

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

GREATGIGZ SOLUTIONS, LLC,

Plaintiff

v.

WALMART INC.

Defendant

Case No. 6:21-cv-0798

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

GreatGigz Solutions, LLC (“Plaintiff”) hereby files this Original Complaint for Patent Infringement against Walmart Inc. (“Walmart” or “Defendant”), and alleges, On information and belief, as follows:

THE PARTIES

1. GreatGigz Solutions, LLC is a limited liability company organized and existing under the laws of the State of Florida with its principal place of business at 600 S. Dixie Highway, Suite 605, West Palm Beach, Florida 33401.
2. On information and belief, Walmart is a domestic corporation organized and existing under the laws of Delaware, with its headquarters located at 702 S.W. 8th Street, Bentonville, Arkansas 72716. Walmart may be served through its registered agent in the State of Texas at CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201-3136. On information and belief, Walmart sells and offers to sell products and services throughout the State of Texas, including in this judicial District, and introduces services via its infringing systems into the

stream of commerce knowing and intending that they would be extensively used in the State of Texas and in this judicial District. On information and belief, Walmart specifically targets customers in the State of Texas and in this judicial District.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331 and 1338.
4. This Court has personal jurisdiction over Defendant. Defendant has continuous and systematic business contacts with the State of Texas. Defendant directly conducts business extensively throughout the State of Texas, by distributing, making, using, offering for sale, selling, and advertising (including the provision of interactive web pages and mobile applications) its services in the State of Texas and in this District. Defendant has purposefully and voluntarily made its infringing systems available to residents of this District and into the stream of commerce with the intention and expectation that they will be purchased and used by consumers in this District. On information and belief, Walmart fulfills orders using the infringing systems and methods. *See* Figure 1 below.

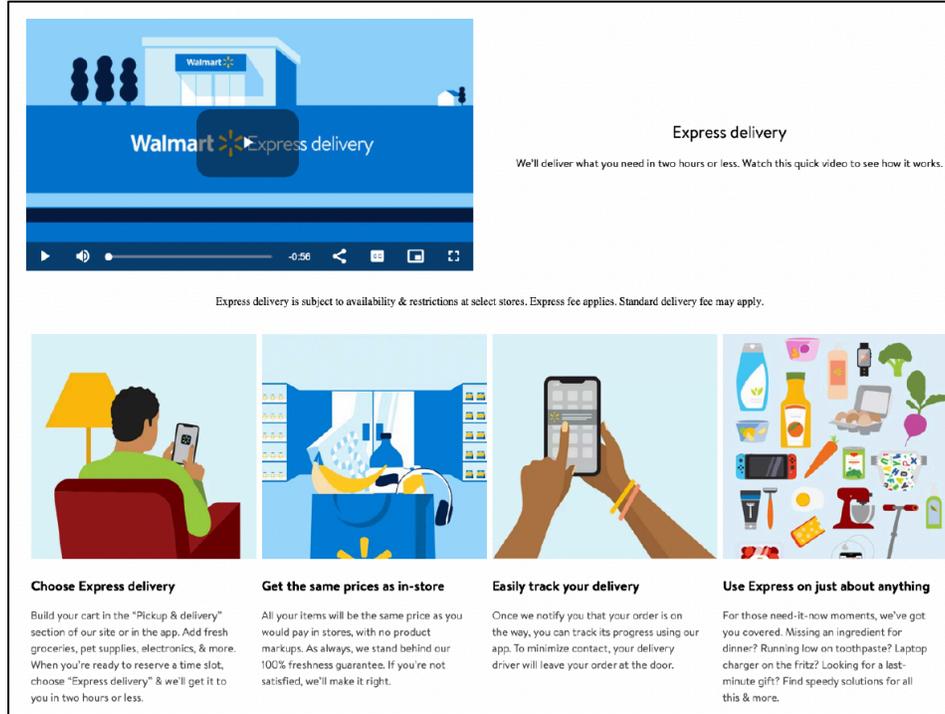


Figure 1¹

5. On information and belief, Defendant maintains an ongoing and continuous business presence in the State of Texas and specifically within this District, which is illustrated by the fact that Walmart has multiple retail stores located within this District. *See* Figures 2 and 3 below.

¹ Source, as visited on July 30, 2021: https://www.walmart.com/cp/express_delivery/3696472

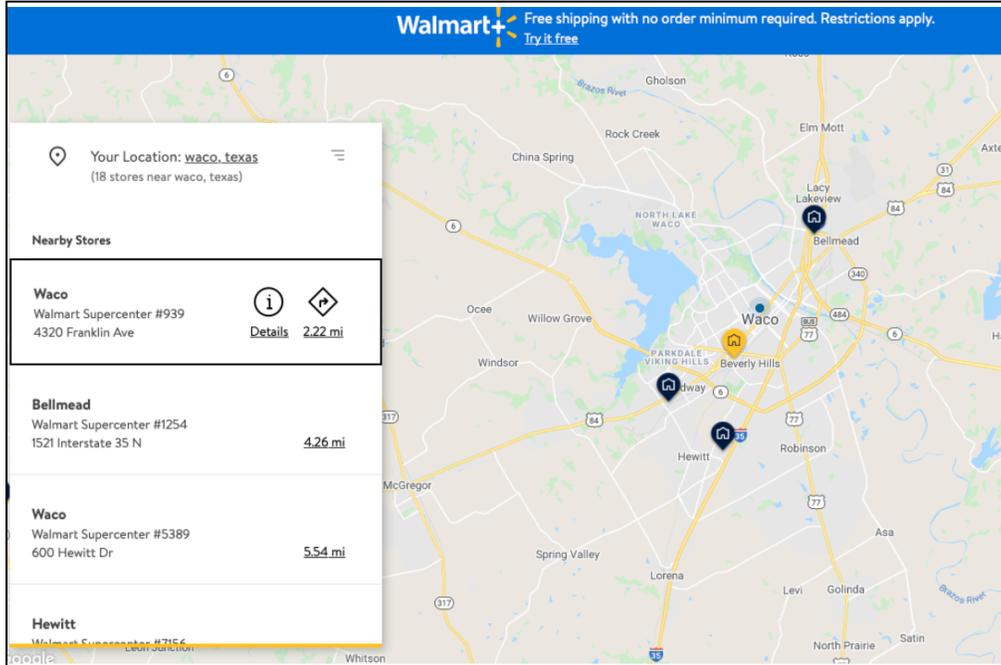


Figure 2²

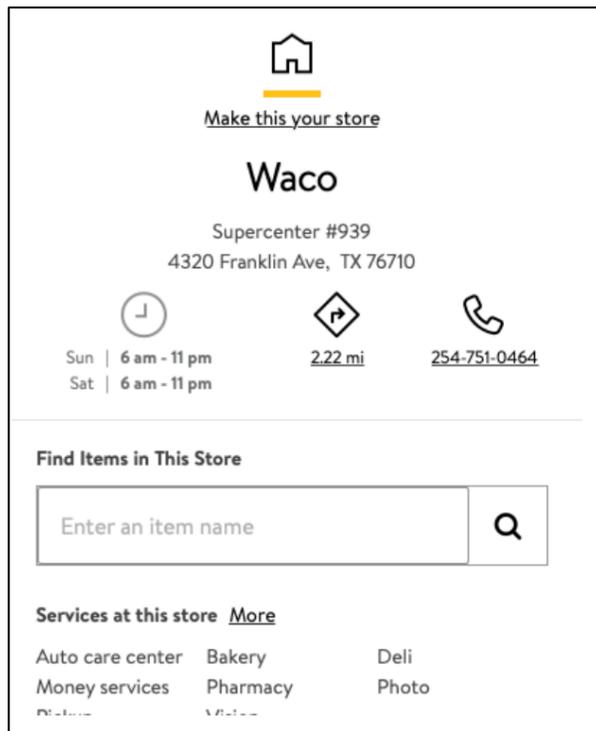


Figure 3³

² Source, as visited on July 30, 2021:
<https://www.walmart.com/store/finder?location=76701&distance=50>

6. Venue is proper in the Western District of Texas as to Defendant pursuant to at least 28 U.S.C. §§ 1391(c)(2) and 1400(b). As noted above, Defendant maintains a regular and established business presence in this District.

