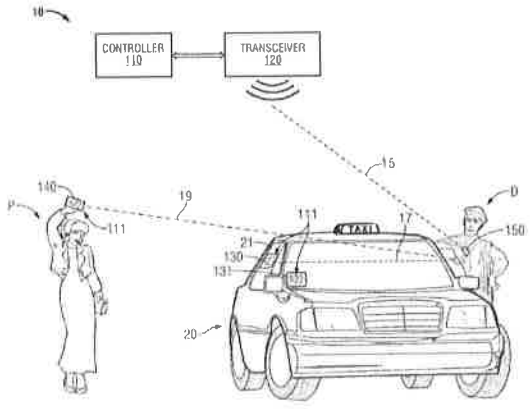


FIG. 1A

140. Defendant's Amp, together with the Lyft Apps, is a vehicle identification system.

141. The Amp includes a display associated with a vehicle, wherein the display is located to be visible from an exterior of the vehicle by a rider.

142. The Amp includes a controller communicatively coupled to a network and configured to, in response to receipt of a signal from a user, e.g., a rider using the Lyft App requesting a ride, generate and transmit a first signal representing an indicator (e.g., a specific color) via the network to a mobile communication device associated with a driver of the vehicle.

143. In response to receiving the first signal, the mobile communication device associated with the driver of the vehicle, via the Lyft App, generates and transmits a second signal representing the indicator to the Amp display, the indicator identifies the vehicle.

144. The Lyft Apps and Lyft Amp are designed and controlled by Lyft. The use of the Accused Products is directed, induced and controlled by Lyft.

Allegations Relating to Infringement of the '525 Patent

145. Figure 1A of the '525 Patent is reproduced below:

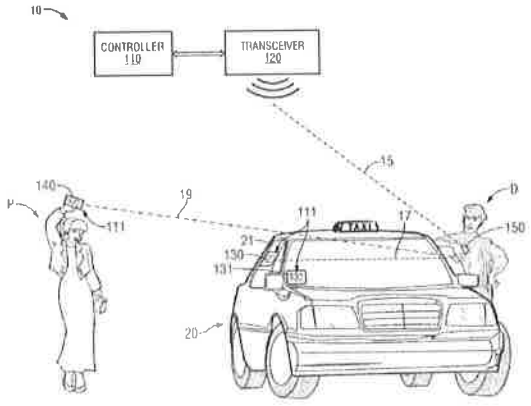


FIG. 1A

146. Defendant's Amp, together with the Lyft Apps, is a vehicle identification system.

147. The Amp includes a display associated with a front windshield of a vehicle, and the display is movable so as to be visible from an exterior of the vehicle by a rider.

148. The Amp includes a controller communicatively coupled to mobile communication devices.

149. In operation, the Amp's controller generates a first signal representing an indicator which is transmitted to a mobile communication device associated with a driver of the vehicle (i.e., via the Lyft App on the driver's mobile phone) and a second signal representing the indicator which is transmitted to a mobile communication device associated with the rider (i.e., via the Lyft App on the rider's mobile phone).

150. In operation, the mobile communication device associated with the driver of the vehicle (i.e., via the Lyft App on the driver's mobile phone) generates a third signal representing the indicator which is transmitted to the Amp's display, the third signal representing the indicator identifies the vehicle.

151. The Lyft Apps and Lyft Amp are designed and controlled by Lyft. The use of the Accused Products is directed, induced and controlled by Lyft.

Allegations Relating to Infringement of the '199 Patent

152. Figure 1A of the '199 Patent is reproduced below:

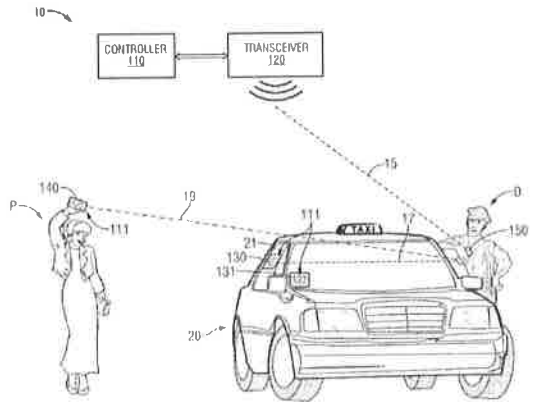


FIG. 1A

153. The Amp and Lyft Apps provide a vehicle identification method implemented as an Application on mobile communication devices over a wireless communication network.

