IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CARMA TECHNOLOGY, CORP., CARMA TECHNOLOGY, LTD. **Plaintiffs,** **v.** **UBER TECHNOLOGIES, INC.,** **Defendants.**	**Civil Action No.:** **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Carma Technology, Corp. and Carma Technology Ltd. ("Plaintiffs" or "Carma") file this Complaint for patent infringement against Uber Technologies, Inc. ("Defendant" or "Uber"). Carma alleges the following:

FACTUAL BACKGROUND

1. This is a case about Uber's willful infringement of Carma's groundbreaking ridesharing and ground transportation patents. Uber has been on notice of the Carma patents and its infringing conduct since at least 2016, yet it continues to willfully infringe Carma's patents.

2. The inventor of the patents asserted in this case is Sean O'Sullivan, a well-known and successful technologist and entrepreneur. Originally from New York, Mr. O'Sullivan began coding at the age of 12 through a government program designed to help disadvantaged youths. O'Sullivan began coding at the age of 12 and was subsequently employed as a programmer at age 14 through a government program designed to help disadvantaged youths. Mr. O'Sullivan worked at IBM in Florida and North Carolina and at a federal thinktank in DC to pay his way

through college. After graduating from Rensselaer Polytechnic Institute in 1985 at 21 with a degree in electrical engineering, O'Sullivan co-founded MapInfo, which created PC-based geographic information systems. It was the first widely available system to allow people to type a street address into a computer and see it on a map. MapInfo went public in 1994. By 2005, MapInfo had more than 1,000 employees and $200 million in revenue. MapInfo was acquired by Pitney Bowes for $408 million in 2007.

3. In 1995, Mr. O'Sullivan founded SOSV (formerly SOSventures), a venture capital and investment management firm that seeks to invest in the earliest stages of start-up companies via a family of startup development programs, with a focus on supporting human health, industrial efficiency, and planetary health. As of 2024, SOSV had $1.5 billion in assets under management. SOSV is consistently ranked as one of the most active investors in climate and deep-tech; in the case of climate, SOSV ranks as the #1 most active investor in climate technology since 2017.

4. In 1996, while at the helm of his second company, NetCentric, Mr. O'Sullivan created "software for inside the Internet" and is credited with co-creating the term "cloud computing" alongside George Favaloro from Compaq.

5. In the late 90s and early 2000s, while living in Los Angeles, Mr. O'Sullivan experienced the incredible inefficiency of the highway system with gridlocked infrastructure. He began envisioning ways to improve the city's traffic and infrastructure problem by utilizing empty vehicle capacity.

6. In 2003, Mr. O'Sullivan founded a nonprofit called JumpStart International in Baghdad to help Iraqis rebuild their homes and offices. The work involved clearing the debris of bombed-out buildings, constructing houses and restoring offices and warehouses. While

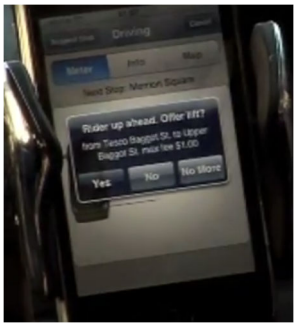
traveling in the Middle East from 2003-2005, Mr. O'Sullivan came across the common use of jitneys to transport people both long and short distances. While such form of transport offered a better use of infrastructure than gridlocked Los Angeles, Mr. O'Sullivan recognized that it would not be successful in places like Los Angeles without additional technological improvements.

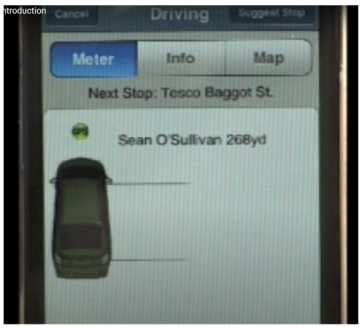
7. Over the next few years, Mr. O'Sullivan began conceptualizing an automated system that would allow people to have coordinated shared transport, using smart mobile phones to co-ordinate travel with a centralized cloud-based intelligent marketplace, but with more trust, higher convenience, higher availability, more safety and lower cost than otherwise available.

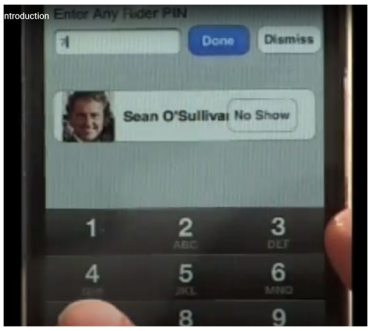
8. In 2006, after moving to Ireland, Mr. O'Sullivan set out to bring his dream to a reality and acquired a controlling interest in an Irish GIS (Geographic Information Systems) company named MapFlow. From MapFlow, he spun out a company called Avego (later renamed to Carma). Avego sought to popularize and systematize carpooling to minimize the impact of automobile traffic. Shortly after founding Avego, Mr. O'Sullivan filed a provisional patent application on February 12, 2007, which forms the basis for each of the asserted patents.

9. Avego developed a groundbreaking ridesharing product that included a navigation system with mobile modems and bespoke software in connection with an internet booking system. When the iPhone was released in 2008, Avego ported its driver and user interface to the iPhone and globally launched the idea at a DEMO conference in California in 2008, thus launching the world's first ridesharing app and with it, the ridesharing industry. *See, e.g.,* "Avego DEMO and website video-introduction," published Sept. 8, 2008, available at

https://www.youtube.com/watch?v=ywLYWuQ9nPE







10. The Avego app was well received by the industry and won "best of show" awards from a number of publications, including Wired, CNet, Fortune, San Jose Mercury News, and ABC News. *See e.g.,* https://www.wired.com/2008/09/demofall-2008-i/ Avego was also awarded the Cork Environmental Forum Business and Commercial award in recognition of Avego's commitment to sustainability and the environment. "CEF Business & Commercial Award Winner 2009 - Avego Shared Transport" published Nov. 10, 2010, available at https://www.youtube.com/watch?v=XpX2mJbZy5s

11. Between 2011-2014, Avego received several contracts from government transit agencies to help develop and expand ridesharing programs to get more commuter cars off the road. Avego was working on building up operations in the San Francisco Bay area when, in July of 2013, the workers for the public rail system known as BART (Bay Area Rapid Transit) went on strike for four days. The strike left 400,000 commuters in the San Francisco Bay Area stranded. Many commuters were forced to drive instead of using the BART system, causing horrendous traffic in the region. But for commuters who were able to take advantage of the High Occupancy Vehicle (HOV) lane because they were carpooling using Avego's services, traffic was much more tolerable. During the BART strike, Avego was hailed as one of the hero companies that got people where they needed to go, while at the same time, reducing the number of cars on the road. Avego's ridership grew more than 8000% during this time.

12. In 2013 Avego relaunched as Carma and continued to focus its operations on real time ridesharing and other innovative ways to advance Mr. O'Sullivan's vision of reducing emissions and congestion on highways without additional infrastructure.

13. Carma was recently lauded for its "groundbreaking technology" used in the Dallas-Fort Worth TEXpress HOV tolling and has won numerous awards for its technology. (*See e.g.,* "Toyota, Carma Team Up to Tackle Traffic Congestion with Shared Commute and Carsharing Pilot" available at https://dallasinnovates.com/toyota-carma-team-up-to-tackle-traffic-congestion-with-carsharing-pilot/; "Carma Wins Global Innovation Toll Excellence Award" https://www.prnewswire.com/news-releases/carma-wins-global-innovation-toll-excellence-award-301380013.html; "Texas transportation groups win award for pioneering automated carpool verification using smartphones" https://www.nctcog.org/trans/about/news/texas-transportation-groups-win-award-for-pioneering-automated-carpool-verification-using-smartphone)

14. Carma has been a trusted partner of government agencies at all levels throughout the United States over the past decade. Carma has been a pioneer of transportation innovations in public transit, including vanpooling, ridesharing, carpooling, car sharing, tolling and autonomous vehicles. Carma's customers include cities, governments, public transport operators and tens of thousands of individual consumers and private transport operators.

15. By virtue of the pioneering work described above, Carma owns a portfolio of over two dozen patents relating to various innovative features of ride-sharing services, taxi-like services, and transportation logistics systems all claiming priority to February 2007.

THE PARTIES

16. Plaintiff Carma Technology Corp. is an operating company registered in Delaware with headquarters in Austin, TX and an office in San Francisco, CA.

17. Plaintiff Carma Technology Ltd. is an operating company headquartered in Cork, Ireland with subsidiary offices in San Francisco, CA and Austin, TX.

18. Defendant Uber is a corporation organized and existing under the laws Delaware and has a principal place of business located at 1725 Third Street in San Francisco, CA. Uber was founded in 2009 as UberCab by Garrett Camp and Travis Kalanick. Uber's original business was ride-hailing for commuter vehicles via mobile phone applications, though it has since branched out into courier services, food delivery, and freight transport.

JURISDICTION AND VENUE

19. This is an action arising under the patent laws of the United States, 35 U.S.C. § 101, *et seq*. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

20. This Court has personal jurisdiction over Carma.

21. Venue in this District is appropriate under 28 U.S.C. § 1400(b) because Uber has a regular and established place of business in the Eastern District of Texas and has committed acts of infringement in the Eastern District of Texas.

22. Uber has an established place of business in this district in Frisco, TX. Uber subsidiary Uber Freight acquired Transplace in July 2021 for close to $2.25 billion. Uber touts that Transplace "powers the largest managed transportation and logistics network in the world. Our tech-enabled services and solutions platform are backed by the unrivaled combination of innovative technology and a dedicated team of domain experts, engineers and data scientists.

With over $11 billion of Freight Under Management (FUM), we are committed to thrilling our customers by consistently improving supply chain performance and providing greater visibility and control of their logistics networks. Companies of all sizes rely on Transplace to deliver trusted outcomes through best-in-class logistics management, strategic capacity and cross-border services." https://www.linkedin.com/company/transplace/about/. Uber Freight maintains Transplace's headquarters at 3010 Gaylord Pkwy #200, Frisco, TX 75034.

23. Uber has performed acts infringing the patents in the Eastern District of Texas including through the provision of Uber Freight products and services through its offices in Frisco, Texas, as well as by providing ridesharing and delivery products and services within the Eastern District of Texas.

24. Accordingly, the Court also has personal jurisdiction over Uber.

THE INFRINGING PRODUCTS

25. Uber offers what it describes as ridesharing services through its mobile phone application, including services labeled UberX, UberX Shared (formerly Uber Pool), UberXL, Comfort, Green, Uber Pet and Uber Black ("Uber Rideshare Products"). Some of the key features of these Rideshare Products include the ability to match a passenger and driver and allow coordination and communication through a proxy server, the ability for Uber to solicit and aggregate ratings based on the passenger and driver trip experience, the ability for drivers to pick up passengers on a predetermined route and the ability to monitor the safety of the ongoing ride, including through something Uber calls RideCheck. Each of these is an important feature of the Uber Rideshare Products.

26. Uber also offers ground transportation services that deliver food, packages and other goods to consumers, including through services labeled Uber Eats, Uber Connect/Package

and Uber Freight. ("Uber Delivery Products"). The Delivery Products also have the same important features mentioned above and have an additional feature which allows for a driver to extend his/her delivery with add-on trips called reloads, back-to-back and batched orders.

27. Uber leverages the same network and technology for its Delivery Products as it does for its Rideshare Products. For example, as Uber describes in its 10-Q: "Uber develops and operates proprietary technology applications supporting a variety of offerings on its platform ('platform(s)' or 'Platform(s)'). Uber connects consumers ('Rider(s)') with independent providers of ride services ('Mobility Driver(s)') for Rideshare services, and connects Riders and other consumers ("Eaters") with restaurants, grocers and other stores (collectively, 'Merchants') with delivery service providers ('Couriers') for meal preparation, grocery and other delivery services. Riders and Eaters are collectively referred to as 'end-user(s)' or 'consumer(s).' Mobility Drivers and Couriers are collectively referred to as 'Driver(s).' Uber also connects consumers with public transportation networks. Uber uses this same network, technology, operational excellence and product expertise to connect shippers ('Shipper(s)') with carriers ('Carrier(s)') in the freight industry." Uber Technologies Inc. Form 10-Q dated 8/6/2024 at 11 (https://d18rn0p25nwr6d.cloudfront.net/CIK-0001543151/ca7e58cc-fe9b-4692-87d7-8154c905ecb1.pdf)

THE ASSERTED PATENTS

28. This is an action for infringement of U.S. Patent No. 7,840,427 ("the '427 Patent"), U.S. Patent No. 10,741,071 ("the '071 Patent"), U.S. Patent No. 10,916,138 ("the '138 Patent"), U.S. Patent No. 11,017,668 ("the '668 Patent"), and U.S. Patent No. 11,164,456 (the '456 Patent) (collectively, the "Asserted Patents"). The Asserted Patents are attached hereto as Exhibits A – E.

29. The Asserted Patents in this case relate to innovative improvements to ground transportation networks, including innovative ridesharing and delivery service mechanisms that also provide improved safety features.

30. On November 23, 2010, the U.S. Patent and Trademark Office duly and lawfully issued the '427 Patent, entitled "Shared transport system and service network." A true and correct copy of the '427 Patent is attached hereto as **Exhibit A**.

31. As part of the prosecution of the '427 Patent, the USPTO issued U.S. Publication No. US 2008/195428 A1 ("O'Sullivan '428 Publication") on or around August 14, 2008.

32. Carma is the owner and assignee of all right, title, and interest in and to the '427 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

33. On August 11, 2020, the U.S. Patent and Trademark Office duly and lawfully issued the '071 Patent, entitled "Systems and Methods for Proxy Communication in a Shared Transport System." A true and correct copy of the '071 Patent is attached hereto as **Exhibit B**.