PATENTS-IN-SUIT

7. GreatGigz Solutions, LLC is the owner, by assignment, of U.S. Patent Nos. 6,662,194 (“the ’194 Patent”); 7,490,086 (“the ’086 Patent”); 9,760,864 (“the ’864 Patent”); and 10,096,000 (“the ’000 Patent”) (hereinafter collectively referred to as “the GGS Patents”).
8. The GGS Patents are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.
9. The inventions described and claimed in the GGS Patents were invented by Raymond Anthony Joao.
10. The GGS Patents each include numerous claims defining distinct inventions.
11. The priority date of each of the GGS Patents is at least as early as July 31, 1999. As of the priority date, the inventions as claimed were novel, non-obvious, unconventional, and non-routine.
12. For example, and as evidence of the stated non-routine aspects of the inventions, during prosecution of the ’864 Patent, the patent examiner considered whether the claims of the ’864 Patent were eligible under 35 USC §101 in view of the United States Supreme Court’s decision in *Alice*. The patent examiner affirmatively and expressly found that the claims are in fact patent eligible under 35 USC §101 because all pending claims are directed to patent-eligible subject

³ Source, as visited on July 30, 2021:

<https://www.walmart.com/store/finder?location=76701&distance=50>

matter, because none of the pending claims are directed to an abstract idea, and because there would be no preemption of the abstract idea or the field of the abstract idea.

13. GreatGigz Solutions, LLC alleges infringement on the part of Defendant of the '194 Patent, the '086 Patent, the '864 Patent, and the '000 Patent (collectively as the "Asserted Patents").
14. The '194 Patent relates generally to an apparatus and method for providing recruitment information, including a memory device for Storing information regarding at least one of a job opening, a position, an assignment, a contract, and a project, and information regarding a job Search request, a processing device for processing information regarding the job Search request On a detection of an occurrence of a Searching event, wherein the processing device utilizes information regarding the at least one of a job opening, a position, an assignment, a contract, and a project, Stored in the memory device, and further wherein the processing device generates a message containing information regarding at least one of a job opening, a position, an assignment, a contract, and a project, wherein the message is responsive to the job Search request, and a transmitter for transmitting the message to a communication device associated with an individual in real-time. *See* Abstract, '194 Patent.
15. The '086 Patent relates generally to an apparatus, including a memory device which stores information regarding a job opening, position, assignment, contract, or project, and information regarding a job search request or inquiry, a processing device which processing the information regarding a job search request or inquiry On an automatic detection of an occurrence of a searching event which is an occurrence of a job posting, a posting of new or revised data or information, a news release of a business event, an employment-related event, an economic report, industry-specific news, an event which creates an to fill a position, or an event which creates an interest to seek a position, and generates a message, containing the information

regarding a job opening, position, assignment, contract, or project, responsive to the job search request or inquiry, and a transmitter which transmits the message to a communication device associated with an individual. *See* Abstract, '086 Patent.

16. The '864 Patent relates generally to an apparatus, including a memory device for storing work schedule information or scheduling information for an individual, a transmitter for transmitting a job search request to a computer, wherein the computer is specially programmed for processing the job search request, for generating a message containing information regarding a job opening, a position, an assignment, a contract, or a project, and for transmitting the message to the apparatus in response to the job search request; a receiver for receiving the message; and a display for displaying at least some of the information contained in the message. *See* Abstract, '864 Patent.
17. The '000 Patent relates generally to an apparatus, including a memory which stores work schedule information or scheduling information for an employer, hiring entity, individual, independent contractor, temporary worker, or freelancer; a receiver which receives a first request to obtain work schedule information or scheduling information for the employer, hiring entity, individual, independent contractor, temporary worker, or freelancer, and the first request is received from a first communication device; a processing device, specially programmed for processing information contained in the first request, generates a first message containing the work schedule or scheduling information for the employer, hiring entity, individual, independent contractor, temporary worker, or freelancer; and a transmitter for transmitting the first message to the first communication device or to a second communication device. The apparatus processes information in a second request. Information contained in the second request is based

on the work schedule information or the scheduling information contained in the first message.
See Abstract, '000 Patent.

18. As noted, the claims of the Asserted Patents claim priority to at least July 31, 1999. At that time, the idea of launching Walmart.com was still several years away.
19. The claims of the Asserted Patents are not drawn to laws of nature, natural phenomena, or abstract ideas. Although the systems and methods claimed in the Asserted Patents are ubiquitous now (and, as a result, are widely infringed), the specific combinations of elements, as recited in the claims, were not conventional or routine at the time of the invention.
20. Further, the claims of the Asserted Patents contain inventive concepts which transform the underlying non-abstract aspects of the claims into patent-eligible subject matter.
21. Consequently, the claims of the Asserted Patents recite systems and methods resulting in improved functionality of the claimed systems and represent technological improvements to the operation of computers.
22. The claims of the Asserted Patents overcome deficiencies existing in the art as of the date of invention, and comprise non-conventional approaches that transform the inventions as claimed into substantially more than mere abstract ideas. For example, as of the date of invention, “[j]ob searching activities and recruitment activities typically require efforts in introducing parties to one another, pre-screening the parties prior to, and/or subsequent to, an introduction, acting as an information gathering entity for a party, exchanging information in order to determine if a relationship is appropriate and/or desirable, negotiating a deal, and/or consummating a deal between the respective parties. While individuals and/or employers and/or hiring entities can act on their own behalf during most of the process, one of the parties may typically enlist the efforts of an employment agency or agencies, a recruiter(s), a so-called ‘headhunter(s)’, an employment

and/or career consultant(s), a temporary employment agency or agencies, a personal agent(s), a personal manager(s), and/or another intermediary or intermediaries, sometimes at great expense.” ’194 Patent at 1:59-2:6. The inventions as claimed overcome these deficiencies in the state of the art, and provide substantial cost savings to all parties. As explained, as of the date of invention, “[t]he enlistment of employment agencies, recruiters, so-called ‘headhunters’, employment and/or career consultants, temporary employment agencies, personal agents, personal managers, and/or other intermediaries, can be costly and can lead to job search efforts and/or recruitment efforts which may be limited in breadth and/or scope by the personal and/or individual contacts, limitations and/or constraints associated with the employment agency, recruiter, so-called ‘headhunter’, employment and/or career consultant, temporary employment agency, personal agent, personal manager, and/or other intermediary.” *Id.* at 2:7-17. As such, the inventions as claimed provide non-conventional solutions to the conventional problems of the day because the need for a costly middle-man in the process is overcome. *Id.* at 2:18-24; 6:45-55.