154. This method includes the step of a user requesting a ride from a transportation service from a mobile communication device of a user (via the Lyft App).

155. This method includes the step of determining that a Lyft driver's vehicle is within a predetermined distance of the location of the requesting user.

156. This method includes the step of generating an indicatory signal representing an indicator (e.g., a specific color).

157. This method includes the step of generating a notification signal to a mobile communication device associated with the driver of the vehicle (via the Lyft App).

158. This method includes the step of displaying the indicator based on the notification signal on a display associated with the Lyft driver's vehicle, the mobile communication device

associated with the driver, and the user's mobile communication device, wherein the Amp display associated with the vehicle is located to be visible from the exterior of the vehicle.

159. This method includes the step identifying the vehicle based on appearance of a match, by visual observation of the user, between the indicator being displayed on the user's mobile communication device (via the Lyft App) and the indicator being displayed on the Amp display associated with the vehicle.

160. The Lyft Apps and Lyft Amp are designed and controlled by Lyft. The use of the Accused Products is directed, induced and controlled by Lyft.

Allegations Relating to Infringement of the '417 Patent

161. Figure 1A of the '199 Patent is reproduced below:

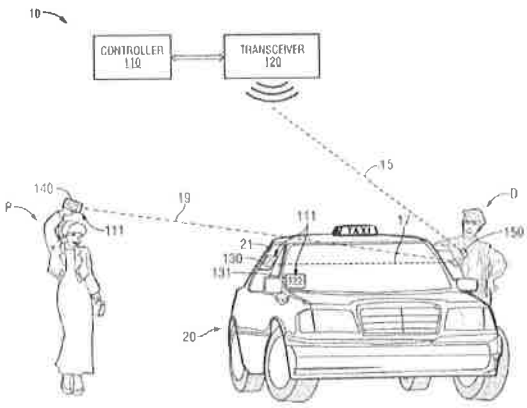


FIG. 1A

162. The Amp and Lyft Apps together constitute a vehicle identification system for mobile communication device users, comprising.

163. The Amp includes a display associated with a vehicle, wherein the display is located to be visible from an exterior of the vehicle by mobile communication device users (i.e., riders).

164. The Amp includes a controller communicatively coupled to a network and configured to, in response to receipt of a ride request signal from a mobile communication device of a user in a pickup area (via the Lyft App), generate and transmit a notification signal via the network to a mobile communication device associated with a driver of the vehicle (via the Lyft App), and in response to the mobile communication device associated with the driver of the vehicle receiving the notification signal an indicatory signal representing a visual indicator (e.g., a color) is generated and transmitted to the Amp's display and the mobile communication device of the user (via the Lyft App), wherein the visual indicator is not duplicated in the same pickup area.

165. The Lyft Apps and Lyft Amp are designed and controlled by Lyft. The use of the Accused Products is directed, induced and controlled by Lyft.

Allegations Regarding Willful Infringement

166. RSDI realleges and incorporates by reference Paragraphs 29-121 above, as if fully set forth herein.

167. Lyft was notified by RSDI on numerous occasions about the RSDI Patents-in-Suit.

168. Lyft was also notified by RSDI on multiple occasions – starting in 2018 and continuing through 2020 – that the accused Amp was infringing the RSDI Patents.

169. Despite this, Lyft ignored RSDI's numerous requests to discuss a patent license and/or business arrangement with RSDI.

170. Instead, Lyft continued to import, sell, and use it infringing Amp device and to seek its own later-filed patents covering the Amp device.

COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 9,892,637

171. RSDI realleges and incorporates by reference Paragraphs 1-157 above, as if fully set forth herein.

172. The '637 Patent is valid, enforceable, and was duly issued on February 13, 2018, in full compliance with Title 35 of the United States Code. The '637 Patent is not routine and conventional use of computer technology. The '637 Patent solves a specific problem regarding safety by matching drivers and riders in an unique and previously unknown and non-conventional solution.