34. Carma is the owner and assignee of all right, title, and interest in and to the '071 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

35. On February 9, 2021, the U.S. Patent and Trademark Office duly and lawfully issued the '138 Patent entitled "Systems and Methods for Utilizing a Shared Transport Network for Delivery of Goods." A true and correct copy of the '138 Patent is attached hereto as **Exhibit C**.

36. Carma is the owner and assignee of all right, title, and interest in and to the '138 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

37. On May 25, 2021, the U.S. Patent and Trademark Office duly and lawfully issued the '668 Patent entitled "Systems and Methods for Managing Anomalous Conditions in a Shared Transport System." A true and correct copy of the '668 Patent is attached hereto as **Exhibit D**.

38. Carma is the owner and assignee of all right, title, and interest in and to the '668 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

39. On November 2, 2021, the U.S. Patent and Trademark Office duly and lawfully issued the '456 Patent entitled "Systems and methods for matching pick-up requests with transport providers, tracking trip progress, and enabling provider ratings." A true and correct copy of the '456 Patent is attached hereto as **Exhibit E**.

40. Carma is the owner and assignee of all right, title, and interest in and to the '456 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

41. For each of the Asserted Patents, Carma has complied with 35 U.S.C. § 287.

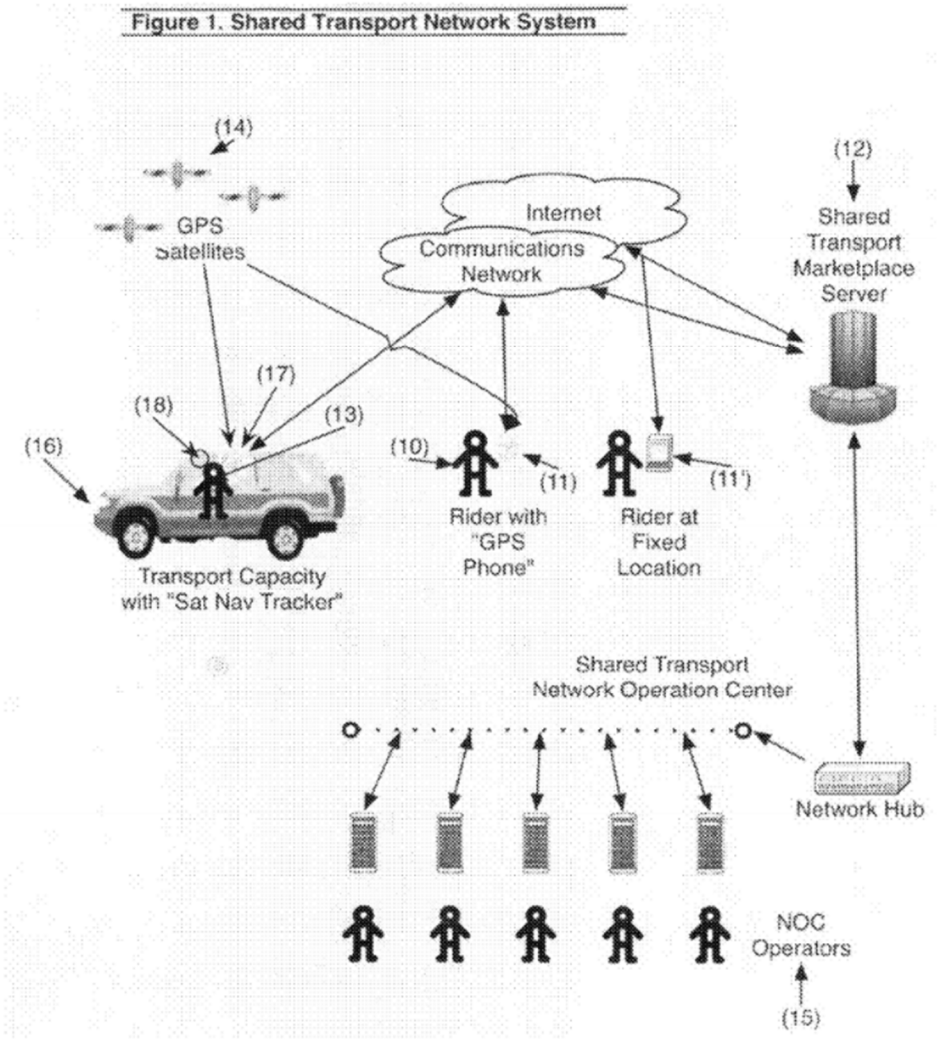
42. Each of the Asserted Patents claims priority to U.S. Provisional Patent Application No. 60/900,808, filed Feb. 12, 2007, and to U.S. Nonprovisional patent application Ser. No. 12/069,656, filed Feb. 12, 2008. U.S. Nonprovisional patent application Ser. No. 12/069,656, issued on Nov. 23, 2010 as the '427 Patent.

43. The Asserted Patents describe, among other things, novel systems and methods that improve the efficiency and security of ground transportation systems. Each of the Asserted

Patents recite a specific technological problem and present technical solutions to those problems. For example, the patents improve on prior urban transport options by connecting drivers and riders through a network system via individual devices, leveraging technology such as mobile applications and GPS to maintain a near-instantaneous and up-to-date understanding of capacity and demand, and using technology and algorithms to optimize transit for efficiency and safety, none of which was available in manual systems. *See* Ex. A at 1:41-57.[1]

44. At a high level, the Asserted Patents explain that "the invention provides a network system that matches the supply and demand of transportation services by incorporating unused transportation capacity (i.e., empty seats) with a real-time allocation and matching service that enables individuals and goods to conveniently hire that capacity with attractive pricing, rapid responsiveness, better information availability and trusted security." *See* Ex. A at 2:65-3:4. Figure 1 of the patent is a diagram showing an illustrative network:

[1] For ease of reference, the description and citations to the common specification will utilize the '427 Patent.



45. As described by the Asserted Patents, many cities, like Los Angeles, have largely dysfunctional public transportation networks. *See* Ex. A at 2:1-6. When public transit systems are inadequate or too inconvenient, drivers often have no choice but to use their personal vehicles. *See id.* at 1:26-30; 2:17-22. Many of these vehicles have extra open seats (unused vehicle capacity), perhaps because the driver could not match his/her transportation needs with other household members, or because the driver was unaware of a trusted passenger that could fill that space. *See id.* at 1:15-24. The driver might also not see enough of an economic benefit to sharing their excess capacity. *See id.* at 1:24-25.

46. Prior to the invention of the Asserted Patents, users who wished to make use of traditional carpooling faced numerous difficulties. For example, one drawback was the "lack of information about the availability of services and timing between locations." *See* Ex. A at 4:6-8. Elsewhere, the Asserted Patents describe that a "major weakness" in existing systems was "the limited representational capability of these systems, as it is usually difficult to find if there are any services on offer in a given neighborhood or area, to a given neighborhood or area." *See id.* at 17:5-8.

47. The Asserted Patents overcome these drawbacks in various ways. For example, the specification describes its advantages as:

> [M]ethods to reduce the workload/steps necessary on the driver and the rider to make this system more inconvenient; methods to improve the trustability of drivers and riders, increasing the likelihood people will use this system; a hardware device which would communicate visually to external riders; automatic determination and registration of transport capacity destination and capacity, increasing availability of shared transport vehicles; methods to characterize and publish information about 'ad-hoc' transport capacity in manners similar to traditional, centrally controlled transit systems, in order to increase trust and ridership in the system; and an ad-hoc nature to the proposed system which enables casual use by registered users.

Ex. A at 1:45-57.

48. More specifically, by generating and displaying the available transport capacity in a schematic diagram and/or geographic map, it "gives confidence to the transport user that there is a steady flow of available capacity that they can rely on." *See* Ex. A at 4:14-18. The diagram and/or geographic map further give "coverage areas, and is also capable of indicating typical availability and travel times at a variety of times throughout the day or week, based off a model of historic usage and travel times ('stochastic model')." *See id.* at 4:22-27. The system described in the Asserted Patents "generates a number of representations of transport capacity which will give encouragement to transport users and providers that service is possible using the present

system. From the live usage data of the system, maps can be presented which show the real-time capacity of the system." *See id.* at 17:15-21.

49. The inventions further enhance ridesharing networks by evaluating Transport Capacity and Transport Demand and matching drivers with riders in near real-time. For example, using a mobile application or other mechanisms, a rider "can select a Pick-Up Point and destination Point." *See* Ex. A at 8:34-43. Upon submitting the Demand Route to the Shared Transport Marketplace, the Rider is "presented with a sorted list of the transport options available, by class of service, type of vehicle, time until Transport Capacity arrives at start-point, estimated transit time to end-point, summary of legs in the journey, and cost." *See id.* at 8:44-50. After selecting an option, a message is sent to the Driver and a "Driver is automatically guided to the pick-up point." *See id.* 8:61-65. The Rider then receives confirmation and can continue to be notified of the Driver's proximity. *See id.* at 9:9-39. As the Driver gets closer, The Rider may also be sent a message to "indicate to the Rider to be on the lookout for the Transport Capacity, along with the specific color, model, picture and/or other identifying characteristics of the transport capacity that was arriving. If necessary, the Rider would also be provided with a PIN to verify their identity and booking." *See id.* at 9:40-45; *see also id.* at 10:56-11:11. Moreover, the inventions improve efficiency of connecting drivers and users by using real-time data: "the advantage of the present system is that it uses the speed, journey start and end points, intermediate destinations, spare vehicle capacity, and vehicle type characteristics of registered transport capacity to automatically generate specific information about journey capabilities between any point in the covered road network. The availability of this information is believed to be critical to the success of user acceptance of this method of transport." *Id*. at 3:63-4:4.

50. The inventions of the patents apply to both drivers transporting riders, as well as drivers transporting goods. *Id.* at 1:58-61; 3:12-15; 20:66-21:4; 22:23-25.

51. In addition to the above-described enhancements to the traditional ridesharing network and operations, the Asserted Patents also describe numerous improvements to the system that enhance the safety and security of the passengers and drivers. For example, the Asserted Patents describe that another problem with traditional ridesharing and public transit systems is that some individuals have a fear of traveling with strangers. *See* Ex. A at 4:46-47. One of the ways in which the Asserted Patents solve this problem is through soliciting and incorporating "a security verifying and rating system to provide that the strangers in the Shared Transport systems are trustworthy." *See id.* at 4:46-59. By logging the ratings, users could choose to only accept rides from certain individuals, or low rated individuals could be "blacklisted." *See id.* at 12:18-40. "Such an automatic feedback system would help police the network for bad behavior and thus encourage more responsible behavior on the part of everyone using the network." *See id.* at 12:40-43; *see also id. at* 20:42-65.

52. The inventions of the Asserted Patents further enhance security of the system by allowing for the use of a proxy system to maintain a level of driver and rider anonymity. For example, "riders or drivers may be concerned about their safety if a stranger knows how to contact them via their phone. Thus, the [] system incorporates a mechanism allowing riders and drivers to contact each other through their phones without knowing the other's phone number or full name, yet still allowing, for example, a driver to message a rider that a hat was left in the vehicle." Ex. A at 4:61-5:2. For example, a driver may "choose a function on the in-vehicle device [ ] to send to the Rider." *See id.* at 13:28-31. If the message is appropriate the system can redirect the message to the Rider after coding it with a unique identifier." *See id.* at 13:31-46.

"The network could generate near real-time messages using SMS, e-mail, or voice messages for example, or could, using a similar technique, proxy a phone call if desired and appropriate." *See id.* at 13:47-50; *see also id.,* Figs. 7, 13,13:11-50.

53. The inventions described in the Asserted Patents further enhance the security for the passengers by monitoring for anomalies such as whether the Driver and Rider devices have deviated from the intended route. "Certain behaviors would prompt alert conditions, especially those related to security or safety. For example, when a Transport Demand is established which results in an In-Process Journey which is terminated before or at a different point than the established Destination Point, this information is logged and could further be used to generate, for example, automated phone calls to verify the intent of the Rider & Driver" and "could escalate the situation response as appropriate, even initiating vehicle tracking and dispatching security personnel if appropriate." *See* at 12:1-17.

NOTICE OF THE ASSERTED PATENTS

54. Uber has been on notice of its infringement of the '427 Patent since at least August 30, 2016 when Carma's attorney Francis Hand sent Uber a notice letter with a "claim chart evidencing the infringement of claim 1" of the '427 Patent. Through correspondence in 2017-2018, Uber confirmed that it evaluated the '427 Patent and Carma's allegations of infringement against Uber's Rideshare products. Thereafter, Uber continued to deliberately and intentionally infringe the '427 Patent.

55. Uber had, in fact, been aware of the '427 Patent prior to those communications. At least as early as March of 2015, Uber was evaluating and attempting to distinguish its own pending patent applications over the '427 Patent and the O'Sullivan '428 Publication, as discussed further below.

56. For example, one of Uber's earliest attempts to patent its technology was unsuccessful after the claims were rejected over, inter alia, the Carma patents. In December of 2010, Uber filed EP application 10 835 261 seeking protection on an alleged invention called "system and method for arranging transport amongst parties through use of mobile phones." Two of the named co-inventors on this application were Uber co-founders Garrett Camp and Travis Kalanick. In rejecting Uber's claims, the patent office identified the O'Sullivan Publication US 2008/195428 A1 on Oct. 10, 2016, November 3, 2017, and again on January 18, 2019. Uber ultimately abandoned its application.

57. On or around March 14, 2013, Uber filed U.S. Patent Application No. 13/828,481 ("Uber '481 Application") seeking protection on an alleged invention called "System and Method for Dynamically Adjusting Prices for Services." Travis Kalanick, co-founder of Uber, was listed as the alleged co-inventor for this application. On March 16, 2015 the examiner rejected claims of this patent as being anticipated by the O'Sullivan '428 Publication. Over the course of more than six years, Uber tried to obtain patent protection on the Uber '481 Application by amending claims, filing requests for continued examination and appeals, but its claims were repeatedly rejected as anticipated and/or rendered obvious by the O'Sullivan '428 Publication. The file wrapper for the Uber '481 Application contains more than 80 pages referencing/discussing the O'Sullivan '428 Publication. At least as early as March 16, 2015, Uber and Mr. Kalanick were thus aware of the O'Sullivan Patents and became intimately familiar with the disclosures therein over the course of the next several years.