23. The inventions as claimed further overcome the deficiencies existing in the art as of the date of invention by removing barriers confronting many at the time. As explained, as of the date of invention, “[j]ob searching efforts and recruitment efforts may be limited by and/or be constrained by limited personal contacts, geographical constraints, monetary constraints, and/or time constraints. Oftentimes, individuals, employers and/or hiring entities, do not have the resources to conduct their own respective job searching efforts or recruitment efforts. The enlistment of employment agencies, recruiters, so-called ‘headhunters’, employment and/or career consultants, temporary employment agencies, personal agents, personal managers, and/or other intermediaries, may not be sufficient to overcome these limitations and/or constraints,

particularly, if the respective employment agency or agencies, recruiter(s), so-called ‘headhunter(s)’, employment and/or career consultant(s), temporary employment agency or agencies, personal agent(s), personal manager(s) and/or other intermediary or intermediaries, are working with similar limitations and/or constraints.” *Id.* at 2:26-42. As such, the inventions as claimed provide non-conventional solutions to the conventional problems of the day because the need for extensive personal contacts and geographical proximity are overcome.

24. The inventions as claimed further overcome the deficiencies existing in the art as of the date of invention by removing barriers confronting many at the time. As explained, as of the date of invention, “[t]he job search process and/or the recruitment process can typically be rendered more difficult in instances when additional information may be requested by one or by both of the parties concerning a counterpart. This typically results in time delays and/or additional expense to the party having to comply with such a request.” *Id.* at 2:43-48. As such, the inventions as claimed provide non-conventional solutions to the conventional problems of the day because the need for time-consuming delays is overcome.

25. The inventions as claimed further overcome the deficiencies existing in the art as of the date of invention by removing barriers confronting many at the time. As explained, as of the date of invention, “[j]ob searching efforts and/or recruitment efforts may further be rendered more difficult when the parties are not properly pre-screened, thereby resulting in wasted time and effort, and/or when the parties are not properly informed as to the needs and/or demands of a counterpart. The needs and/or demands can include job description, job needs, project description, assignment description, salary, compensation, and/or other related information. The failure to pre-screen the parties and/or to conduct a dialog and/or initiate interviews and/or discussions when the parties may be so far apart regarding their respective needs, requests and/or

expectations, for example, those involving job duties and/or salary, can result in wasted time and effort.” *Id.* at 2:49-61. As such, the inventions as claimed provide non-conventional solutions to the conventional problems of the day because the associated time and effort are reduced, resulting in more efficient processes and cost savings for all involved.

26. The inventions as claimed further overcome the deficiencies existing in the art as of the date of invention by removing barriers confronting many at the time. As explained, as of the date of invention, “[c]onfidentiality is typically another concern in job searching activities and/or in recruitment activities. Individuals, employees, and/or hiring entities may have an interest in, and/or a desire for, maintaining confidentiality during at least some initial stages of any job search and/or recruitment effort. In some instances, once an initial interest is expressed, any confidentiality which may have existed may be lost for the remainder of the process. Sometimes, it may be desirable for an individual, an employer and/or hiring entity, to retain at least some level of confidentiality and/or anonymity further into the job search and/or recruitment process. In this manner, at least some confidentiality and/or anonymity can be preserved, especially if a deal between the parties is not ultimately reached.” *Id.* at 2:62-3:8. As such, the inventions as claimed provide non-conventional solutions to the conventional problems of the day because the need for confidentiality in the process is enhanced. *See id.* at 6:59-65.
27. As noted above, during prosecution of the ’864 Patent, the patent examiner considered whether the claims of the ’864 Patent were eligible under 35 USC §101 in view of the United States Supreme Court’s decision in *Alice*. The patent examiner expressly found that the claims are in fact patent eligible under 35 USC §101 because all pending claims are directed to patent-eligible subject matter, none of the pending claims are directed to an abstract idea, and there would be no

preemption of the abstract idea or the field of the abstract idea. For these same reasons, all of the claims of the Asserted Patents are patent-eligible.

28. The '194 Patent was examined by Primary United States Patent Examiner Franz Colby. During the examination of the '194 Patent, the United States Patent Examiner searched for prior art in the following US Classifications: 705/1, 10, 11, 705/26, 707/104.1, 10, 3, and 103R.
29. After conducting a search for prior art during the examination of the '194 Patent, the United States Patent Examiner identified and cited the following as the most relevant prior art references found during the search: (i) 5,164,897, 11/1992, Clark et al.; (ii) 5,832,497, 11/1998, Taylor; (iii) 5,884.270, 3/1999, Walker et al.; (iv) 5,884.272, 3/1999, Walker et al.; (v) 5,978,768, 11/1999, McGovern et al.; (vi) 6,324,538, 11/2001, Wesinger, Jr. et al.; (vii) 6,332,125, 12/2001, Callen et al.; (viii) 6,363,376, 3/2002, Wiens et al.; (ix) 6,370,510, 4/2002, McGovern et al.; (x) 6,381,592, 4/2002, Reuning; and (xi) 6,385,620, 5/2002, Kurzius et al.
30. After giving full proper credit to the prior art and having conducted a thorough search for all relevant art and having fully considered the most relevant art known at the time, the United States Patent Examiner allowed all of the claims of the '194 Patent to issue. In so doing, it is presumed that Examiner Colby used his or her knowledge of the art when examining the claims. *K/S Himpp v. Hear-Wear Techs., LLC*, 751 F.3d 1362, 1369 (Fed. Cir. 2014). It is further presumed that Examiner Colby has experience in the field of the invention, and that the Examiner properly acted in accordance with a person of ordinary skill. *In re Sang Su Lee*, 277 F.3d 1338, 1345 (Fed. Cir. 2002).
31. The '194 Patent is a pioneering patent, and has been cited as relevant prior art in over 250 subsequent United States Patent Applications, including Applications Assigned to such

technology leaders as Ricoh, Robert Half International, IBM, Yahoo!, Oracle, Amazon, Monster, and CareerBuilder.

32. The '086 Patent was examined by Primary United States Patent Examiner Jean M. Corrielus. During the examination of the '086 Patent, the United States Patent Examiner searched for prior art in the following US Classifications: 707/104.1, 707/3, 10, 103R, 1, 2, 4, 5, 705/1, 10, 11, and 705/26.
33. After conducting a search for prior art during the examination of the '086 Patent, the United States Patent Examiner identified and cited the following as the most relevant prior art references found during the search: (i) 4,625,081, 11/1986, Lotito et al.; (ii) 5,164,897, 11/1992, Clark et al.; (iii) 5,978,768, 11/1999, McGovern et al.; (iv) 6,370,510, 4/2002, McGovern et al.; (v) 6,381,592, 4/2002, Reuning; (vi) 6,385,620, 5/2002, Kurzius et al.; (vii) 6,567,784, 5/2003, Bukow; (viii) 6,662,194, 12/2003, Joao; (ix) 6,873,964, 3/2005, Williams et al.; (x) 7,148,991, 12/2006, Suzuki et al.; and (xi) 2003/020531, 6/2003, Parker.
34. After giving full proper credit to the prior art and having conducted a thorough search for all relevant art and having fully considered the most relevant art known at the time, the United States Patent Examiner allowed all of the claims of the '086 Patent to issue. In so doing, it is presumed that Examiner Corrielus used his or her knowledge of the art when examining the claims. *K/S Himpp v. Hear-Wear Techs., LLC*, 751 F.3d 1362, 1369 (Fed. Cir. 2014). It is further presumed that Examiner Corrielus has experience in the field of the invention, and that the Examiner properly acted in accordance with a person of ordinary skill. *In re Sang Su Lee*, 277 F.3d 1338, 1345 (Fed. Cir. 2002).
35. The '086 Patent is a pioneering patent, and has been cited as relevant prior art in over 250 subsequent United States Patent Applications, including Applications Assigned to such

technology leaders as Xerox, Yahoo!, EDS, Microsoft, CareerBuilder, Monster, LinkedIn, and IBM.