173. Upon information and belief, Defendants have been aware of the '637 Patent since at least as early as March 15, 2018 as a consequence of reading the 2018 RSDI Press Release announcing the issuance of the '637 Patent, discussed *supra* at Paragraphs 64-68.

174. Specifically, and further upon information and belief, Lyft became aware of the '637 Patent when it reviewed 2018 RSDI Press Release and became aware of its relevance to the beaconing feature of Lyft's Amp. Upon information and belief, Defendant continued to support and encourage use of the Amp despite knowing that the use of that feature would directly infringe at least claim 1 of the '637 Patent.

175. Upon information and belief, Defendant has directly infringed at least claim 1 of the '637 Patent in violation of 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, by, among other things, making, using, offering for sale, selling, and/or importing into the United States the Accused Products. For example, Defendant has used each of the Accused Products in the United States, at a minimum for internal testing and development and for internal corporate communication, in the manner described above, thereby directly infringing claim 1 of the '637 Patent. Further, all components of the Accused Products, including the Lyft Apps and Amp are designed by and used under the control of Lyft.

176. Upon information and belief, Defendant has taken active steps to induce infringement by others of at least claim 1 of the '637 Patent in violation of 35 U.S.C. §271(b), including, for example, by inducing end-users to use the Accused Products in the manner described above. Such active steps include, but are not limited to, distributing the Accused Products and instructions to enable and facilitate direct infringement by end-users of the Accused Products, with the specific intent that end-users use such Accused Products in a manner that infringes at least claim 1 of the '637 Patent.

177. Upon information and belief, Defendant was either aware of, or willfully blind to, the existence of the '637 Patent since at least as early as March 15, 2018, when it reviewed the 2018 RSDI Press Release, and performed such acts of inducement with the knowledge and intent that they would lead to acts of direct infringement.

178. Upon information and belief, Defendant has induced and contributed to the infringement of at least claim 1 of the '637 Patent by others, including end-users of the Accused Products, in violation of 35 U.S.C. § 271(c). Acts by Defendants that have contributed to the infringement of others include, but are not limited to, the sale, offer for sale, and/or import by Defendant of the Accused Products. Such Accused Products contain software components that are especially made for or adapted for use to infringe at least claim 1 of the '637 Patent, and are not a staple article of commerce and are not suitable for substantial non-infringing use. Upon information and belief, Defendant has been aware that the Accused Products contained components that are especially made or adapted for use in an infringement of the '637 Patent since at least as early as March 15, 2018 when it reviewed the 2018 RSDI Press Release. The Lyft Apps and Lyft Amp are designed and controlled by Lyft. The use of the Accused Products is directed, induced and controlled by Lyft.

179. Additional allegations regarding Defendant's knowledge of the '637 Patent will likely have further evidentiary support after a reasonable opportunity for discovery.

180. By their actions, Defendant has injured RSDI and is liable to RSDI for infringement of the '637 Patent pursuant to 35 U.S.C. § 271.

181. Upon information and belief, Defendant undertook its infringing actions despite knowing that such activities infringed the '637 Patent, since at least as early as March 15, 2018. As such, Defendant has and continues to willfully infringe the '637 Patent.

COUNT 2: INFRINGEMENT OF U.S. PATENT NO. 10,169,987

182. RSDI realleges and incorporates by reference Paragraphs 1-168 above, as if fully set forth herein.

183. The '987 Patent is valid, enforceable, and was duly issued on January 1, 2019, in full compliance with Title 35 of the United States Code. The '987 Patent is not routine and conventional use of computer technology. The '987 Patent solves a specific problem regarding safety by matching drivers and riders in a unique and previously unknown and non-conventional solution.

184. Upon information and belief, Defendants have been aware of the '987 Patent since at least as early as January 7, 2020, as a consequence of it receiving notice from RSDI by email, as discussed *supra* at Paragraphs 87-88, above.

185. Specifically, and further upon information and belief, Lyft became aware of the '987 Patent when it reviewed the '987 Patent and became aware of its relevance to the beaconing feature of Lyft's Amp. Upon information and belief, Defendant continued to support and

encourage use of the Amp despite knowing that the use of that feature would directly infringe at least claim 1 of the '987 Patent.