58. On or around May 12, 2015, Uber filed U.S. Patent Application No. 14/709,799 seeking protection on an alleged invention called "Location based prediction of transport services." During the prosecution of this application, the USPTO rejected Uber's application as

unpatentable over, inter alia, the O'Sullivan '428 Publication. The file wrapper for Uber's application contains more than 30 pages of discussion relating to the O'Sullivan '428 Publication. Despite several attempts to amend the claims, Uber was unsuccessful in distinguishing its claims. Uber abandoned the application in 2019.

59. On or around June 30, 2017, Uber filed U.S. Patent Application No. 15/640,155 seeking protection on an alleged invention called "System and Method for Verifying Users for a Network Service using Existing Users." During prosecution, the claims of this application were rejected as anticipated by and/or obvious over the O'Sullivan '428 Publication. Despite several amendments, Uber was unable to distinguish the O'Sullivan '428 Publication and it ultimately abandoned this application.

60. In prosecuting Uber's own patent portfolio, Uber has cited Carma patents, patent publications and disclosures more than 60 times, including in CA2932917A1 ("Intelligent queuing for user selection in providing on-demand services"); EP3080774A4 ("Optimizing selection of drivers for transport requests"); EP3167426B1 ("System and methods for facilitating real-time carpooling"); SG11201706351SA ("Programmatically determining location information in connection with a transport service"); US10009306B2 ("Methods to mitigate communication delays between systems in connection with a transport service"); US10036641B1 ("Coordinating travel on a public transit system and a travel coordination system"); US10067988B2 ("User-based content filtering and ranking to facilitate on-demand services"); US10190886B2 ("Network system to determine a route based on timing data"); US10198700B2 ("Configurable push notifications for a transport service"); US10212536B2 ("Selecting a messaging protocol for transmitting data in connection with a location-based service"); US10242574B2 ("Network computer system to address service providers to

contacts"); US10282684B2 ("Performing selective operations based on mobile device locations"); US10325442B2 ("Facilitating direct rider driver pairing for mass egress areas"); US10355788B2 ("Method and system for ultrasonic proximity service"); US10373492B2 ("Network computer system to evaluate an operator of a freight vehicle"); US10417584B2 ("Trip planning and implementation"); US10424036B2 ("Maintaining data for use with a transport service during connectivity loss between systems"); US10445799B2 ("Supply-chain side assistance"); US10458801B2 ("Systems and methods for travel planning that calls for at least one transportation vehicle unit"); US10460411B2 ("Real-time resource management for on-demand services"); US10514816B2 ("Enhanced user assistance"); US10559211B2 ("Real-time service provider progress monitoring"); US10567520B2 ("Multi-user requests for service and optimizations thereof"); US10681199B2 ("Wireless device with an aggregate user interface for controlling other devices"); US10685416B2 ("Suggested pickup location for ride services"); US10687166B2 ("Obtaining user assistance"); US10721327B2 ("Dynamic scheduling system for planned service requests"); US10731998B2 ("Network computer system to arrange pooled transport services"); US10733473B2 ("Object verification for a network-based service"); US10890458B2 ("System and method for attributing deviation from predicted travel distance or time for arranged transport services"); US10963824B2 ("Associating identifiers based on paired data sets"); US10977604B2 ("Systems for routing and controlling vehicles for freight"); US10999299B2 ("Location-spoofing detection system for a network service"); US11100434B2 ("Real-time carpooling coordinating system and methods"); US11107019B2 ("Arranging a transport service for multiple users"); US11155263B2 ("Network computer system to control freight vehicle operation configurations"); US11164276B2 ("Computer system arranging transport services for users based on the estimated time of arrival information"); US11216770B2

("Optimizing service requests in transport supply-constrained sub-regions"); US11250372B2 ("Freight network system using modularized trailers"); US11392881B2 ("Freight vehicle matching and operation"); US11397911B2 ("Network computer system to make effort-based determinations for delivery orders"); US11416792B2 ("Network system capable of grouping multiple service requests"); US11436554B2 ("Network computer system to implement predictive time-based determinations for fulfilling delivery orders"); US11449917B2 ("Network computing system for providing interactive menus and group recommendations"); US11503133B2 ("Adjusting attributes for an on-demand service system based on real-time information"); US11570276B2 ("Forecasting requests based on context data for a network-based service"); US11599964B2 ("Network system to filter requests by destination and deadline"); US11669786B2 ("On-demand transport services"); US11747154B2 ("Network system for preselecting a service provider based on predictive information"); US11754407B2 ("Method and system for shared transport"); US12131273B2 ("System and method for facilitating a transport service for drivers and users of a geographic region"); US20140278838A1 ("Determining an amount for a toll based on location data points provided by a computing device"); US20160300318A1 ("Fare determination system for on-demand transport arrangement service"); US20160335576A1 ("Location-based prediction of transport services"); US20170309552A1 ("System and method for verifying users for a network service using existing users"); US20180314998A1 ("Resource Allocation in a Network System"); US9066206B2 ("System and method for providing dynamic supply positioning for on-demand services"); US9230292B2 ("Providing on-demand services through use of portable computing devices"); US9305310B2 ("Enabling a user to verify a price change for an on-demand service"); US9536271B2 ("User-configurable indication device for use with an on-demand transport service"); US9671233B2

("Dynamically providing position information of a transit object to a computing device"); US9960986B2 ("Providing notifications to devices based on real-time conditions related to an on-demand service"); US9965783B2 ("User controlled media for use with on-demand transport services"); and WO2017214324A1 ("Hierarchical selection process").

61. In addition to the '427 Patent and O'Sullivan '428 Publication, Uber has referenced various other patents and publications in the Carma portfolio during the prosecution of its own patent applications.

62. For example, U.S. Patent Publication No. 2011/0059693 was published during the prosecution of the Carma Patent that issued as 10,083,608. Uber has cited to this publication (including as 2012/0059693) eleven times, including in WO2015089207A1 ("Optimizing selection of drivers for transport requests"); WO2016168379A1 ("Fare determination system for on-demand transport arrangement service"); US9813510B1 ("Network system to compute and transmit data based on predictive information"); US9852551B2 ("Programmatically determining location information in connection with a transport service"); US10009306B2 ("Methods to mitigate communication delays between systems in connection with a transport service"); US10445799B2 ("Supply-chain side assistance"); US10458801B2 ("Systems and methods for travel planning that calls for at least one transportation vehicle unit"); US10514816B2 ("Enhanced user assistance"); US10681199B2 ("Wireless device with an aggregate user interface for controlling other devices"); US10687166B2 ("Obtaining user assistance"); and US11100434B2 ("Real-time carpooling coordinating system and methods").

63. Uber also cited to the Carma 11,164,456 Patent in an information disclosure statement it filed with the USPTO on May 2, 2024. Uber thus determined the '456 Patent relevant to the patentability of Uber's own 12,131,273 patent which is entitled "System and

method for facilitating a transport service for drivers and users of a geographic region." The Uber '273 claims priority to December of 2009. On information and belief, the disclosures in the Uber '273 specification describe functionality of Uber's operating products and systems. Thus, Uber was aware of, or should have been aware, that its products and services infringe the '456 Patent.

64. On information and belief, Uber has been monitoring the Carma patents and has thus been aware of the remaining Asserted Patents at least since the dates of their issuance. For example, Uber's citation to at least four different Carma patent publications during the prosecution of its own patents indicates an awareness of the Carma portfolio.

65. Alternatively, to the extent Uber has not been diligently monitoring the Carma patents, Uber has been willfully blind to the existence of the Asserted Patents.

66. On information and belief, Uber was also aware of the Carma (Avego's) ridesharing application and operations as a competitor of Uber in the ridesharing industry in the same geographical area in or around at least 2011-2014.

67. Uber is and has been based in or around San Francisco, CA since its inception. Uber launched its ridesharing service in San Francisco in 2010. In that same year, the SF Metro Transit Authority & the Public Utilities Commission of California (SFMTA) issued Uber a cease and desist order. Nonetheless, Uber continued to operate in the San Francisco Bay Area, and on information and belief, monitored its competitors in the ridesharing industry, especially in the same geographic region.

68. In 2011, the Metropolitan Transportation Commission (MTC) in the counties just north and east of San Francisco announced a grant for a pilot program with Carma's predecessor, Avego, and a company called WeGo to pilot a real-time-ridesharing program. Thus, while the

government agencies in the SF Bay area were trying to shut down Uber for what they deemed illegal operations, they were supporting Avego in an effort to lawfully reduce traffic congestion in the San Francisco Bay Area. *See e.g.,* https://www.fastcompany.com/3038413/the-new-commute-old-fashioned-carpooling-gets-a-tech-twist-in-the-age-of-uber; *see also* https://orionmagazine.org/article/the-new-commute/

69. In July of 2013, a strike of the Bay Area Rapid Transit (BART) workers left hundreds of thousands of commuters in the San Francisco Bay Area stranded. Many commuters were forced to drive causing horrendous traffic in the region. But for commuters who were able to take advantage of the High Occupancy Vehicle (HOV) lane because they were carpooling, traffic was much more tolerable. During the BART strike, Avego was hailed as one of the hero companies that got people where they needed to go, while at the same time, reducing the number of cars on the road. During the strike, Avego was promoted in the region by popular radio hosts (such as Sarah and Vinnie on radio Alice 97.3) and public agencies, and various news outlets (CBS local news, SF Gate, San Jose Mercury News). Avego also distributed flyers and set up websites (www.bartstrike.com) to help get people signed up for their services, get into the carpool lane and get to work. By the end of the strike, Avego had around twenty thousand subscribers, up from under two thousand. A Forbes article later described the BART strike and pointed out a key difference between Avego and Uber at the time: "Some used the walkout as an opportunity check out ride-sharing services such as Uber, Lyft, Sidecar and Avego. Many weren't aware of the differences between the systems. Some are like taxi services, where you have sole use of the vehicle, while others are more like car-pools, in which several people ride at the same time." https://www.forbes.com/sites/michelinemaynard/2013/07/05/san-franciscos-bart-strike-ends-ride-sharing-raises-its-profile/

70. On information and belief, Uber was aware of the Avego app and/or Avego products and services at least by the end of July 2013 following the above-described BART strike, particularly because Avego's services were well publicized in the region.

71. During the BART strike, Uber did not have a carpooling option. It was not until sometime in 2014, that Uber released its UberPOOL carsharing service, and not until May 2022 that it released its Driver Destination feature. On information and belief, at the time Uber developed and deployed these services, it was aware of the Avego product and the '427 Patent and its infringement was deliberate and intentional.

FIRST COUNT: INFRINGEMENT OF U.S. PATENT NO. 7,840,427

72. Carma incorporates by reference the allegations set forth in the paragraphs above as though fully set forth herein.

73. The '427 patent claims a method and system for providing a shared transport system that seeks to match supply (e.g. empty capacity in a vehicle) and demand (e.g. riders or requests for transport of goods) by allocating unused transportation capacity of drivers with individuals who require transportation. Ex. A. at abstract. The claims of the '427 solve this problem by establishing a set of "nodes" of pick-up and drop-off points, abstracting a geographic representation of journeys between points, and then matching users and drivers who are traveling along a similar route.

74. Uber has directly infringed and continues to directly infringe one or more claims of the '427 Patent, including at least Claim 1 of the '427 Patent, in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, selling, offering for sale, and/or importing into the United States products and services that embody one or more of the inventions claimed in the '427 Patent, including but not limited to the

above-identified Uber Rideshare Products, Uber Delivery Products and all reasonably similar products ("the '427 Accused Products"), in violation of 35 U.S.C. § 271(a).

75. For example, Claim 1 of the '427 Patent states:

> 1. A method of sharing transportation employing a ground transportation network comprising the steps of
>
> providing a computer network;
>
> establishing an electronic registry in said computer network of capacity containing an indication of the spare transport capacity and location of a plurality of transport vehicles;
>
> establishing a network of nodes in said computer network representing a plurality of pick-up points and a plurality of drop-off points;
>
> abstracting a geographic representation of a predetermined transport vehicle journey by calculating places where said predetermined transport vehicle journey intersects said nodes and representing said predetermined transport vehicle journey in the format of a set of said nodes;
>
> providing an electronic registry in said computer network of demand containing an indication of the demand for transportation needs of a plurality of transport users;
>
> effecting a match in a match engine in said computer network of said transport capacity of at least one transport vehicle in said electronic registry of capacity with said transport demand for a journey of at least one transport user in said electronic registry of demand for transport between at least two of said nodes.

76. To operate the Uber Rideshare Products and Delivery Products, Uber performs a method of sharing transportation employing a ground transportation network. Uber utilizes a transportation network that communicates with Uber software on mobile device and computer applications to provide transportation to Uber users.

77. In order to provide the Uber Rideshare Products and Delivery Products, Uber provides a computer network. For example, Uber uses a combination of cloud computing services and co-located data centers. (*See e.g.,* Uber Technologies Inc. Form 10-Q dated 8/6/2024 at 74 (https://d18rn0p25nwr6d.cloudfront.net/CIK-0001543151/ca7e58cc-fe9b-4692-

87d7-8154c905ecb1.pdf)). *See also* https://www.uber.com/blog/maps-metrics-computation/ ("On the surface, Uber's ridesharing technology may seem simple: a user requests a ride from the app, and a driver arrives to take them to their destination. Behind the scenes, however, a giant infrastructure consisting of thousands of services and terabytes of data supports each and every trip on the platform. At the heart of this infrastructure, both map data and services enable the most basic features powering our business. These features include the ability to find locations and addresses, match riders with drivers by geographic proximity, show drivers and riders their estimated time of arrival (ETA), and navigate them to their destinations. Although map data and services initially grew to support ridesharing, we continue to build new products on this base, such as Uber Eats, Uber Freight, and JUMP Bikes. Rather than the simple, two-dimensional representations people see when they look at the Uber app, a map is actually a complex data structure.")