36. The '864 Patent was examined by Primary United States Patent Examiner Jean M. Corrielus. During the examination of the '864 Patent, the United States Patent Examiner searched for prior art in the following US Classifications: 707/758.
37. After conducting a search for prior art during the examination of the '864 Patent, the United States Patent Examiner identified and cited the following as the most relevant prior art references found during the search: (i) 5,164,897, 11/1992, Clark; (ii) 5,758,324, 5/1998, Hartman; (iii) 5,832,497, 11/1998, Taylor; (iv) 5,862,223, 1/1999, Walker; (v) 5,884,270, 3/1999, Walker; (vi) 5,884,272, 3/1999, Walker; (vii) 5,978,768, 11/1999, McGovern; (viii) 6,157,808, 12/2000, Hollingsworth; (ix) 6,266,659, 7/2001, Nadkarni; (x) 6,370,510, 4/2002, McGovern; (xi) 6,381,592, 4/2002, Reuning; (xii) 6,398,556, 6/2002, Ho; (xiii) 6,408,337, 6/2002, Dietz; (xiv) 6,409,514, 6/2002, Bull; (xv) 6,466,91, 10/2002, Mitsuoka; (xvi) 6,718,340, 4/2004, Hartman; (xvii) 6,873,964, 3/2005, Williams; (xviii) 7,054,821, 5/2006, Rosenthal; (xix) 7,305,347, 12/2007, Joao; (xx) 7,523,045, 4/2009, Walker; (xxi) 2001/0042000 A1, 11/2001, Defoor, Jr.; (xxii) 2002/0002476 A1, 1/2002, Mitsuoka; (xxiii) 2002/0152316 A1, 10/2002, Dietz; and (xxiv) 2005/0010467 A1, 1/2005, Dietz.
38. After giving full proper credit to the prior art and having conducted a thorough search for all relevant art and having fully considered the most relevant art known at the time, the United States Patent Examiner allowed all of the claims of the '864 Patent to issue. In so doing, it is presumed that Examiner Corrielus used his or her knowledge of the art when examining the claims. *K/S Himpp v. Hear-Wear Techs., LLC*, 751 F.3d 1362, 1369 (Fed. Cir. 2014). It is further presumed that Examiner Corrielus has experience in the field of the invention, and that

the Examiner properly acted in accordance with a person of ordinary skill. *In re Sang Su Lee*, 277 F.3d 1338, 1345 (Fed. Cir. 2002).

39. The '864 Patent is a pioneering patent, and has been cited as relevant prior art in over 250 subsequent United States Patent Applications, including Applications Assigned to such technology leaders as Ricoh, Robert Half International, IBM, Yahoo!, Xerox, Amazon, Monster, HP, CareerBuilder, Microsoft, LinkedIn, and General Electric.
40. The '000 Patent was examined by Primary United States Patent Examiner Jean M. Corrielus. During the examination of the '000 Patent, the United States Patent Examiner searched for prior art across multiple classifications.
41. After conducting a search for prior art during the examination of the '000 Patent, the United States Patent Examiner identified and cited the following as the most relevant prior art references found during the search: (i) 5,884,272, 3/1999, Walker; (ii) 6,266,659, 7/2001, Nadkarni; (iii) 6,370,510, 4/2002, McGovern; (iv) 6,457,005, 9/2002, Torrey, (v) 7,305,347, 12/2007, Joao; and (vi) 2002/0120532 A1, 8/2002, McGovern.
42. After giving full proper credit to the prior art and having conducted a thorough search for all relevant art and having fully considered the most relevant art known at the time, the United States Patent Examiner allowed all of the claims of the '000 Patent to issue. In so doing, it is presumed that Examiner Corrielus used his or her knowledge of the art when examining the claims. *K/S Himpp v. Hear-Wear Techs., LLC*, 751 F.3d 1362, 1369 (Fed. Cir. 2014). It is further presumed that Examiner Corrielus has experience in the field of the invention, and that the Examiner properly acted in accordance with a person of ordinary skill. *In re Sang Su Lee*, 277 F.3d 1338, 1345 (Fed. Cir. 2002).

43. The '000 Patent is a pioneering patent, and has been cited as relevant prior art in over 250 subsequent United States Patent Applications, including Applications Assigned to such technology leaders as Ricoh, Robert Half International, General Electric, IBM, AT&T, HP, Yahoo!, Xerox, Monster, Amazon, CareerBuilder, Microsoft, Oracle, and LinkedIn.
44. The claims of the Asserted Patents were all properly issued, and are valid and enforceable for the respective terms of their statutory life through expiration, and are enforceable for purposes of seeking damages for past infringement even post-expiration. *See, e.g., Genetics Institute, LLC v. Novartis Vaccines and Diagnostics, Inc.*, 655 F.3d 1291, 1299 (Fed. Cir. 2011) (“[A]n expired patent is not viewed as having ‘never existed.’ Much to the contrary, a patent does have value beyond its expiration date. For example, an expired patent may form the basis of an action for past damages subject to the six-year limitation under 35 U.S.C. § 286”) (internal citations omitted).

THE ACCUSED INSTRUMENTALITIES

45. On information and belief, Defendant makes, sells, advertises, offers for sale, uses, or otherwise provides the Walmart website and its ancillary sites, including various Mobile Applications, in the United States. The Walmart apparatus comprises servers, hardware, software, and a collection of related and/or linked web pages and mobile applications for providing delivery of groceries and merchandise in the United States. The Walmart system comprises an apparatus with multiple interconnected infrastructures that infringe the Asserted Patents. The public-facing aspect of the Walmart apparatus is the Walmart website, which is available at www.walmart.com, together with the associated Walmart applications for consumers and Walmart “Spark” drivers, respectively. Collectively, all of the foregoing comprises the “Accused Instrumentalities.”

COUNT I
Infringement of U.S. Patent No. 6,662,194

46. Plaintiff incorporates the above paragraphs by reference.
47. Defendant has been on actual notice of the '194 Patent at least as early as the date it received service of this Original Complaint.
48. On information and belief, Defendant owns and controls the operation of the Accused Instrumentalities and generates substantial financial revenues therefrom.
49. On information and belief, Defendant has directly infringed and continues to directly infringe at least Claim 25 of the '194 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.
50. The Accused Instrumentalities comprise an apparatus for providing recruitment information. The infringing apparatus comprises servers, hardware, software, and a collection of related and/or linked web pages and mobile applications for providing recruitment information and services to individuals (including individuals, independent contractors, temporary workers, and/or freelancers) in the United States. On information and belief, the Accused Instrumentalities comprise an apparatus with multiple interconnected infrastructures, including but not limited to a Bringg cloud-based delivery platform that Walmart uses for its Spark Delivery Services. *See* Figures 4-8 below.