186. Upon information and belief, Defendant has directly infringed at least claim 1 of the '987 Patent in violation of 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, by, among other things, making, using, offering for sale, selling, and/or importing into the United States the Accused Products. For example, Defendant has used each of the Accused Products in the United States, at a minimum for internal testing and development and for internal corporate communication, in the manner described above, thereby directly infringing claim 1 of the '987 Patent. Further, all components of the Accused Products, including the Lyft Apps and Amp are designed by and used under the control of Lyft.

187. Upon information and belief, Defendant has taken active steps to induce infringement by others of at least claim 1 of the '987 Patent in violation of 35 U.S.C. §271(b), including, for example, by inducing end-users to use the Accused Products in the manner described above. Such active steps include, but are not limited to, distributing the Accused Products and instructions to enable and facilitate direct infringement by end-users of the Accused Products, with the specific intent that end-users use such Accused Products in a manner that infringes at least claim 1 of the '987 Patent. The Lyft Apps and Lyft Amp are designed and controlled by Lyft. The use of the Accused Products is directed, induced and controlled by Lyft.

188. Upon information and belief, Defendant was either aware of, or willfully blind to, the existence of the '987 Patent at least as early as January 7, 2020, when it received notice of the '987 Patent and Lyft's use of the same by email, and performed such acts of inducement with the knowledge and intent that they would lead to acts of direct infringement.

189. Upon information and belief, Defendant has contributed to the infringement of at least claim 1 of the '987 Patent by others, including end-users of the Accused Products, in violation of 35 U.S.C. § 271(c). Acts by Defendants that have contributed to the infringement of others include, but are not limited to, the sale, offer for sale, and/or import by Defendant of the Accused Products. Such Accused Products contain software components that are especially made for or adapted for use to infringe at least claim 1 of the '987 Patent, and are not a staple article of commerce and are not suitable for substantial non-infringing use. Upon information and belief, Defendant has been aware that the Accused Products contained components that are especially made or adapted for use in an infringement of the '987 Patent since at least as early as at least as early as January 7, 2020 when it received notice of the '987 Patent by email and Lyft's use of the same from RSDI.

190. Additional allegations regarding Defendant's knowledge of the '987 Patent will likely have further evidentiary support after a reasonable opportunity for discovery.

191. By their actions, Defendant has injured RSDI and is liable to RSDI for infringement of the '987 Patent pursuant to 35 U.S.C. § 271.

192. Upon information and belief, Defendant undertook its infringing actions despite knowing that such activities infringed the '987 Patent, since at least as early as January 7, 2020. As such, Defendant has and continues to willfully infringe the '987 Patent.

COUNT 3: INFRINGEMENT OF U.S. PATENT NO. 10,395,525

193. RSDI realleges and incorporates by reference Paragraphs 1-179 above, as if fully set forth herein.

194. The '525 Patent is valid, enforceable, and was duly issued on August 27, 2019, in full compliance with Title 35 of the United States Code. The '525 Patent is not routine and conventional use of computer technology. The '525 Patent solves a specific problem regarding safety by matching drivers and riders in a unique and previously unknown and non-conventional solution.

195. Upon information and belief, Defendants have been aware of the '525 Patent since at least as early as at least as early as January 7, 2020 as a consequence of receiving notice via email from RSDI, as discussed *supra* at Paragraphs 87-88, above.

196. Specifically, and further upon information and belief, Lyft became aware of the '525 Patent when it reviewed the '525 Patent and became aware of its relevance to the beaconing feature of Lyft's Amp. Upon information and belief, Defendant continued to support and encourage use of the Amp despite knowing that the use of that feature would directly infringe at least claim 1 of the '525 Patent.

197. Upon information and belief, Defendant has directly infringed at least claim 1 of the '525 Patent in violation of 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, by, among other things, making, using, offering for sale, selling, and/or importing into the United States the Accused Products. For example, Defendant has used each of the Accused Products in the United States, at a minimum for internal testing and development and for internal corporate communication, in the manner described above, thereby directly infringing claim 1 of the '525 Patent. Further, all components of the Accused Products, including the Lyft Apps and Amp are designed by and used under the control of Lyft.