78. To the extent Uber contends that it utilizes compute resources and/or networks hosted by third-party cloud providers, Uber necessarily exercises direction or control over the functions executed in the computer networks and described herein and is liable as a direct infringer. *See e.g.,* https://www.uber.com/blog/crane-ubers-next-gen-infrastructure-stack/ ("For cloud hosts, … We built an abstraction layer over various cloud providers' APIs and the process for provisioning a new host is simply a matter of calling into this abstraction layer as well as inserting a record for the host in our host catalog. Every cloud VM created is given an identical image. Once we detect the VM is up and running, we move it to an available pool where it is eligible to be handed out to various teams. Similarly, once we are done using a host, we use our abstraction layer to shut down the VM and remove the record from our host catalog.")

79. Uber's Rideshare Products and Delivery Products establish an electronic registry in their computer network containing an indication of the spare transport capacity and location of a plurality of transport vehicles.

80. For example, Uber describes that its backend system maintains a matching system: "An Uber trip is an orchestration between participating entities like the riders and drivers moving in the physical world. These two entities need to stay updated with backend systems and each other as the trip progresses. Consider a scenario where a rider has requested a ride and a driver is online to provide a service. Uber's matching system in the backend identifies a match and provides a trip offer to a driver. Now everyone (rider, driver, backend) should be synchronized with each other's intent." https://www.uber.com/blog/real-time-push-platform/?uclick_id=723c457b-088b-4616-81d1-26305340e939

81. According to an April 14, 2022 article, Uber's data stack was depicted as:

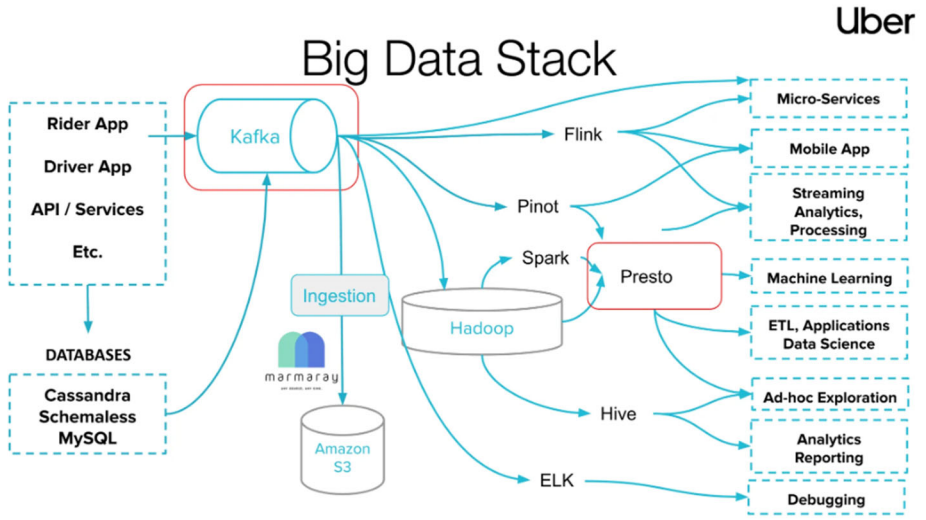


Figure 1: Big Data Stack At Uber

https://www.uber.com/blog/presto-on-apache-kafka-at-uber-scale/

82. In a July 1, 2024 article, Uber depicts its data pipeline as shown below, and notes that "Apache Kafka® is the cornerstone of Uber's tech stack. It plays an important role in

powering several critical use cases and is the foundation for batch and real-time systems at Uber." https://www.uber.com/blog/kafka-tiered-storage/

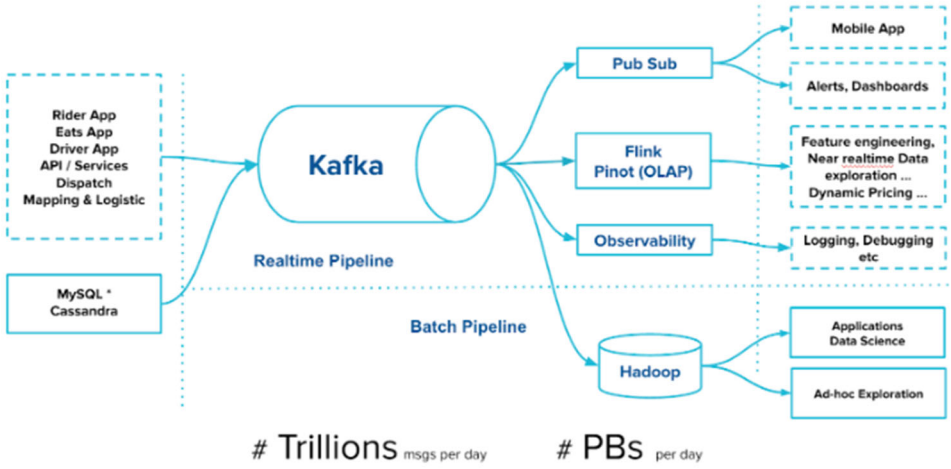
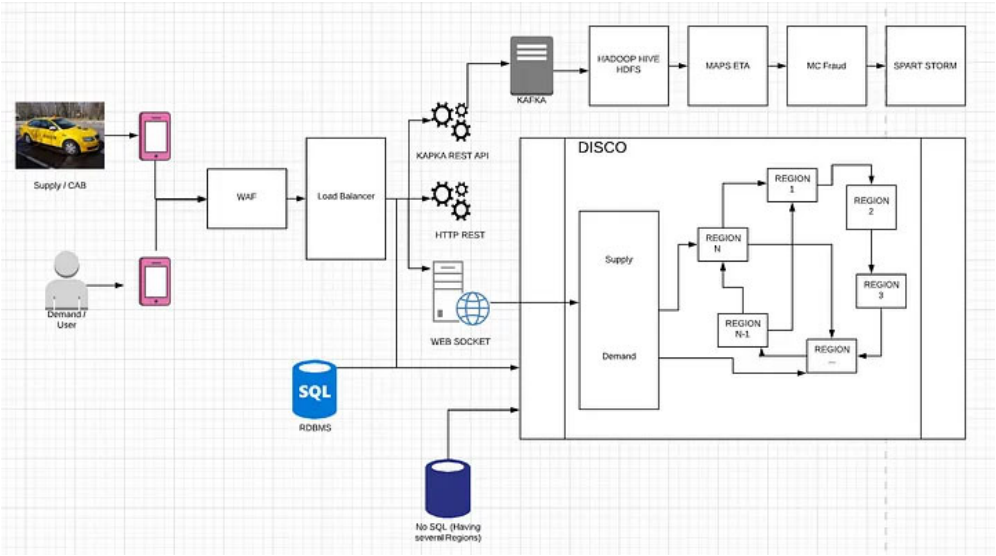


Figure 1: Uber's Data Pipeline.

83. Uber has further described its Pinot system which is utilized for things like determining transport capacity and vehicle location: "Uber has a complex marketplace consisting of riders, drivers, eaters, restaurants and so on. Operating that marketplace at a global scale requires real-time intelligence and decision making. For instance, identifying delayed Uber Eats orders or abandoned carts helps to enable our community operations team to take corrective action. Having a real-time dashboard of different events such as consumer demand, driver availability, or trips happening in a city is crucial for day-to-day operation, incident triaging, and financial intelligence. Over the last few years, we've built a self-service platform to power such use cases, and many others, across different parts of Uber. The core building block of this platform is Apache Pinot - a distributed, OnLine Analytical Processing (OLAP) system designed for performing low latency analytical queries on terabytes-scale data." https://www.uber.com/blog/operating-apache-pinot/?uclick_id=723c457b-088b-4616-81d1-26305340e939

84. On information and belief, the following diagram also describing the Uber architecture shows "CAB is the supply which means the CABs and User is the demand where the User request the Driver. Every 4-sec once the Cabs will be sending location data to the KAFKA REST API. Every call happens through the Firewall. Then it gets to the Load Balancer and it goes to KAFKA and it is going for different servers. And also a copy of location data sends to the Database and also Dispatch Optimization to keep the latest location of the Cab." https://medium.com/nerd-for-tech/uber-architecture-and-system-design-e8ac26690dfc:



85. Uber's Rideshare Products and Delivery Products establish a network of nodes representing a plurality of pick-up points and a plurality of drop-off points. For example, Uber's system creates a spatial index of requested pick up and drop off location that takes the form of points (e.g. nodes) relating to a street map. For example, if Uber Pool/UberX Share is being used, riders pick up and drop off points will be represented and matched. As another example, Uber Freight provides pick up and drop off locations for loads to be carried.

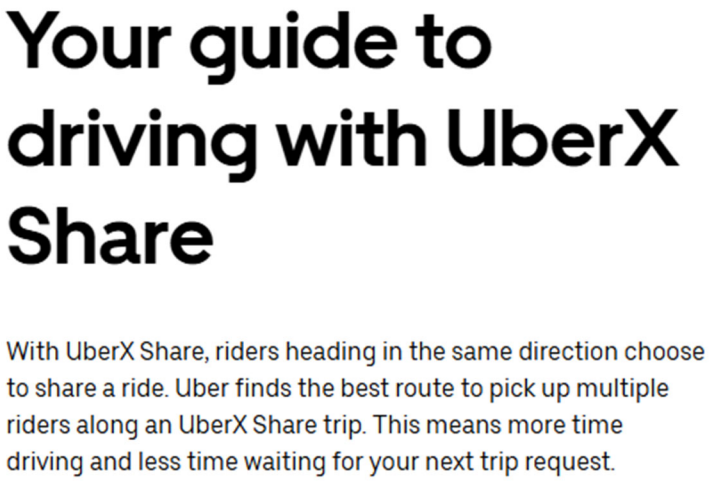
86. For example, as one article describes: "In the Uber Application when the rider (The person who wants a CAB) requests a driver on the App, the Driver goes to the place to pick

that User. Behind the scene, there are 1000 servers which support the trip, and terabytes of the data have been used for the trip." *See* https://medium.com/nerd-for-tech/uber-architecture-and-system-design-e8ac26690dfc

87. For spatial indexing, Uber uses and/or has utilized S2 and/or H3. S2 and H3 are both global grid systems that "share a number of similarities, including the use of 64 bit integers as cell indexes, making it very efficient to use both of them in big data systems." https://h3geo.org/docs/comparisons/s2 For example, S2 is "an open source, hierarchical, discrete, and global grid system using square cells." https://h3geo.org/docs While H3 is described as "a discrete global grid system for indexing geographies into a hexagonal grid, developed at Uber. Coordinates can be indexed to cell IDs that each represent a unique cell. Indexed data can be quickly joined across disparate datasets and aggregated at different levels of precision. H3 enables a range of algorithms and optimizations based on the grid, including nearest neighbors, shortest path, gradient smoothing, and more." *See* https://h3geo.org/ Uber further describes that: "H3's hexagonal grid is well suited to analyzing movement. In addition to the benefits of the hexagonal grid shape, H3 includes other features for modelling flow. H3 can create indexes that refer to the movement from one cell to a neighbor. These directed edge indexes share the advantages with their cell index counterparts, such as being 64 bit integers. The use of directed edges makes it possible to associate a weight with a movement in the grid." *See* https://h3geo.org/docs/highlights/flowmodel

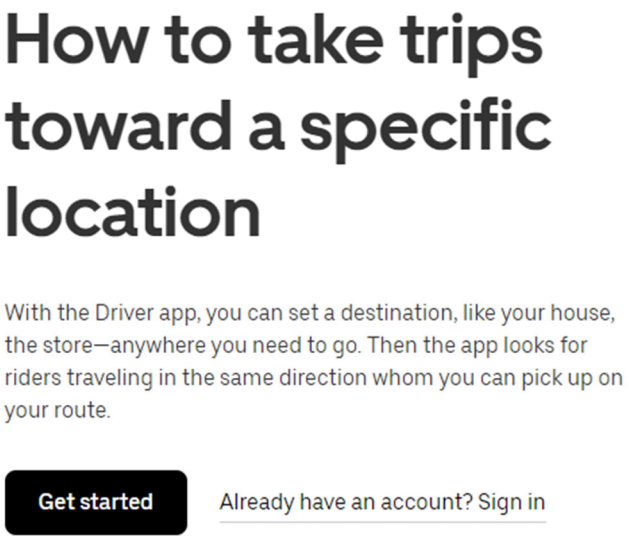
88. Uber's Rideshare Products and Delivery Products abstract a geographic representation of a predetermined transport vehicle journey by calculating places where said predetermined transport vehicle journey intersects said nodes and representing said predetermined transport vehicle journey in the format of a set of said nodes.

89. For example, if Uber Pool or UberX Share is used, Uber's systems will abstract a single rider's journey and determine whether a second rider's journey will intersect, in order to match those trips. For example, Uber describes that with UberX Share, Uber calculates places where the predetermined journey intersects with other rider routes



See: https://www.uber.com/us/en/drive/services/shared-rides/ ; *see also* https://www.uber.com/us/en/ride/uberx-share/ ("How many co-riders will I be matched with? At any given point during your trip, you may be sharing the trip with up to two other co-riders. If a co-rider is dropped off before you, it's possible the app will search for another co-rider, but it's designed to only look for people going your way.")

90. As another example, a driver can select their home or other predetermined destination in the application and take trips that intersect on their journey. For example, Uber also describes that drivers may look for riders to pick up along their route:



See: https://www.uber.com/us/en/drive/basics/driver-destinations/

91. Using S2 and/or H3, Uber also abstracts a geographic representation of a predetermined transport vehicle journey by calculating places where said predetermined transport vehicle journey intersects said nodes and representing said predetermined transport vehicle journey in the format of a set of said nodes.