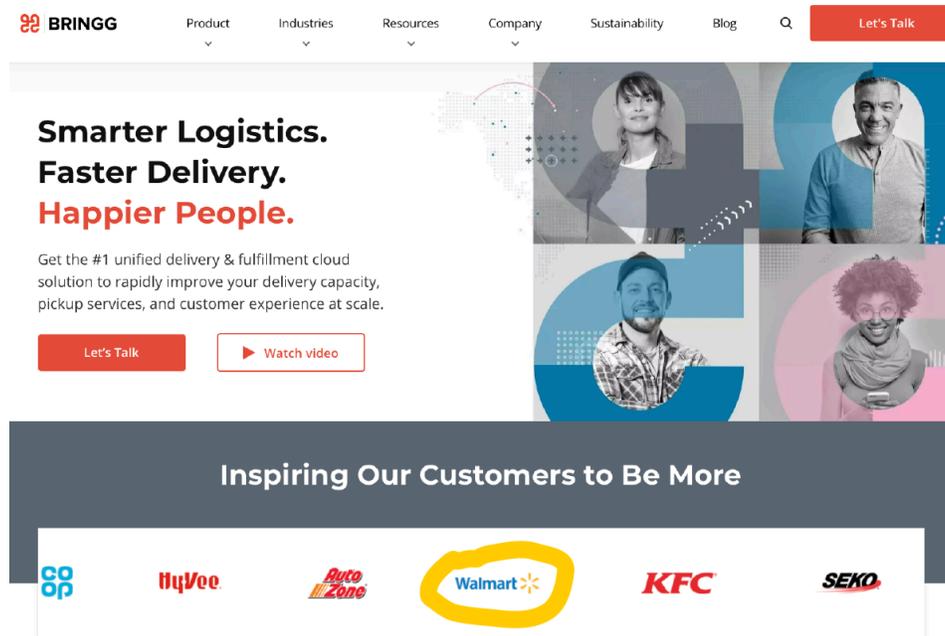


Figure 4⁴

⁴ Source, as visited on July 30, 2021: <https://www.bringg.com>

Spark Delivery Service Just One More Way to Serve Customers as Company Expands Grocery Delivery Across the Country

BENTONVILLE, Ark., Sept. 5, 2018 – As Walmart expands its Grocery Delivery service, giving its customers the option to shop when and how they want, the company today announced a new last-mile delivery pilot – Spark Delivery – exploring an additional way to get groceries from their stores to customers' front doors.



Spark Delivery is a crowd-sourced delivery platform that allows Walmart to learn even more about the full last-mile delivery process. The pilot uses an in-house platform that provides drivers with the ability to sign up for windows of time that work best for their schedule as well as Grocery Delivery order details, navigation assistance and more. Components of Spark are powered by Bringg, a leading delivery logistics technology platform. Walmart's team of personal shoppers are an important component of the overall process as they meticulously shop for customers' orders. Spark Delivery engages the services of independent drivers who partner with Delivery Drivers, Inc, a nationwide firm who specializes in last-mile contractor management, to complete deliveries.

Figure 5⁵

⁵ Source, as visited on July 30, 2021: <https://corporate.walmart.com/newsroom/2018/09/05/walmart-tests-new-last-mile-grocery-delivery-service>

Take Control of Your Pickup and Delivery

Bringg helps you take control of your entire fulfillment ecosystem with industry-leading capabilities built on a single open, scalable platform.

Power curbside pickup and BOPIS, on demand and scheduled delivery, internal fleets and third party delivery, automated dispatch, MFCs and more.

Figure 6⁶

Modular

Founded in 2013, Bringg aims to help businesses compete with Amazon. To do so, Bringg's modular platform enables retailers of any size to choose which tools they need — such as curbside pickup or last-mile delivery — to ensure they get goods from their warehouse to the consumer by tapping into local logistics providers. This includes real-time tracking and intelligent routing to optimize the path from seller to buyer.



Above: Optimizing last-mile deliveries for retailers

Figure 7⁷

⁶ Source, as visited on July 30, 2021: <https://www.bringg.com/industries/food-and-grocery/>

Enterprising

Ultimately, Bringg saves companies from having to develop their own delivery infrastructure. The benefit this provides smaller companies is clear, but even larger businesses need what Bringg offers — after all, it counts giants such as Walmart among its clients. **Indeed, Walmart launched a last-mile delivery service called Spark back in 2018, with Bringg serving as its launch partner.**

Figure 8⁸

51. On information and belief, the Accused Instrumentalities comprise data centers housing memory devices, processing devices, receivers, and transmitters. *See* Figures 5-8 above.
52. The Accused Instrumentalities comprise a memory device, which stores information regarding at least work schedule information and/or scheduling information for Walmart Spark Drivers, each of whom are, on information and belief, employed by Walmart as independent contractors. *See* Figures 5-8 above and Figures 9-12 below. The Accused Instrumentalities store schedule information for each such Spark Driver (independent contractor) by virtue of the Walmart Spark Driver App, which allows Walmart Spark Drivers to set their availability for fulfilling orders. Figures 9 and 10 are screenshots from Walmart’s website for Spark Drivers indicating that Spark Drivers are independent contractors, and indicating that, as a Spark Driver, “you’ll be able to quickly make yourself available to receive real-time offers whenever you choose.” Figure 11 shows a description of the Walmart Spark Driver App for iOS, including examples of various user interfaces, which indicates that, as a Walmart Spark Driver, you “decide how you work” and

⁷ Source, as visited on July 30, 2021: <https://venturebeat.com/2021/06/16/bringg-a-delivery-and-fulfillment-platform-used-by-walmart-nabs-100m/>

⁸ Source, as visited on July 30, 2021: <https://venturebeat.com/2021/06/16/bringg-a-delivery-and-fulfillment-platform-used-by-walmart-nabs-100m/>

can “start earning money on your own schedule by delivering groceries.” Figure 12 is a screenshot from Walmart’s website for Spark Drivers indicating that Spark Drivers can use the Spark Driver App to “select your preferred time frame.” Thus, the Walmart apparatus stores scheduling information for their Spark Drivers, and a memory device is necessarily required to store this information.

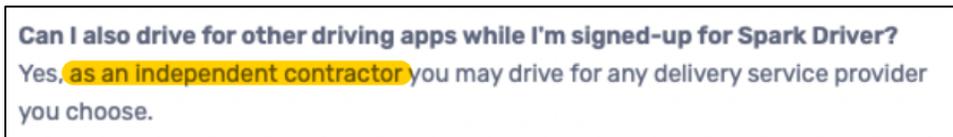


Figure 9⁹

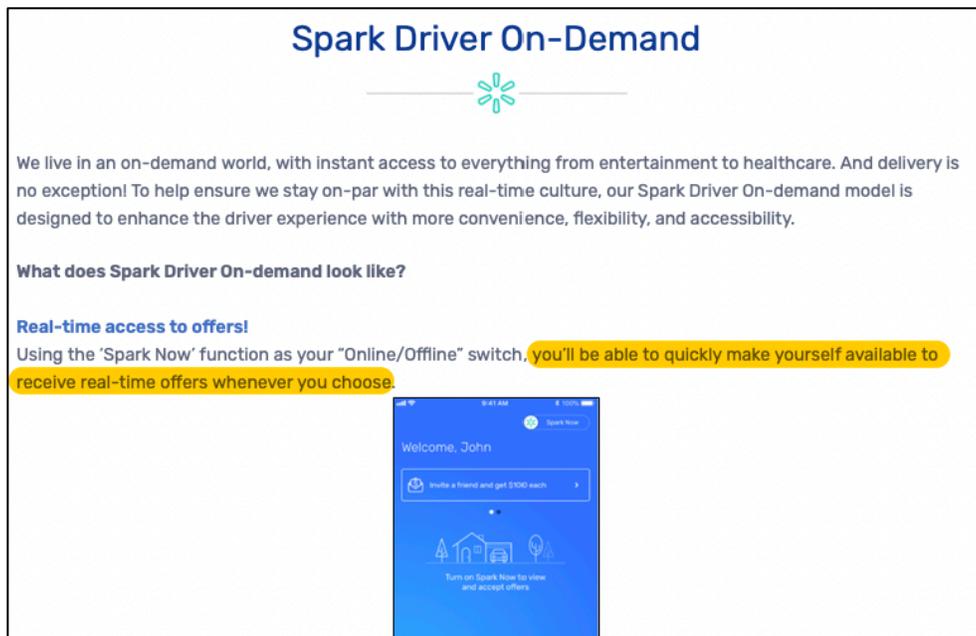


Figure 10¹⁰

⁹ Source, as visited on July 30, 2021:

<https://drive4spark.walmart.com/Spark%20Driver%20FAQ#undefined>

¹⁰ Source, as visited on July 30, 2021: <https://drive4spark.walmart.com/Spark%20Driver%20On-Demand>

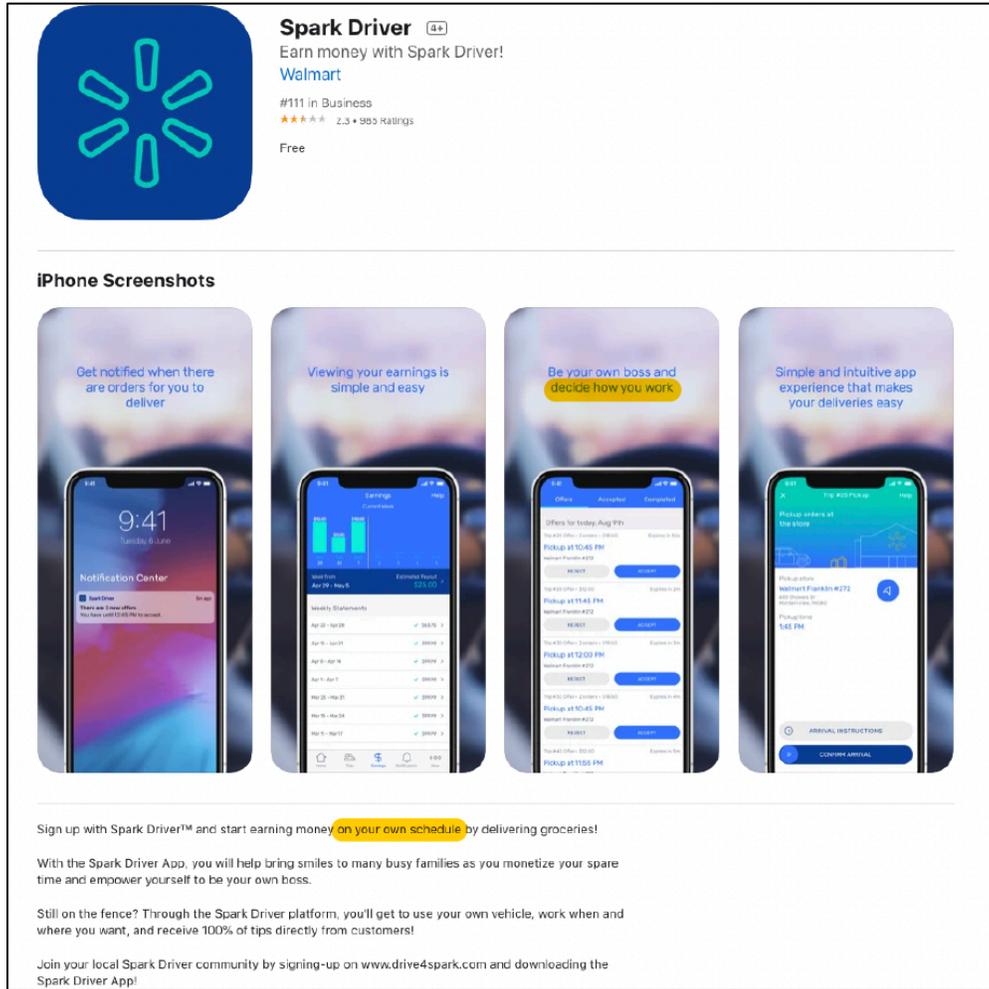


Figure 11¹¹

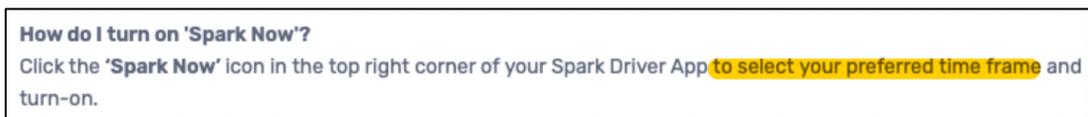


Figure 12¹²

53. The Accused Instrumentalities comprise a receiver for receiving a first request from a communication device associated with a hiring entity (e.g., the user of the Walmart Consumer App for consumers and/or the user of the Walmart website at Walmart.com). On information

¹¹ Source, as visited on July 30, 2021: <https://apps.apple.com/us/app/spark-driver/id1483998235>

¹² Source, as visited on July 30, 2021: <https://drive4spark.walmart.com/Spark%20Driver%20On-Demand>

and belief, when a consumer seeks to place an order using the Walmart Consumer App or Walmart website, a first request is generated to obtain the work schedule information for the known available independent contractors (Walmart Spark Drivers) in order to give users delivery time choices. If acceptable, the user has the option of choosing a delivery time, placing the order and completing the transaction. See Figure 13 below, which is a screenshot from the Walmart Consumer App showing the consumer that is placing an order the delivery windows that are available for the order. A first request is necessarily generated to obtain the scheduling information for the known available Walmart Spark Drivers, and a receiver is necessarily required to receive this request.

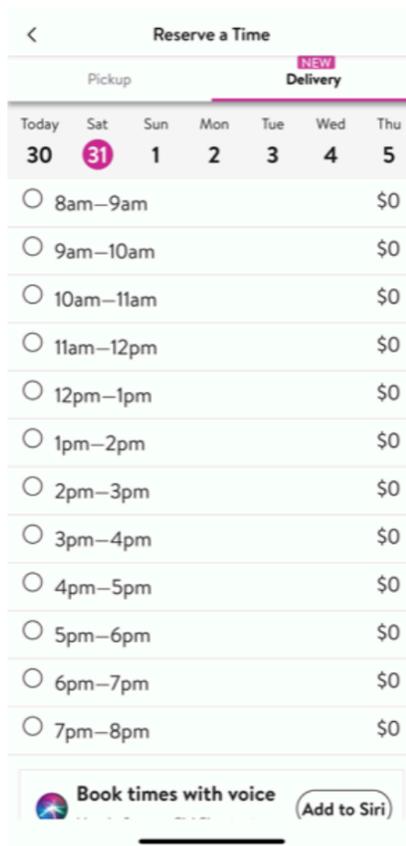


Figure 13¹³

¹³ Screenshot taken on August 2, 2021 of the Walmart Consumer App running on an iPhone 12 Pro Max.