198. Upon information and belief, Defendant has taken active steps to induce infringement by others of at least claim 1 of the '525 Patent in violation of 35 U.S.C. §271(b), including, for

example, by inducing end-users to use the Accused Products in the manner described above. Such active steps include, but are not limited to, distributing the Accused Products and instructions to enable and facilitate direct infringement by end-users of the Accused Products, with the specific intent that end-users use such Accused Products in a manner that infringes at least claim 1 of the '525 Patent. The Lyft Apps and Lyft Amp are designed and controlled by Lyft. The use of the Accused Products is directed, induced and controlled by Lyft.

199. Upon information and belief, Defendant was either aware of, or willfully blind to, the existence of the '525 Patent since at least as early as January 7, 2020, when it received notice of the '525 Patent and Lyft's use of the same from RSDI by email, and performed such acts of inducement with the knowledge and intent that they would lead to acts of direct infringement.

200. Upon information and belief, Defendant has contributed to the infringement of at least claim 1 of the '525 Patent by others, including end-users of the Accused Products, in violation of 35 U.S.C. § 271(c). Acts by Defendants that have contributed to the infringement of others include, but are not limited to, the sale, offer for sale, and/or import by Defendant of the Accused Products. Such Accused Products contain software components that are especially made for or adapted for use to infringe at least claim 1 of the '525 Patent, and are not a staple article of commerce and are not suitable for substantial non-infringing use. Upon information and belief, Defendant has been aware that the Accused Products contained components that are especially made or adapted for use in an infringement of the '525 Patent since at least as early as early as January 7, 2020, when it received notice of the '525 Patent and Lyft's use of the same from RSDI by email.

201. Additional allegations regarding Defendant's knowledge of the '525 Patent will likely have further evidentiary support after a reasonable opportunity for discovery.

202. By their actions, Defendant has injured RSDI and is liable to RSDI for infringement of the '525 Patent pursuant to 35 U.S.C. § 271.

203. Upon information and belief, Defendant undertook its infringing actions despite knowing that such activities infringed the '525 Patent, since at least as early as January 7, 2020. As such, Defendant has and continues to willfully infringe the '525 Patent.

COUNT 4: INFRINGEMENT OF U.S. PATENT NO. 10,559,199

204. RSDI realleges and incorporates by reference Paragraphs 1-190 above, as if fully set forth herein.

205. The '199 Patent is valid, enforceable, and was duly issued on February 11, 2020, in full compliance with Title 35 of the United States Code. The '199 Patent is not routine and conventional use of computer technology. The '199 Patent solves a specific problem regarding safety by matching drivers and riders in a unique and previously unknown and non-conventional solution.

206. Upon information and belief, Defendants have been aware of the '199 Patent since at least as early as May 21, 2020, as a consequence of receiving notice by letter from RSDI, as discussed *supra* at Paragraphs 91-96, above.

207. Specifically, and further upon information and belief, Lyft became aware of the '199 Patent when it reviewed the '199 Patent and became aware of its relevance to the beaconing feature of Lyft's Amp. Upon information and belief, Defendant continued to support and

encourage use of the Amp despite knowing that the use of that feature would directly infringe at least claim 1 of the '199 Patent.

208. Upon information and belief, Defendant has directly infringed at least claim 1 of the '199 Patent in violation of 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, by, among other things, making, using, offering for sale, selling, and/or importing into the United States the Accused Products. For example, Defendant has used each of the Accused Products in the United States, at a minimum for internal testing and development and for internal corporate communication, in the manner described above, thereby directly infringing claim 1 of the '199 Patent. Further, all components of the Accused Products, including the Lyft Apps and Amp are designed by and used under the control of Lyft.

209. Upon information and belief, Defendant has taken active steps to induce infringement by others of at least claim 1 of the '199 Patent in violation of 35 U.S.C. §271(b), including, for example, by inducing end-users to use the Accused Products in the manner described above. Such active steps include, but are not limited to, distributing the Accused Products and instructions to enable and facilitate direct infringement by end-users of the Accused Products, with the specific intent that end-users use such Accused Products in a manner that infringes at least claim 1 of the '199 Patent. The Lyft Apps and Lyft Amp are designed and controlled by Lyft. The use of the Accused Products is directed, induced and controlled by Lyft.