92. As described above, Uber's Delivery Products also operate using the same ridesharing technology. Uber's transportation network services (TNS) also "matches shippers with the most efficient carriers and routes to improve delivery times. By minimizing deadhead and wasted miles, our solution maximizes shipment optimization to save you time and money." https://www.uberfreight.com/carrier-network/

93. Uber's Rideshare Products and Delivery Products provide an electronic registry in said computer network of demand containing an indication of the demand for transportation needs of a plurality of transport users.

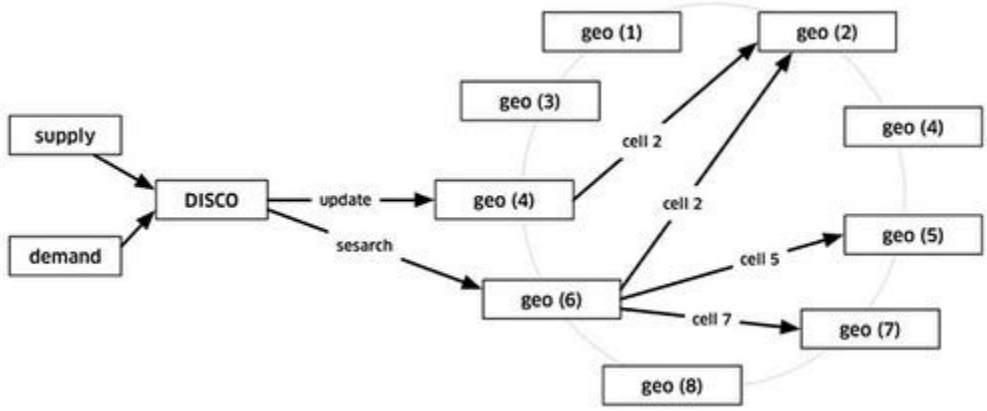
94. For example, Uber directs users: "Enter your destination Open the app and enter where you're going in the Where to? box. Tap to confirm your pickup location and tap Confirm again to be matched to a driver nearby." https://www.uber.com/us/en/ride/how-it-works/

95. *See also* https://www.uber.com/blog/maps-metrics-computation/ ("On the surface, Uber's ridesharing technology may seem simple: a user requests a ride from the app, and a driver arrives to take them to their destination. Behind the scenes, however, a giant infrastructure consisting of thousands of services and terabytes of data supports each and every trip on the platform. At the heart of this infrastructure, both map data and services enable the most basic features powering our business. These features include the ability to find locations and addresses, match riders with drivers by geographic proximity, show drivers and riders their estimated time of arrival (ETA), and navigate them to their destinations. Although map data and services initially grew to support ridesharing, we continue to build new products on this base, such as Uber Eats, Uber Freight, and JUMP Bikes.")

96. Since around 2015, Uber has utilized a service-oriented architecture. See https://www.uber.com/en-HR/blog/service-oriented-architecture/. This system has been described further: "After 2014 and now Uber's architecture has evolved to something called service-oriented architecture. Now Uber owns taxis as well as food and cargo. Everything has built into one system. Now the challenging thing for Uber or any taxi-related platform is to meet the supply to the demand or demand to the supply. the main task of the backend of Uber is to serve the mobile traffic. Because without the mobile phone it is pretty hard to run these services. Because everything works on GPS. The next thing is the Uber system is like a real-time marketplace to match riders to the cabs. So that means we need 2 different services in the architecture,

Supply Service

Demand Service"



See https://medium.com/nerd-for-tech/uber-architecture-and-system-design-e8ac26690dfc

97. "Thousands of microservices are continuously writing their logs and events to topics in Apache Kafka (a pub-sub system). Many of these topics can directly be consumed by Pinot to make the data available for querying in a real-time manner. For instance, user demand metrics across different dimensions (like time, location, or product line) can be easily computed from a Pinot table ingesting from the user eyeball Kafka stream."

https://www.uber.com/blog/operating-apache-pinot/?uclick_id=723c457b-088b-4616-81d1-26305340e939

98. Uber's Rideshare Products and Delivery Products effect a match in a match engine in said computer network of said transport capacity of at least one transport vehicle in said electronic registry of capacity with said transport demand for a journey of at least one transport user in said electronic registry of demand for transport between at least two of said nodes.

99. Uber's Rideshare Products and Delivery Products effect a match with capacity of a driver whose destinations correspond to nodes in the registry. For example, rider requests will be matched with Uber drivers moving in a particular direction because of Uber Pool/UberX

Share or a request from a driver to be matched with rides when traveling to a particular location. Similarly, Uber Freight will match drivers with available loads to transport to increase efficiency as described above.

100. Uber has injured Carma and is liable to Carma for directly infringing one or more of the claims of the '427 Patent, including, without limitation, claim 1 pursuant to 35 U.S.C. § 271(a).

101. Uber's infringement of the '427 Patent has been and continues to be deliberate and willful, and therefore, this is an exceptional case warranting an award of enhanced damages and attorneys' fees pursuant to 35 U.S.C. §§ 284–285. Uber had knowledge of the issued '427 Patent prior to the filing of this Complaint, including by means of Carma's direct charge of infringement in 2016. Uber was also aware of the '427 Patent through its own patent prosecution activities dating back to March 2015. On information and belief, Uber was also aware of Avego and the '427 Patent even earlier - at least by the end of July of 2013 following the BART strike described above; alternatively, Uber was willfully blind to the existence of the patent. Uber also had actual knowledge of the '427 Patent and its infringement at least with the filing of this Complaint. After acquiring knowledge of the patent, Uber infringed the '427 Patent, and in doing so, it knew, or should have known, that its conduct amounted to infringement of the '427 Patent.

102. As a result of Uber's infringement of the '427 Patent, Carma has suffered monetary damages, and seeks recovery in an amount adequate to compensate for Carma's infringement, but in no event less than a reasonable royalty with interest and costs.

SECOND COUNT: INFRINGEMENT OF U.S. PATENT NO. 10,741,071

103. Carma incorporates by reference the allegations set forth in the paragraphs above as though fully set forth herein.

104. The ’071 patent claims methods and systems for providing a shared transport system that improve security by establishing a proxy messaging system between riders and drivers. *See* Ex. B at 13:15=54; Fig.13. This system “enable[s] communications between members of the community without losing this identity, and also, importantly, disabling any inappropriate content or contact between community members as well as adjusting the rating of any community member as necessary.” *Id.* at 13:25-30.

105. Uber has directly infringed and continues to directly infringe one or more claims of the ’071 Patent, including at least Claim 1 of the ’071 Patent, in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, selling, offering for sale, and/or importing into the United States products and services that embody one or more of the inventions claimed in the ’071 Patent, including but not limited to the above-identified Uber Rideshare Products, Uber Delivery Products and all reasonably similar products (“the ’071 Accused Products”), in violation of 35 U.S.C. § 271(a).

106. For example, Claim 1 of the ‘071 Patent recites:

1. A method of exchanging messages between entities of a shared transport system, the method comprising:

> identifying, by the share transport system, a transport user and a transport provider based on:
>
> receiving, by the shared transport system, a transport request from a transport user device of a transport user, wherein the transport request includes a pick-up location; and
>
> determining, by the shared transport system, a transport provider device of a transport provider in proximity to the pick-up location received in the transport request; and

upon identifying, by the shared transport system, the transport user and the transport provider, and at a time before or after transport of the transport user by the transport provider:

receiving, by a proxy messaging system, a first message from a sender device of a sender, wherein the sender is one of the transport user and the transport provider, and the proxy messaging system is part of the shared transport system;

generating, by the proxy messaging system, a second message, wherein the second message comprises contents of the first message and a first unique identifier associated with the sender; and

transmitting, by the proxy messaging system, the second message to a recipient device of a recipient, wherein the recipient is the other of the transport user and the transport provider.

107. Each of the steps of the exemplary claim 1 are performed by Uber as the transport system. During operation of the Uber Rideshare Products and Eats Products, Uber executes the method of exchanging messages between entities of a shared transport system in which it identifies a transport user (for example, a rider) and a transport provider (for example, a driver) based on receiving a transport request from a transport user device of a transport user, wherein the transport request includes a pick-up location and determining a transport provider device of a transport provider in proximity to the pick-up location received in the transport request. For example, an Uber Rideshare rider using the Uber app can make a request for a ride with their pickup location and desired drop-off location. This request is delivered to Uber's computer system that identifies an Uber driver in proximity to the rider. *See e.g.,* https://www.uber.com/en-AE/blog/how-to-use-uber-for-the-first-time/ ("How to request a ride on the Uber app. If you're a new Uber user taking a ride, don't worry—it's not complicated. Here's the simple step-by-step on how to use Uber for the first time: Open and log into the Uber app on your device * Type your destination into the "Where to?" section *Select the type of vehicle you would like at the bottom of the screen. *Tap "request" and then confirm the pickup location *Wait for your request to be accepted by a driver and check the estimated time of arrival

*Just wait for your driver to arrive. You can check their location on the in-app map and you will be notified when they are close to the pickup location.") *See also,* https://www.uber.com/us/en/about/how-does-uber-work/ Similarly, in Uber Eats, a pick-up location for a restaurant is delivered to a nearby driver. https://www.uber.com/us/en/deliver/ ("When you're ready to start being a delivery driver, you can go online in the Driver app. The app will show available food delivery requests near you. You can tap to accept.")

108. During operation of the Uber Rideshare Products and Eats Products, including before or after transport, Uber further practices the method step of receiving, by a proxy messaging system, a first message from a sender device of a sender, wherein the sender is one of the transport user and the transport provider, and the proxy messaging system is part of the shared transport system. For example, upon information and belief, Uber's proxy messaging system receives a first message from a transport user or provider. For example, Uber's computer transmits a transport request corresponding to the ride request to a nearby Uber driver, and the transport request is associated with a rider's journey from the pick-up location.

109. Uber allows riders to contact drivers through the Uber app without revealing their phone number. *See* https://help.uber.com/riders/article/contact-a-driver?nodeId=0e0bbf4e-2a95-42b6-9bc2-2566e8bd98dc *See also,* https://help.uber.com/riders/article/contact-a-driver?nodeId=0e0bbf4e-2a95-42b6-9bc2-2566e8bd98dc ("Uber allows you to contact your driver without revealing your phone number by placing a free call directly within the Uber app. When you call or text, drivers will not see your personal phone number. Instead, they'll receive a call or text message from a unique, anonymous local number. This anonymized number may change. If a driver saves this number and tries to use it later to contact you, the call won't connect."); https://help.uber.com/en/driving-and-delivering/article/unable-to-contact-riders

("Anonymized numbers Uber protects your privacy by using anonymized numbers when drivers and riders communicate. * This unique number is not for saving * Always use the Uber Driver app to call or text a rider"). Likewise, Uber Eats drivers can contact customers without revealing phone numbers. https://www.uber.com/us/en/deliver/basics/before-you-start/staying-safe-with-the-uber-app/ ("If you need to contact your customer through the app, we use technology that helps keep your phone number private.")

110. Uber also describes its chat feature and architecture, as of at least 2018 in the following way: "UberChat system allows in-app communications for drivers-partners, riders, eaters, and delivery-partners on the Uber platform. The current flow follows standard messaging systems: we expect the sender to type their messages, which then get passed along to the receiver. Figure 4, below, shows the overview of UberChat system with a typical message flow:

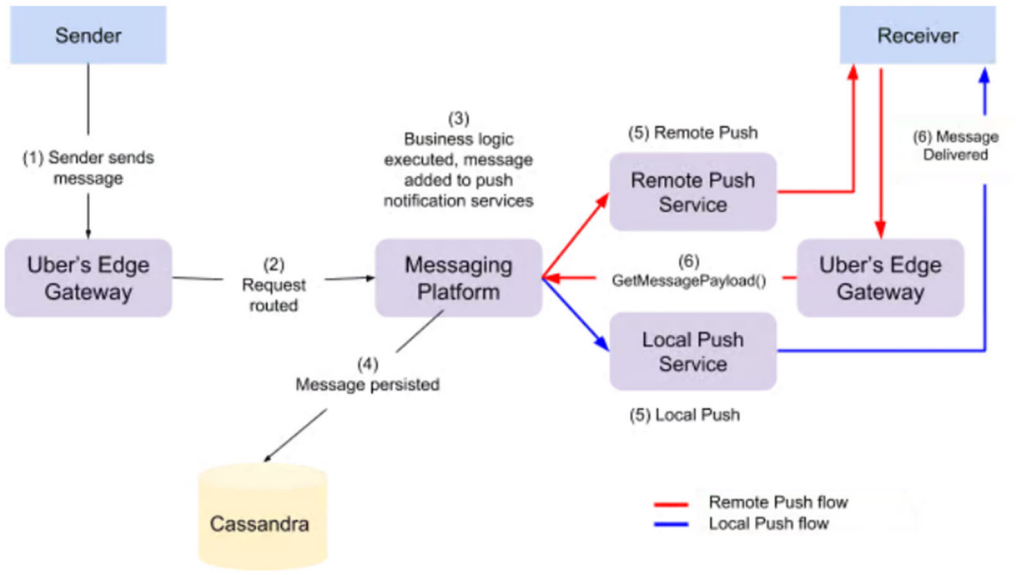


Figure 4: The UberChat back-end service manages the flow of messages between senders and receivers.

https://www.uber.com/blog/one-click-chat/

111. Uber further describes this sequencing depicted above: "For every message that a user sends, Uber's messaging platform (UMP) does the following (as shown in above Figure 4): 1. Push Sender's message to Uber's Edge Gateway; 2. Route message to Uber's Messaging Platform; 3. Add message to the push notification services; 4. Persist message to Uber's storage Cassandra cluster; 5. Perform Remote and Local push to surface message to Receiver; 6. Fetch message body from Messaging Platform once the message is received" https://www.uber.com/blog/one-click-chat/

112. Uber further practices the method step of generating, by the proxy messaging system, a second message, wherein the second message comprises contents of the first message and a first unique identifier associated with the sender. For example, upon information and belief, Uber's proxy messaging system generates a second message containing at least the contents of the first message and an identification of the sender of the first message. Uber's computer transmits a transport request corresponding to the ride request to a nearby Uber driver, and the transport request is associated with a rider's journey from the pick-up location.