54. The Accused Instrumentalities comprise a processing device for processing information contained in the first request, wherein the processing device generates a first message containing the at least one of work schedule information and scheduling information for the at least one of an individual, an independent contractor, a temporary worker, and a freelancer. *See* ¶ 53 above. A processing device is necessarily required to process the information contained in the first request that is generated by the Walmart Consumer App and to send the scheduling information (“first message”) for available Walmart Spark Drivers to the Walmart Consumer App.
55. The Accused Instrumentalities comprise a transmitter for transmitting the first message to the first communication device. *See* ¶¶ 53 and 54 above. A transmitter is necessarily required to transmit the scheduling information (“first message”) for available Walmart Spark Drivers to the Walmart Consumer App.
56. On information and belief, when a consumer submits an order using the Accused Instrumentalities, the order comprises a second request to engage and obtain the Walmart Shopper in the vicinity, and to thereafter receive delivery/status information. On information and belief, the Walmart Spark Drivers are notified via “push notification” when a new order is available for fulfillment. Walmart Spark Drivers are notified of available orders based on their proximity to the store that the consumer has ordered from. An order is assigned to the first notified Walmart Shopper that accepts the order. The second request is confirmed, and the consumer is given real-time information regarding the Walmart Shopper’s progress via the Walmart Consumer App. *See* Figure 14 below, which is a sample user interface from the Walmart Spark Driver App, showing the a list of pending orders available for fulfillment by the Walmart Spark Driver using the Walmart Spark Driver App. The Walmart Spark Driver can choose to fulfill an order by touching the “Accept” button.

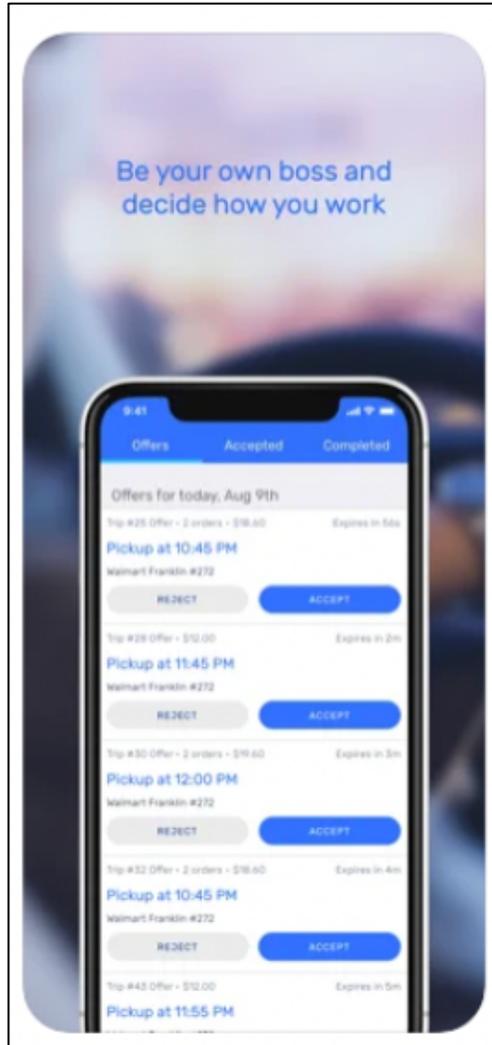


Figure 14¹⁴

57. The foregoing infringement on the part of Defendant has caused injury to Plaintiff. The amount of damages adequate to compensate for the infringement shall be determined at trial but is in no event less than a reasonable royalty from the date of first infringement to the expiration of the '194 Patent.

58. Each of Defendant's aforesaid activities has been without authority and/or license from Plaintiff.

¹⁴ Screenshot taken on July 27, 2021 of the Walmart Consumer App running on an iPhone 12 Pro Max.

COUNT II
Infringement of U.S. Patent No. 7,490,086

59. Plaintiff incorporates the above paragraphs by reference.
60. Defendant has been on actual notice of the '086 Patent at least as early as the date it received service of this Original Complaint.
61. On information and belief, Defendant owns and controls the operation of the Accused Instrumentalities and generates substantial financial revenues therefrom.
62. On information and belief, Defendant has directly infringed and continues to directly infringe at least Claim 18 of the '086 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.
63. The Accused Instrumentalities comprise an apparatus comprising a memory device, a processing device, and a transmitter. The infringing apparatus comprises servers, hardware, software, and a collection of related and/or linked web pages and mobile applications for providing recruitment information and services to individuals (including individuals, independent contractors, temporary workers, and/or freelancers) in the United States. On information and belief, the Accused Instrumentalities comprise an apparatus with multiple interconnected infrastructures, including but not limited to a Bringg cloud-based delivery platform that Walmart uses for its Spark Delivery Services. *See* ¶ 50 above.
64. On information and belief, the Accused Instrumentalities comprises data centers housing memory devices, processing devices, receivers, and transmitters. *See* ¶ 50 above.
65. The Accused Instrumentalities comprise a memory device, which stores information regarding individuals (Walmart Spark Drivers) available for applying for a job opportunity or hiring need (fulfilling an order from a Walmart customer). On information and belief, the memory device stores information concerning Walmart Spark Drivers who are available and willing to accept

assignments (fulfilling customer orders). Each such Walmart Spark Driver, on information and belief, is employed by Walmart as an independent contractor and are retained by Walmart customers using the Accused Instrumentalities to perform specific, defined tasks for the benefit of the customer. *See* ¶ 52 above.

66. The Accused Instrumentalities store work schedule information for each such Walmart Spark Driver (independent contractor) by virtue of the Walmart Spark Driver App, which allows Walmart Spark Drivers to set their availability for fulfilling orders. Walmart Spark Drivers are notified of open delivery opportunities. *See* ¶¶ 52 and 56 above.
67. The Accused Instrumentalities comprise a processing device which automatically detects searching events, which occur when a user of the Walmart platform places an order. Each such order comprises a job posting for Walmart Spark Drivers, and otherwise comprises an event which creates an interest in an individual (the Walmart Spark Driver) to seek and accept the position. *See* ¶¶ 52 and 56 above.
68. The Accused Instrumentalities comprise a processing device which generates a message containing information regarding the individual (including but not limited to, availability, proximity, acceptance, identity, photo, estimated time of arrival, and location). The message is transmitted to the user/consumer (employer or hiring entity) via the Walmart Consumer App or via the Walmart website. *See* ¶ 53 above.
69. The foregoing infringement on the part of Defendant has caused injury to Plaintiff. The amount of damages adequate to compensate for the infringement shall be determined at trial but is in no event less than a reasonable royalty from the date of first infringement to the expiration of the '086 Patent.

70. Each of Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

COUNT III
Infringement of U.S. Patent No. 9,760,864

71. Plaintiff incorporates the above paragraphs by reference.

72. On information and belief, Defendant owns and controls the operation of the Accused Instrumentalities and generates substantial financial revenues therefrom.

73. On information and belief, Defendant has directly infringed at least Claim 1 of the '864 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.