210. Upon information and belief, Defendant was either aware of, or willfully blind to, the existence of the '199 Patent since at least as early as May 21, 2020, when it received notice of the '525 Patent and Lyft's use of the same from RSDI in the May 21, 2020 Letters, and

performed such acts of inducement with the knowledge and intent that they would lead to acts of direct infringement.

211. Upon information and belief, Defendant has contributed to the infringement of at least claim 1 of the '199 Patent by others, including end-users of the Accused Products, in violation of 35 U.S.C. § 271(c). Acts by Defendants that have contributed to the infringement of others include, but are not limited to, the sale, offer for sale, and/or import by Defendant of the Accused Products. Such Accused Products contain software components that are especially made for or adapted for use to infringe at least claim 1 of the '199 Patent, and are not a staple article of commerce and are not suitable for substantial non-infringing use. Upon information and belief, Defendant has been aware that the Accused Products contained components that are especially made or adapted for use in an infringement of the '199 Patent since at least as early as May 21, 2020, when it received notice of the '525 Patent and Lyft's use of the same from RSDI in the May 21, 2020 Letters.

212. Additional allegations regarding Defendant's knowledge of the '199 Patent will likely have further evidentiary support after a reasonable opportunity for discovery.

213. By their actions, Defendant has injured RSDI and is liable to RSDI for infringement of the '199 Patent pursuant to 35 U.S.C. § 271.

214. Upon information and belief, Defendant undertook its infringing actions despite knowing that such activities infringed the '199 Patent, since at least as early as May 21, 2020. As such, Defendant has and continues to willfully infringe the '199 Patent.

COUNT 5: INFRINGEMENT OF U.S. PATENT NO. 10,748,417

215. RSDI realleges and incorporates by reference Paragraphs 1-201 above, as if fully set forth herein.

216. The '417 Patent is valid, enforceable, and was duly issued on August 18, 2020, in full compliance with Title 35 of the United States Code. The '417 Patent is not routine and conventional use of computer technology. The '417 Patent solves a specific problem regarding safety by matching drivers and riders in a unique and previously unknown and non-conventional solution.

217. Defendants have been aware of the '417 Patent since at least as early as the filing of this Complaint.

218. Upon information and belief, Defendant has been aware of the '417 since its issuance, since RSDI had previously identified the patents and pending publications in its family to Lyft in its January 7, 2020 email and in the May 21, 2020 Letters.

219. Specifically, and further upon information and belief, Lyft became aware of the '417 Patent when it reviewed the '417 Patent and became aware of its relevance to the beaconing feature of Lyft's Amp. Upon information and belief, Defendant continued to support and encourage use of the Amp despite knowing that the use of that feature would directly infringe at least claim 1 of the '417 Patent.

220. Upon information and belief, Defendant has directly infringed at least claim 1 of the '417 Patent in violation of 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, by, among other things, making, using, offering for sale, selling, and/or importing into the United States the Accused Products. For example, Defendant has used each of the Accused Products in the United States, at a minimum for internal testing and development and for internal corporate communication, in the manner described above, thereby directly infringing claim 1 of the '417

Patent. Further, all components of the Accused Products, including the Lyft Apps and Amp are designed by and used under the control of Lyft. Lyft conditions participation by drivers and passengers in its ride share network upon performance of a step or steps of the '199 Patent's claims and establishes the manner or timing of that performance.

221. Upon information and belief, Defendant has taken active steps to induce infringement by others of at least claim 1 of the '417 Patent in violation of 35 U.S.C. §271(b), including, for example, by inducing end-users to use the Accused Products in the manner described above. Such active steps include, but are not limited to, distributing the Accused Products and instructions to enable and facilitate direct infringement by end-users of the Accused Products, with the specific intent that end-users use such Accused Products in a manner that infringes at least claim 1 of the '417 Patent. The Lyft Apps and Lyft Amp are designed and controlled by Lyft. The use of the Accused Products is directed, induced and controlled by Lyft.