113. Uber practices the method step of transmitting, by the proxy messaging system, the second message to a recipient device of a recipient, wherein the recipient is the other of the transport user and the transport provider. For example, upon information and belief, Uber's proxy messaging system transmits the second message containing at least the contents of the first message and an identification of the sender of the first message to a recipient, the Uber driver or the Uber rider, in order to eliminate personal details from the message being shared between Uber driver and Uber rider.

114. Uber has injured Carma and is liable to Carma for directly infringing one or more of the claims of the '071 Patent, including, without limitation, claim 1 pursuant to 35 U.S.C. § 271(a).

115. Uber's infringement of the '071 Patent has been and continues to be deliberate and willful, and therefore, this is an exceptional case warranting an award of enhanced damages and attorneys' fees pursuant to 35 U.S.C. §§ 284–285. Uber had knowledge of the issued '427 Patent prior to the filing of this Complaint, and on information and belief, Uber also had knowledge of subsequent patents issued in the family, including the '071, including by way of willful blindness since its issuance on August 11, 2020. And Uber had actual knowledge of the '071 Patent at least with the filing of this Complaint. After acquiring that knowledge, Uber infringed the '071 Patent, and in doing so, it knew, or should have known, that its conduct amounted to infringement of the '071 Patent.

116. 105. As a result of Uber's infringement of the '071 Patent, Carma has suffered monetary damages, and seeks recovery in an amount adequate to compensate for Carma's infringement, but in no event less than a reasonable royalty with interest and costs.

THIRD COUNT: INFRINGEMENT OF U.S. PATENT NO. 10,916,138

117. Carma incorporates by reference the allegations set forth in the paragraphs above as though fully set forth herein.

118. The '138 patent claims methods and systems for providing a shared transport system for delivery of goods that provides for increased efficiency by chaining more than one delivery in sequence. The claims of the patent accomplish this by identifying a transport driver for goods, and determining that once the first delivery has been accomplished, identifying a second delivery that the transport provider is in proximity to. *See* '138 Patent at claim 1.

119. Uber has directly infringed and continues to directly infringe one or more claims of the ’138 Patent, including at least Claim 1 of the ’138 Patent, in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, selling, offering for sale, and/or importing into the United States products and services that embody one or more of the inventions claimed in the ’138 Patent, including but not limited to the above-identified Uber Delivery Products and all reasonably similar products (“the ’138 Accused Products”), in violation of 35 U.S.C. § 271(a).

120. For example, Claim 1 of the ’138 Patent states:

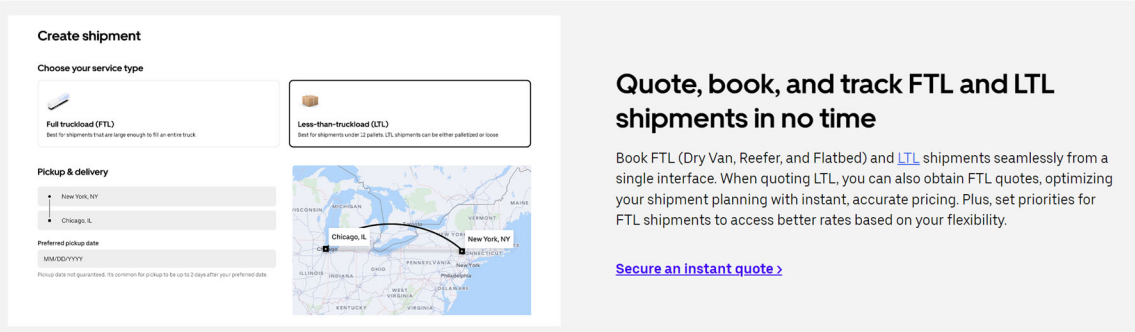
1. A method of transporting a good using a shared transport system, the method comprising:

> receiving, by the shared transport system, a first transport request from a first transport user device for delivery of a first good, wherein the first transport request includes a first pick-up location, a first drop-off location and a first needed space or capacity for the first good;
>
> identifying, by the shared transport system, a transport provider based on comparing provider characteristics of the transport provider with the first transport request, the provider characteristics including a current location or planned route and an available space or capacity of the transport provider, the provider characteristics being received from a transport provider device of the transport provider;
>
> sending, by the shared transport system, the first transport request to the transport provider device;
>
> sending, by the shared transport system, first transport instructions to the transport provider device upon determining that the transport provider has accepted the first transport request;
>
> determining, by the shared transport system, that the transport provider has picked up the first good;
>
> determining, by the shared transport system, progress of the delivery of the first good based on determining a location of the transport provider device; updating, by the shared transport system, the provider characteristics associated with the transport provider upon determining that the transport provider has accepted the first transport request; receiving, by the shared transport system, a second transport request from a second transport user device for delivery of a second good, wherein the second transport request includes a second pick-up location, a

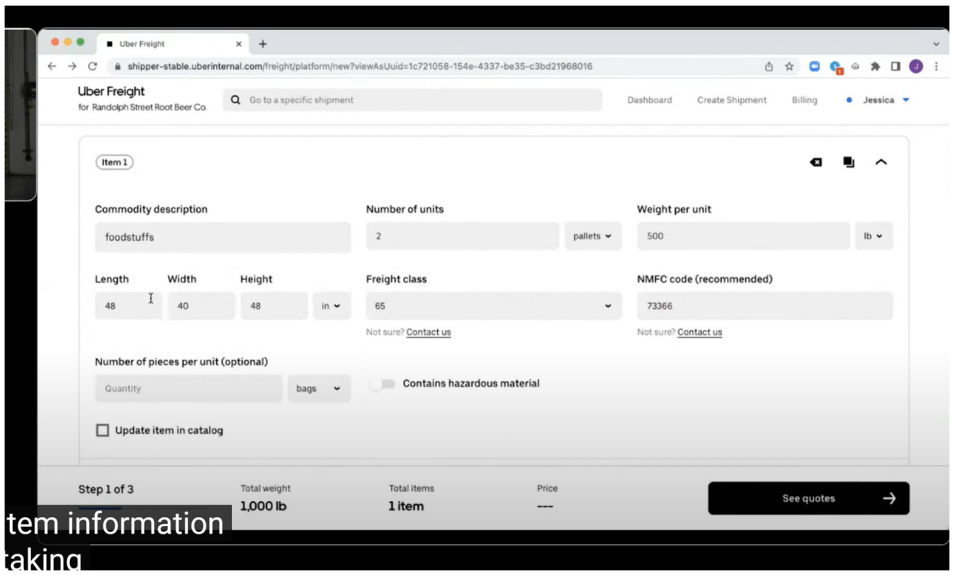
second drop-off location, and a second needed space or capacity for the second good; determining, by the shared transport system, that the transport provider is available for the delivery of the second good based on comparing the updated provider characteristics associated with the transport provider with the second transport request; and sending, by the shared transport system, the second transport request to the transport provider device.

121. Each of the steps of exemplary claim 1 are performed by Uber as the shared transport system. During operation of the Uber Delivery Products, Uber performs the method described of transporting a good. Uber's Delivery services perform the step of receiving, by the shared transport system, a first transport request from a first transport user device for delivery of a first good, wherein the first transport request includes a first pick-up location, a first drop-off location and a first needed space or capacity for the first good.

122. For example, an Uber Freight user can create a shipment from their device that includes a pick-up location, drop-off location, and needed capacity for the goods such as length, width, height, and weight. https://www.uberfreight.com/carrier-network/freight-shipping-services/

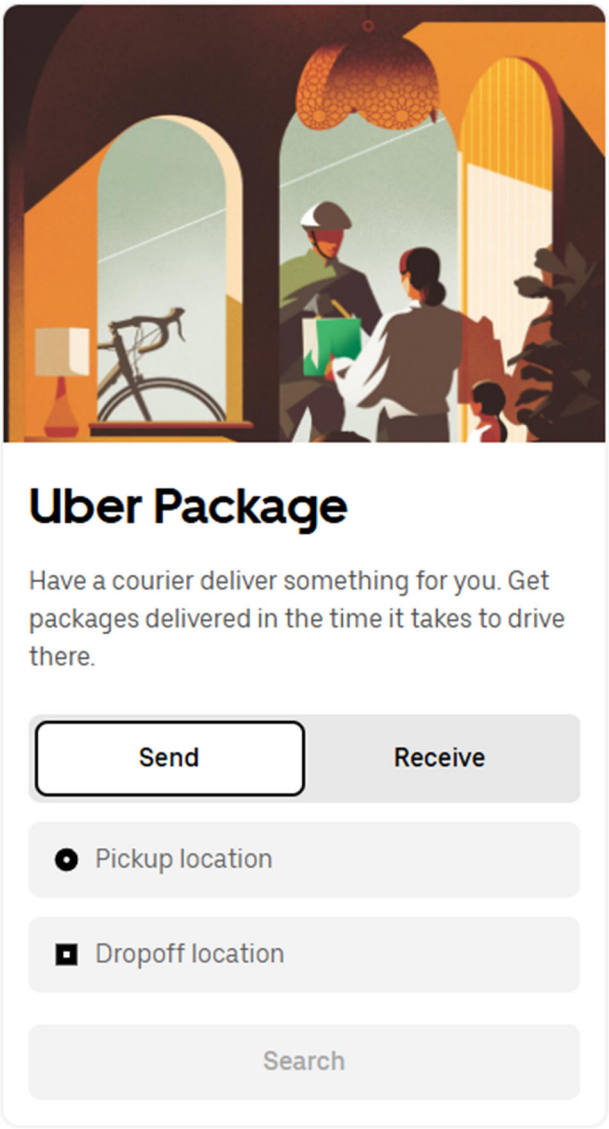


123. *See also* "How to get the most out of LTL with Uber Freight" https://youtu.be/xqwl4V1L42o?t=850



124. Uber Package also allows users to make a courier request including pickup and drop-off location. *See, e.g.*, https://m.uber.com/go/connect/home?uclick_id=17ee9db6-b605-

4ec1-875c-d10629086c18 :



125. On information and belief, Uber Package includes information relating to required space or capacity as Uber Package deliveries are limited to goods under 30 pounds and less than $200 in value:

Review

Connect Express
4 mins away • 12:24 PM dropoff
Send packages up to 30 lbs

Change

Pickup details

[redacted]
San Francisco, CA — Edit

[redacted]

Meet at curb
Add a pickup note — Edit

Dropoff details

[redacted]
San Francisco, CA — Edit

Add recipient details
You can also turn on PIN to confirm delivery — Edit

Meet at curb
Add a dropoff note — Edit

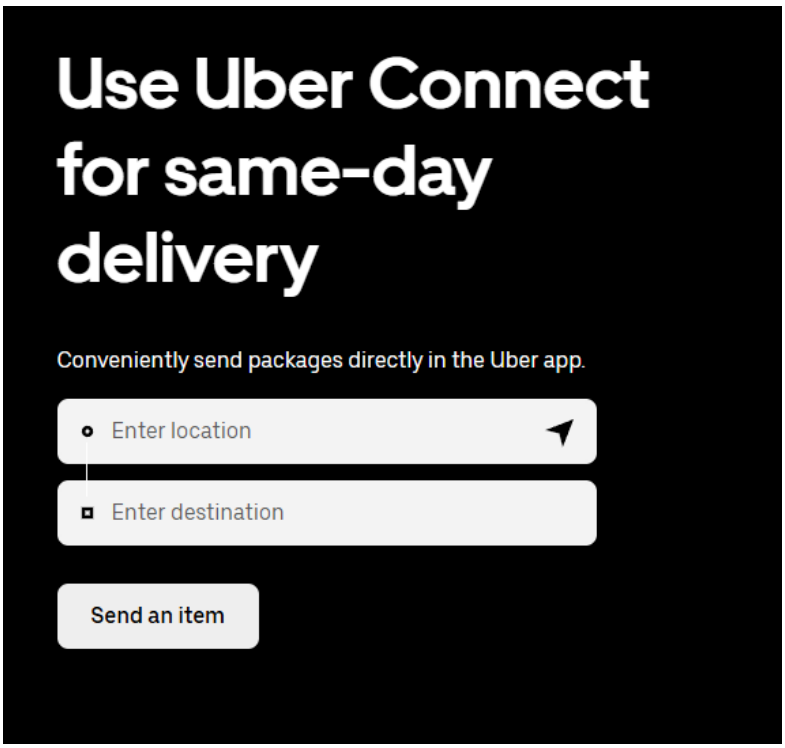
Review package guidelines

For a successful delivery, make sure your package is:

- 30 pounds or less
- $200 or less in value
- Securely sealed and ready for pickup

Prohibited items
Alcohol, medication, drugs, firearms, and dangerous or illegal items are prohibited. Items sent via Uber must comply with all laws and regulations and with Uber policies. Violations may be reported to authorities and app access may be removed. Uber will cooperate with law enforcement on any illegal activity.