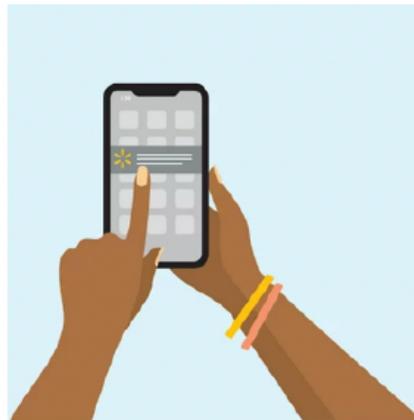
74. The Accused Instrumentalities comprise an apparatus comprising a memory device, a receiver, a processor, and a transmitter. The infringing apparatus comprises servers, hardware, software, and a collection of related and/or linked web pages and mobile applications for providing recruitment information and services to individuals (including individuals, independent contractors, temporary workers, and/or freelancers) in the United States. On information and belief, the Accused Instrumentalities comprise an apparatus with multiple interconnected infrastructures, including but not limited to a Bringg cloud-based delivery platform that Walmart uses for its Spark Delivery Services. *See* ¶ 50 above.

75. On information and belief, the Accused Instrumentalities comprises data centers housing memory devices, processing devices, receivers, and transmitters. *See* ¶ 50 above.

76. The Accused Instrumentalities comprise a memory device or database, which stores at least work schedule information and/or scheduling information for individual Walmart Spark Drivers, each of whom are, on information and belief, employed by Walmart as independent contractors. *See* ¶ 52 above.

77. The Accused Instrumentalities comprise a receiver for receiving a first request from a communication device associated with a hiring entity (*e.g.*, the user of the Walmart Consumer App for consumers and/or the user of the Walmart website at Walmart.com). On information and belief, when a consumer seeks to place a grocery order using the Walmart Consumer App or Walmart website, a first request is generated to obtain the work schedule information for the known available independent contractors (Walmart Spark Drivers) in order to give users delivery time choices. If acceptable, the user has the option of choosing a delivery time, placing the order and completing the transaction. *See* ¶ 53 above.
78. The Accused Instrumentalities comprise a processor associated with a website (the Walmart website) for processing information contained in the first request, and generating a first message containing the at least one of work schedule information and scheduling information for the individual, the independent contractor, the temporary worker, or the freelancer. *See* ¶ 53 above. A processing device is necessarily required to process the information contained in the first request that is generated by the Walmart Consumer App or the Walmart website and to send the scheduling information (“first message”) for available Walmart Spark Drivers to the Walmart Consumer App or the Walmart website. *See* ¶ 54 above.
79. The Accused Instrumentalities comprise a transmitter for transmitting the first message to the first communication device on, over, or via, the Internet or the World Wide Web. *See* ¶¶ 53 and 54 above. A transmitter is necessarily required to transmit the scheduling information (“first message”) for available Walmart Spark Drivers to the Walmart Consumer App or the Walmart website. *See* ¶ 55 above.
80. On information and belief, when a consumer submits an order using the Accused Instrumentalities, the order comprises a second request to engage and obtain the Walmart Spark

Driver in the vicinity, and to thereafter receive delivery/status information. On information and belief, the Walmart Spark Drivers are notified via “push notification” when a new order is available for fulfillment (a “second message”). Walmart Spark Drivers are notified of available orders (via “second messages”) based on their proximity to the store that the consumer has ordered from. An order is assigned to the first notified Walmart Spark Driver that accepts the order. The second request is confirmed, and the consumer is given real-time information regarding the Walmart Spark Driver’s progress via the Walmart Consumer App. *See* ¶ 56 above. *See also* Figure 15 below.



Easily track your delivery

Once we notify you that your order is on the way, you can track its progress using our app. To minimize contact, your delivery driver will leave your order at the door.

Figure 15¹⁵

81. The foregoing infringement on the part of Defendant has caused injury to Plaintiff. The amount of damages adequate to compensate for the infringement shall be determined at trial but is in no event less than a reasonable royalty from the date of first infringement to the expiration of the '864 Patent.

¹⁵ Source, as visited on July 30, 2021: https://www.walmart.com/cp/express_delivery/3696472

82. Each of Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

COUNT IV
Infringement of U.S. Patent No. 10,096,000

83. Plaintiff incorporates the above paragraphs by reference.

84. On information and belief, Defendant owns and controls the operation of the Accused Instrumentalities and generates substantial financial revenues therefrom.

85. On information and belief, Defendant has directly infringed at least Claim 1 of the '000 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.

86. The Accused Instrumentalities comprise an apparatus comprising a memory device, a receiver, a processing device, and a transmitter. The infringing apparatus comprises servers, hardware, software, and a collection of related and/or linked web pages and mobile applications for providing recruitment information and services to individuals (including individuals, independent contractors, temporary workers, and/or freelancers) in the United States. On information and belief, the Accused Instrumentalities comprise an apparatus with multiple interconnected infrastructures, including but not limited to a Bringg cloud-based delivery platform that Walmart uses for its Spark Delivery Services. *See* ¶ 50 above.

87. On information and belief, the Accused Instrumentalities comprise data centers housing memory devices, processing devices, receivers, and transmitters. *See* ¶ 50 above.

88. The Accused Instrumentalities comprise a memory device or database, which stores at least work schedule information and/or scheduling information for Walmart Spark Drivers in the Walmart network, each of whom are, on information and belief, employed by Walmart as independent contractors. *See* ¶ 52 above.

89. The Accused Instrumentalities store work schedule information for each such Walmart Spark Driver (independent contractor) by virtue of the Walmart Spark Driver App, which allows Walmart Spark Drivers to set their availability for fulfilling orders. Walmart Spark Drivers are notified of open delivery opportunities. *See* ¶¶ 52 and 56 and above.
90. The Accused Instrumentalities comprise a receiver for receiving a first request from a communication device associated with a hiring entity (*e.g.*, the user of the Walmart Consumer App for consumers and/or the user of the Walmart website at Walmart.com). On information and belief, when a consumer seeks to place an order using the Walmart Consumer App or Walmart website, a first request is generated to obtain the work schedule information for the known available independent contractors (Walmart Spark Drivers) in order to give users delivery time choices. If acceptable, the user has the option of choosing a delivery time, placing the order and completing the transaction. *See* ¶ 53 above.
91. On information and belief, when a consumer submits an order using the Accused Instrumentalities, the order comprises a second request to engage and obtain the Walmart Spark Driver in the vicinity, and to thereafter receive delivery/status information. On information and belief, the Walmart Spark Drivers are notified via “push notification” when a new order is available for fulfillment (a “second message”). Walmart Spark Drivers are notified of available orders (via “second messages”) based on their proximity to the store that the consumer has ordered from. An order is assigned to the first notified Walmart Spark Driver that accepts the order. The second request is confirmed, and the consumer is given real-time information regarding the Walmart Spark Driver’s progress via the Walmart Consumer App. *See* ¶¶ 56 and 80 above.

92. The foregoing infringement on the part of Defendant has caused injury to Plaintiff. The amount of damages adequate to compensate for the infringement shall be determined at trial but is in no event less than a reasonable royalty from the date of first infringement to the expiration of the '000 Patent.
93. Each of Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, GreatGigz Solutions, LLC respectfully requests the Court enter judgment against Defendant as follows:

1. Declaring that Defendant has infringed each of the Asserted Patents;
2. Awarding GreatGigz Solutions, LLC its damages suffered because of Defendant's infringement of the Asserted Patents;
3. Awarding GreatGigz Solutions, LLC its costs, attorneys' fees, expenses, and interest;
4. Awarding GreatGigz Solutions, LLC ongoing post-trial royalties; and
5. Granting GreatGigz Solutions, LLC such further relief as the Court finds appropriate.

JURY DEMAND

GreatGigz Solutions, LLC demands trial by jury, under Fed. R. Civ. P. 38.

Dated: August 3, 2021

Respectfully Submitted

/s/ René A. Vazquez

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