222. Upon information and belief, Defendant was either aware of, or willfully blind to, the existence of the '417 Patent since at least as early as August 18, 2020, when it issued, and performed such acts of inducement with the knowledge and intent that they would lead to acts of direct infringement.

223. Upon information and belief, Defendant has contributed to the infringement of at least claim 1 of the '417 Patent by others, including end-users of the Accused Products, in violation of 35 U.S.C. § 271(c). Acts by Defendants that have contributed to the infringement of others include, but are not limited to, the sale, offer for sale, and/or import by Defendant of the Accused Products. Such Accused Products contain software components that are especially made for or

adapted for use to infringe at least claim 1 of the '417 Patent, and are not a staple article of commerce and are not suitable for substantial non-infringing use. Upon information and belief, Defendant has been aware that the Accused Products contained components that are especially made or adapted for use in an infringement of the '417 Patent since at least as early as August 18, 2020 when it issued.

224. Additional allegations regarding Defendant's knowledge of the '417 Patent will likely have further evidentiary support after a reasonable opportunity for discovery.

225. By their actions, Defendant has injured RSDI and is liable to RSDI for infringement of the '417 Patent pursuant to 35 U.S.C. § 271.

226. Upon information and belief, Defendant undertook its infringing actions despite knowing that such activities infringed the '417 Patent, since at least as early the date of the filing of this Complaint. As such, Defendant has and continues to willfully infringe the '417 Patent.

CONCLUSION

227. The technology covered by the RSDI Patents-in-Suit is critical to the ride sharing industry and to Lyft's ability to meet its duties and obligations to safely and securely connect drivers and riders using its platform.

228. RSDI's Patents-in-Suit and Other RSDI RideShare Patents provide a technology solution to this problem.

229. Lyft's executive team and IP leadership team has been on notice of RSDI's patent portfolio and its technology for years. Lyft has likewise been on notice that its Amp infringes the RSDI Patents-in-Suit.

230. Lyft was afforded multiple opportunities to engage with RSDI.

231. Despite all this, and despite being on notice of RSDI's patent rights, Lyft has consistently ignored and continues to ignore and willfully infringe RSDI's patents.

232. Instead, Lyft continued to distribute and promote its infringing Amp device, without RSDI's authorization and without any compensation to RSDI through a business arrangement, license, or otherwise.

233. At the same time, Lyft pursued and continues to pursue its own patents on the Amp technology, all without disclosing RSDI's prior art patents and publications to the US Patent and Trademark Office.

234. For all of these reasons, RSDI requests the following relief.

PRAYER FOR RELIEF

Wherefore, RSDI respectfully requests that the Court enter judgement against Defendant as follows:

A. Finding that each of the Patents-in-Suit has been infringed by Defendant;

B. Finding that Defendant's infringement of each of the Patents-in-Suit has been willful.

C. Finding that Defendant is estopped from challenging the validity of each of the Patents-in-Suit.

D. Awarding damages adequate to compensate RSDI for the patent infringement that has occurred, in accordance with 35 U.S.C. § 284, including an assessment of prejudgment and post-judgment interest and costs, and an accounting as appropriate for infringing activity not captured within any applicable jury verdict;

E. Awarding RSDI an ongoing royalty for Defendant's post-verdict infringement, payable on each product or service offered by Defendant that is found to infringe one or more of the Asserted Patents, and on all future products and services that are not colorably different from those found to infringe, or—in the alternative if Defendant refuses the ongoing royalty—permanently enjoining Defendants from further infringement;

F. Providing an award of all other damages permitted by 35 U.S.C. § 284, including increased damages up to three times the amount of compensatory damages found;

G. Finding that this is an exceptional case and awarding to RSDI of its costs, expenses, and reasonable attorneys' fees incurred in this action as provided by 35 U.S.C. § 285; and

H. Providing such other relief, including other monetary and equitable relief, as this Court deems just and proper.

DEMAND FOR JURY TRIAL

RSDI demands a jury trial on all issues so triable.

SEITZ, VAN OGTROP & GREEN, P.A.

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