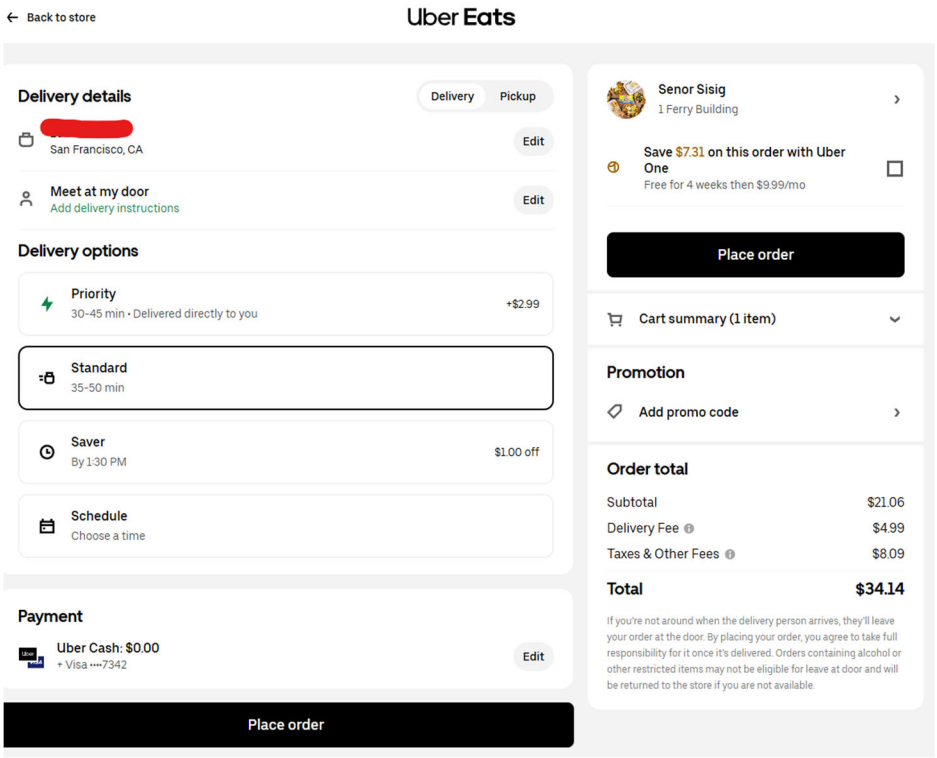
126. Uber Connect also allows selection of pick up and drop off locations:



https://www.uber.com/us/en/item-delivery/

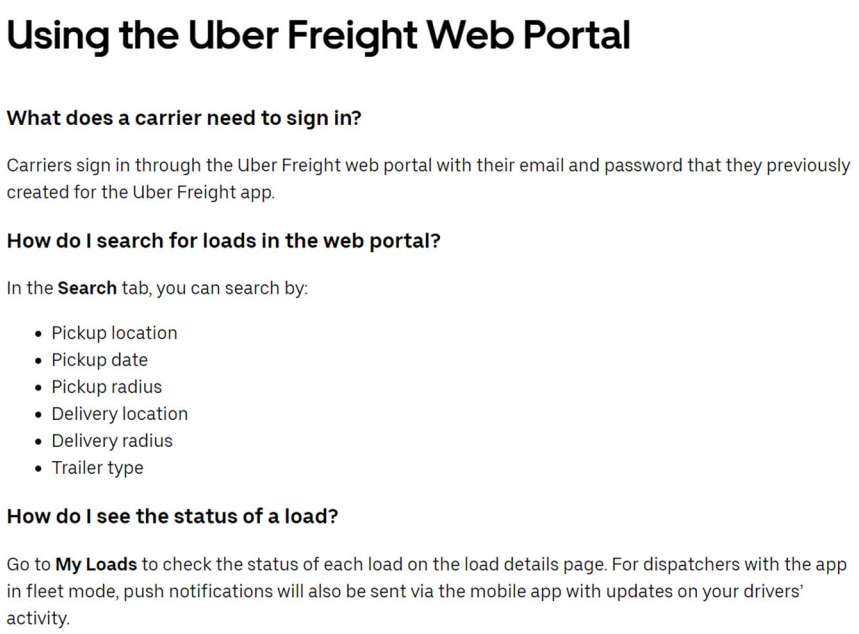
127. Uber Connect also allows users to choose a delivery method and vehicle type to accommodate transport requirements. *See* https://www.uber.com/us/en/item-delivery/ ("Flexibility - Generally, if it fits in the trunk of a midsize car, it can go with Uber Connect.[1] And in select locations, you can choose a delivery method and vehicle type that meets your needs.")

128. Uber Eats also allows for a good delivery request that includes a pick-up location (generally a restaurant), a drop-off location, and an indication of space required based on the number and type of items ordered. *See e.g.,* https://www.ubereats.com/checkout?diningMode=DELIVERY



129. Uber's Delivery services perform the step of identifying, by the shared transport system, a transport provider based on comparing provider characteristics of the transport provider with the first transport request, the provider characteristics including a current location or planned route and an available space or capacity of the transport provider, the provider characteristics being received from a transport provider device of the transport provider.

130. For example, Uber Freight carriers can set up a "saved search" based on various provider characteristics such as pickup and drop-off locations, maximum weight, trailer type, etc. to receive automatic alerts when matching loads are available:



Using the Uber Freight Web Portal

What does a carrier need to sign in?

Carriers sign in through the Uber Freight web portal with their email and password that they previously created for the Uber Freight app.

How do I search for loads in the web portal?

In the **Search** tab, you can search by:

- Pickup location
- Pickup date
- Pickup radius
- Delivery location
- Delivery radius
- Trailer type

How do I see the status of a load?

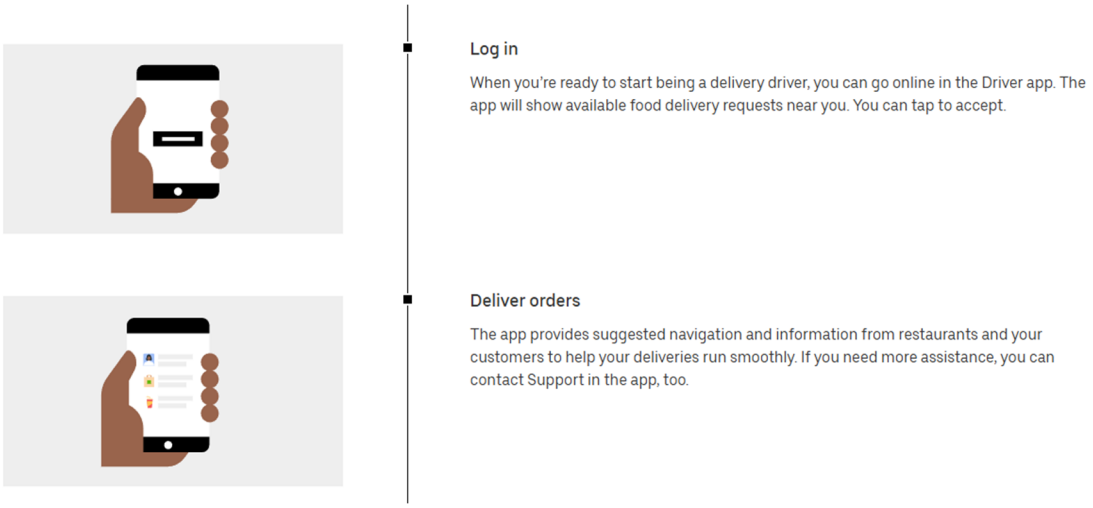
Go to **My Loads** to check the status of each load on the load details page. For dispatchers with the app in fleet mode, push notifications will also be sent via the mobile app with updates on your drivers' activity.

https://help.uber.com/freight/carrier/article/using-the-uber-freight-web-portal?nodeId=d36342d0-4b17-49fc-9c2a-5b360b7d0903; *see also* https://help.uber.com/freight/carrier/article/using-saved-searches?nodeId=41a5af71-c334-4393-80aa-959773e7c39c ("What is a saved search? Saved search allows you to: Save any search on the Uber Freight app or web portal; Track all the loads that match your specific search; Get alerted when new loads become available; You can filter your search by: Pickup and dropoff locations; Max weight; Trailer type; Appointment time; Preferred days; How often you want the search to repeat (weekly or just once); How often you want to be notified per day or week; How you want to be notified (email, push notification, or both)")

131. Uber Connect also matches drivers to delivery requests based on at least capacity and location. For example, "Uber Connect is a feature that lets drivers in select cities earn extra money by delivering packages." https://help.uber.com/driving-and-delivering/article/uber-connect-delivery-faq?nodeId=a93eeb73-04e8-4036-89a7-b915f642b3a1 Uber Connect further describes: "Package delivery guidelines - To ensure safety and compliance, Uber Connect must

follow local laws and Uber's policies for packages. Drivers can only deliver smaller, low-value packages that are closed, securely sealed and ready to be delivered. A package may also not contain any prohibited items such as people, animals, illegal goods, weapons, drugs, alcohol, etc. See below for more information: Package must weigh under 30 pounds; Package value is less than $100 total per trip; Package should easily fit in your vehicle's trunk; Package may not contain any prohibited items. View complete list of prohibited items." *Id*.

132. Likewise, Uber Eats matches a transport request to an available driver based on capacity (willingness to deliver) and location:

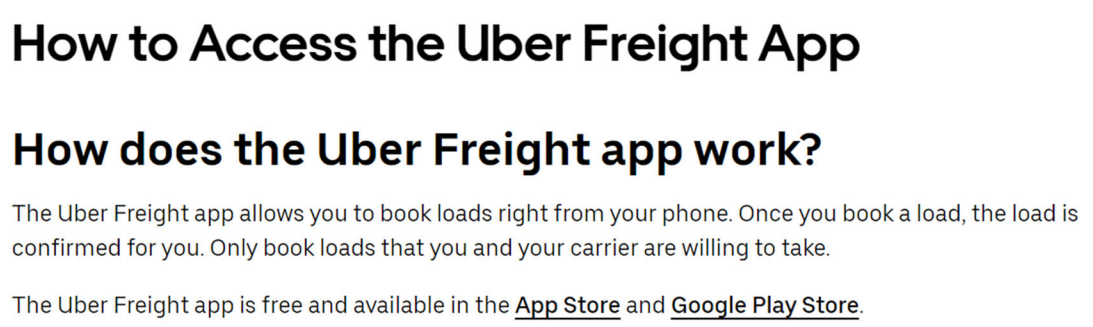


https://www.uber.com/us/en/deliver/

133. Uber's Delivery services perform the steps of sending the first transport request to the transport provider device and sending the first transport instructions to the transport provider device upon determining that the transport provider has accepted the first transport request.

134. For example, Uber Freight dispatchers can send a transport request using the Uber Freight system to drivers in their fleet to accept a load. When an Uber Freight driver has accepted a transport request, they are provided information relating to transporting the load such as the rate confirmation and load number. On information and belief, this rate confirmation also

includes transport instructions including the destination address:



How to Access the Uber Freight App

How does the Uber Freight app work?

The Uber Freight app allows you to book loads right from your phone. Once you book a load, the load is confirmed for you. Only book loads that you and your carrier are willing to take.

The Uber Freight app is free and available in the App Store and Google Play Store.

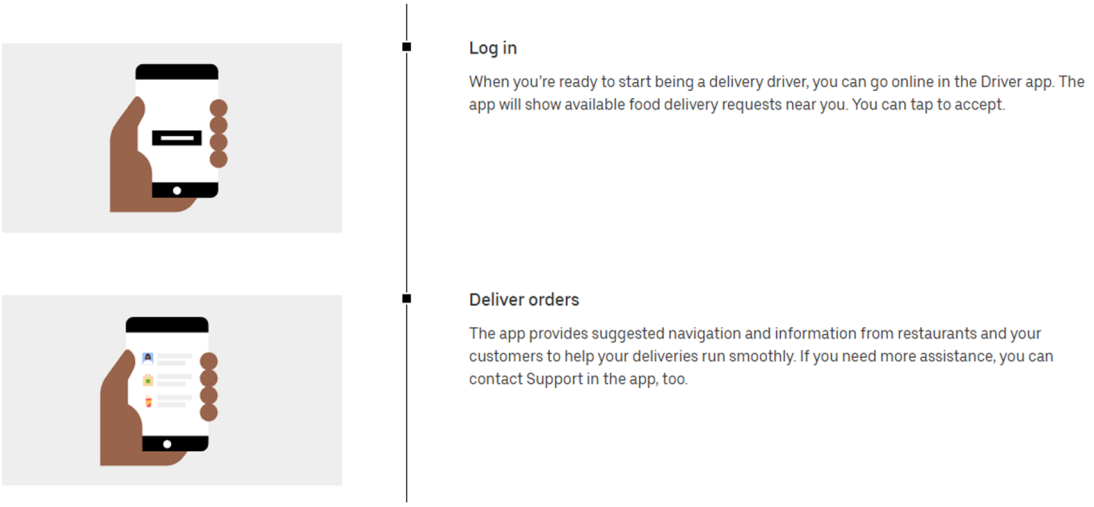
https://help.uber.com/freight/carrier/article/how-to-access-the-uber-freight-app?nodeId=4e902db4-efa0-4899-9613-bff3b04926c8 ; *see also* https://help.uber.com/freight/carrier/article/using-fleet-mode?nodeId=0bcbf15c-b4ff-4c9b-8d29-d2c9514de3bb ("Dispatchers using fleet mode How do I send a dispatch to a driver? Once you've picked a load and selected the Book button, you'll be prompted to assign a driver from a list of Available drivers. Drivers will then be notified of the dispatch and have 30 minutes to reject the load.")

135. Moreover, Uber Freight carriers can set up a saved search to be notified when loads are available that match certain provider characteristics. Notifications are sent as emails or push notifications https://help.uber.com/freight/carrier/article/using-saved-searches?nodeId=41a5af71-c334-4393-80aa-959773e7c39c ("You can filter your search by… How often you want to be notified per day or week; How you want to be notified (email, push notification, or both)"

136. Uber Connect sends delivery requests to the Driver App which an Uber Connect driver can accept. *See e.g.,* https://help.uber.com/driving-and-delivering/article/uber-connect-delivery-faq?nodeId=a93eeb73-04e8-4036-89a7-b915f642b3a1 ("When you receive a package delivery request on the Driver app, you can accept or decline it, just like ride requests.") Uber

Connect sends transport instructions to a driver when they have accepted the delivery request. For example, *see* https://help.uber.com/driving-and-delivering/article/uber-connect-delivery-faq?nodeId=a93eeb73-04e8-4036-89a7-b915f642b3a1 ("How to complete Uber Connect deliveries Accept the request in the Driver app ; Get to the sender's location, where they'll place the package in your vehicle; Drive to the drop-off spot for the recipient to collect the package. If you are using a PIN for proof of delivery, enter the 4-digit PIN in your app. One successful, the trip will conclude, and you'll see a confirmation message in the app.")

137. Likewise, Uber Eats sends a transport request to an available driver that they may accept, and sends transport instructions, such as navigation information once a driver has accepted:



https://www.uber.com/us/en/deliver/

138. Uber's Delivery services perform the steps of determining that the transport provider has picked up the first good, determining progress of the delivery of the first good based on determining a location of the transport provider device and updating the provider

characteristics associated with the transport provider upon determining that the transport provider has accepted the first transport request.

139. For example, Uber Freight allows fleet managers to track their drivers and status. Moreover, the Uber Freight app will receive an indication that a driver has picked up a load and allows tracking of a driver through GPS updates, and tracks the progress of delivery from dispatch to dropoff. For example, the Fleet mode allows a fleet manager to track drivers after they have booked a load to view details such as location, schedule, and capacity. See e.g., https://help.uber.com/freight/carrier/article/using-fleet-mode?nodeId=0bcbf15c-b4ff-4c9b-8d29-d2c9514de3bb ("What is fleet mode? Fleet mode empowers dispatchers to manage their fleet without leaving the Uber Freight app. When dispatchers open the app, they see a full list of their drivers and their details—such as their location and schedule—so they can assign, book, and manage their loads from start to finish.")

140. The functionality of the Uber Freight app is further described in https://help.uber.com/freight/carrier/article/what-automated-tracking-sources-does-uber-freight-use?nodeId=f7bdeccb-83d1-422c-88cf-12daa7d3c3eb:

Uber Freight app

The Uber Freight app is a reliable method of providing real-time status updates. The app allows fleet managers and dispatchers to limit rate visibility to drivers. This allows you the freedom to manage your fleet while being compliant with Uber Freight's tracking policy.

You can use the app in addition to the web portal, ELD integration, or third-party data aggregators (P44 and MacroPoint) to provide a comprehensive visibility to shippers.

How can I provide updates through the Uber Freight app?

- Keep the app open throughout the lifecycle of the load to provide automatic location updates
- When prompted, select the in-app confirmations that you have moved to the next stage of the load
- Submit a live status update through in-app support

What are the app requirements?

- Download the app from the App Store or Google Play Store, sign in, and set Location Services to **Always Allow**
- Keep the app turned on throughout the load so that it can register location updates
- Provide the following 5 status updates in a timely manner:

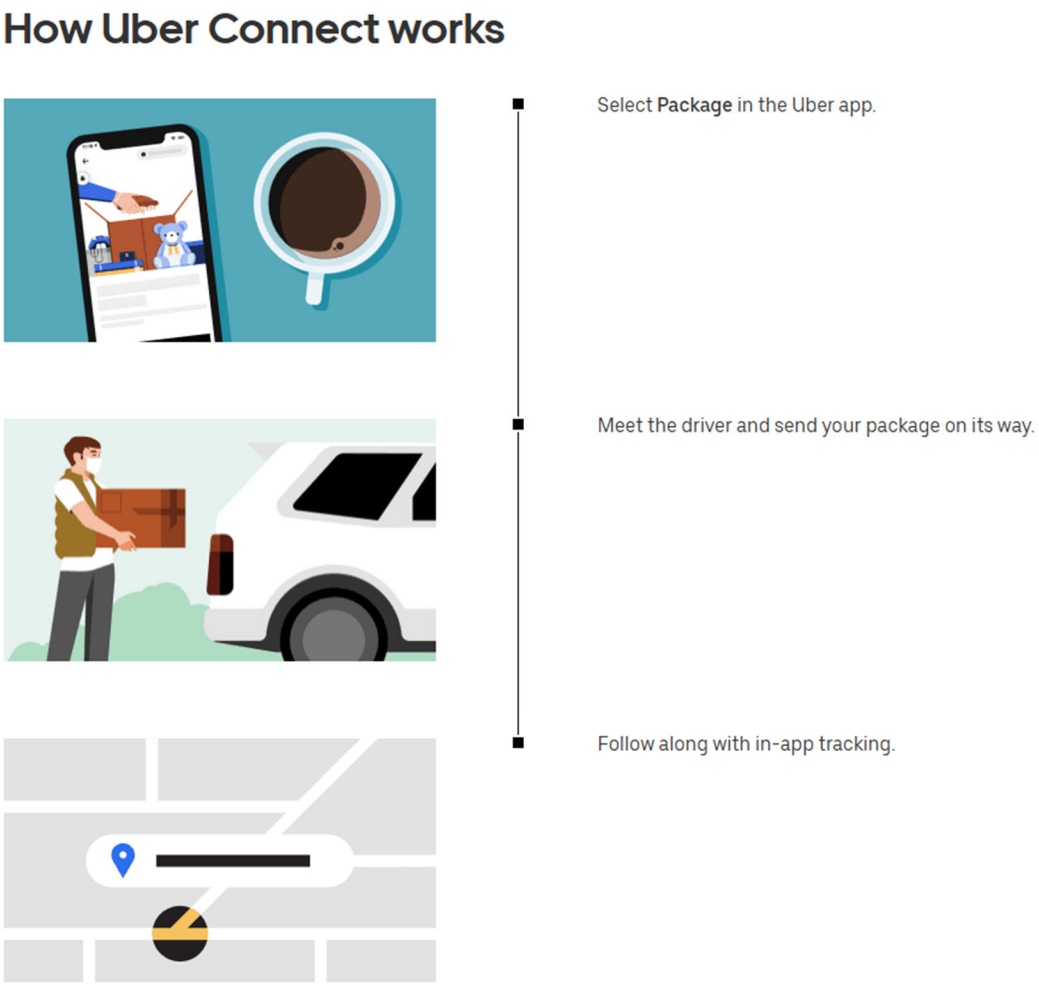
1. Dispatched 3+ hours before pickup
2. Arrived at pickup
3. Departed pickup
4. Arrived at dropoff
5. Delivered

To use the Uber Freight app for sharing your location, follow the tips below:

- Only log in to one device at a time
- Do not close out or swipe away from the Uber Freight app
- Dispatch yourself in-app by swiping the "Heading to Pickup" notification that appears 3 hours before the designated pickup time or dispatch yourself through in-app support
- Re-open the app at critical points in the load (such as dispatch, pickup, dropoff, after a break) and engage with all in-app notifications
- Charge your phone continuously during the trip (avoid low battery mode)
- Keep the Uber Freight app open in the foreground with the screen on where possible

Check out how the Uber Freight app works **here**.

141. Uber Connect also receives an indication that a package has been picked up and then tracks a delivery through in-app tracking using a GPS of a driver device that updates a location and availability of a delivery driver when they accept a delivery. For example:



https://www.uber.com/us/en/item-delivery/ (further describing "Watch your item as it makes its way to the recipient, and get a notification when it's delivered.")

142. Likewise, when ordering on Uber Eats, the app provides an indication when an order has been picked up by the delivery driver the app provides tracking of the delivery via GPS on the driver device and the app updates availability and location of the driver via GPS. *See e.g.,* https://about.ubereats.com/ ("Follow your order in the app. First you'll see the restaurant accept and start prepping. Then, when the order's almost ready, a nearby delivery person—in a car, on a

bike, or on a scooter—will go to the restaurant to pick it up. Next, they'll drive or ride to you. You'll be able to see their name and photo and track their progress on the map.")

143. Uber's Delivery services perform the steps of receiving a second transport request from a second transport user device for delivery of a second good, wherein the second transport request includes a second pick-up location, a second drop-off location, and a second needed space or capacity for the second good; determining that the transport provider is available for the delivery of the second good based on comparing the updated provider characteristics associated with the transport provider with the second transport request; and sending the second transport request to the transport provider device.

144. For example, Uber Freight can accept multiple transport requests as described above. Uber Freight also allows for reloads that will match a driver with available trips for after a load is dropped off or for backhaul based on location and transport capacity. For example, when reviewing the load details screen the carrier device will provide information on reloads that are available. *See e.g.,* https://help.uber.com/freight/carrier/article/using-the-uber-freight-app-to-search-and-book-loads?nodeId=dfe69814-ea0d-43e8-ad16-f77621cd2e0c ("What are Reloads? Reloads keep your trucks moving by minimizing empty miles. When you go to book a load through the app, Uber Freight will preview a list of reloads or backhauls (loads picking up near the delivery location) that you can book next. At the bottom of each load details screen, we'll suggest reloads if we have options available. Select a reload to see all relevant load information and to book the reload.")

145. On information and belief, Uber Connect and Uber Eats allow for submitting multiple delivery request as described above. For example, Uber Eats allows for back-to-back and batched orders which will identify a driver available to pick up a second order and send a

request to pick up a second order. *See e.g.,* https://www.uber.com/us/en/deliver/basics/making-deliveries/delivering-multiple-orders/ ("Back-to-back and batched orders - While accepting delivery orders, you may encounter different situations. Back-to-back orders happen when you accept future requests while still finishing your current order. Batched orders are when you accept multiple orders for delivery from one or more merchants. Back-to-back orders - While making a delivery, you may receive a request for another order. If you accept, the details will be added to your queue. Once you complete your current delivery, the app will automatically navigate you to your next location. Batched orders You may receive a request if there's another order for delivery from the same merchant. You'll get a notification asking you to accept or decline the second order. You can pick up all your orders from the same merchant.")

146. Uber has injured Carma and is liable to Carma for directly infringing one or more of the claims of the '138 Patent, including, without limitation, claim 1 pursuant to 35 U.S.C. § 271(a).

147. Uber's infringement of the '138 Patent has been and continues to be deliberate and willful, and therefore, this is an exceptional case warranting an award of enhanced damages and attorneys' fees pursuant to 35 U.S.C. §§ 284–285. Uber had knowledge of the issued '427 Patent prior to the filing of this Complaint, and on information and belief, Uber also had knowledge of subsequent patents issued in the family, including the '138, including by way of willful blindness since its issuance on Feb. 9, 2021. And Uber had actual knowledge of the '138 Patent at least with the filing of this Complaint. After acquiring that knowledge, Uber infringed the '138 Patent, and in doing so, it knew, or should have known, that its conduct amounted to infringement of the '138 Patent.

148. As a result of Uber's infringement of the '138 Patent, Carma has suffered monetary damages, and seeks recovery in an amount adequate to compensate for Carma's infringement, but in no event less than a reasonable royalty with interest and costs.

FOURTH COUNT: INFRINGEMENT OF U.S. PATENT NO. 11,017,668

149. Carma incorporates by reference the allegations set forth in the paragraphs above as though fully set forth herein.

150. The '668 patent claims methods and systems for providing a shared transport system that improves safety in a ridesharing system Specifically, the claims improve a ridesharing system by continuously tracking the physical location of a vehicle, analyzing for anomalous conditions, and when detected escalating any issues to a rider or authorities. *See* '668 Patent at claim 1.

151. Uber has directly infringed and continues to directly infringe one or more claims of the '668 Patent, including at least Claim 1 of the '668 Patent, in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, selling, offering for sale, and/or importing into the United States products and services that embody one or more of the inventions claimed in the '668 Patent, including but not limited to the above-identified Uber Rideshare Products and all reasonably similar products ("the '668 Accused Products"), in violation of 35 U.S.C. § 271(a).

152. For example, Claim 1 of the '668 Patent recites:

1. A computer-implemented method for managing anomalous conditions in a shared transport system, the method comprising:

> receiving, by the shared transport system, a transport request from a transport user device of a transport user, the transport request including a pick-up location and a destination;

transmitting, by the shared transport system, the transport request to a transport provider device of a transport provider;

determining, by the shared transport system, a start of a transport using at least one of the transport provider device and the transport user device;

determining, by the shared transport system, an anomalous condition associated with the transport using at least one of the transport provider device and the transport user device; and

transmitting, by the shared transport system, a notification to one or more of the transport user device, the transport provider device, and security personnel based on the determined anomalous condition.

153. Each of the steps of claim 1 are performed by Uber as the shared transport system. Uber's Ridesharing Products provide a computer-implemented method for managing anomalous conditions in a shared transport system. Uber's Rideshare Products provide a computer-implemented method for managing anomalous conditions in a shared transport system. For example, Uber Rideshare or Delivery Products receive a transport request from a transport user device of a transport user, the transport request including a pick-up location and a destination and transmit the transport request to a transport provider device of a transport provider and Uber determines a start of a transport using at least one of the transport provider device and the transport user device. *See e.g.,* https://www.uber.com/en-AE/blog/how-to-use-uber-for-the-first-time/ ("How to request a ride on the Uber app. If you're a new Uber user taking a ride, don't worry—it's not complicated. Here's the simple step-by-step on how to use Uber for the first time: Open and log into the Uber app on your device * Type your destination into the "Where to?" section *Select the type of vehicle you would like at the bottom of the screen. *Tap "request" and then confirm the pickup location *Wait for your request to be accepted by a driver and check the estimated time of arrival *Just wait for your driver to arrive. You can check their location on the in-app map and you will be notified when they are close to the pickup location.") *See also,* https://www.uber.com/us/en/about/how-does-uber-work/;

https://www.uber.com/us/en/drive/driver-app/ (describing driver side App: "Once online, you'll automatically begin to receive requests in your area. Your phone will sound. Swipe to accept."); https://www.uber.com/us/en/about/how-does-uber-work/ ("The driver picks up the rider The driver and the rider verify each other's names and the destination. Then the driver starts the ride.")

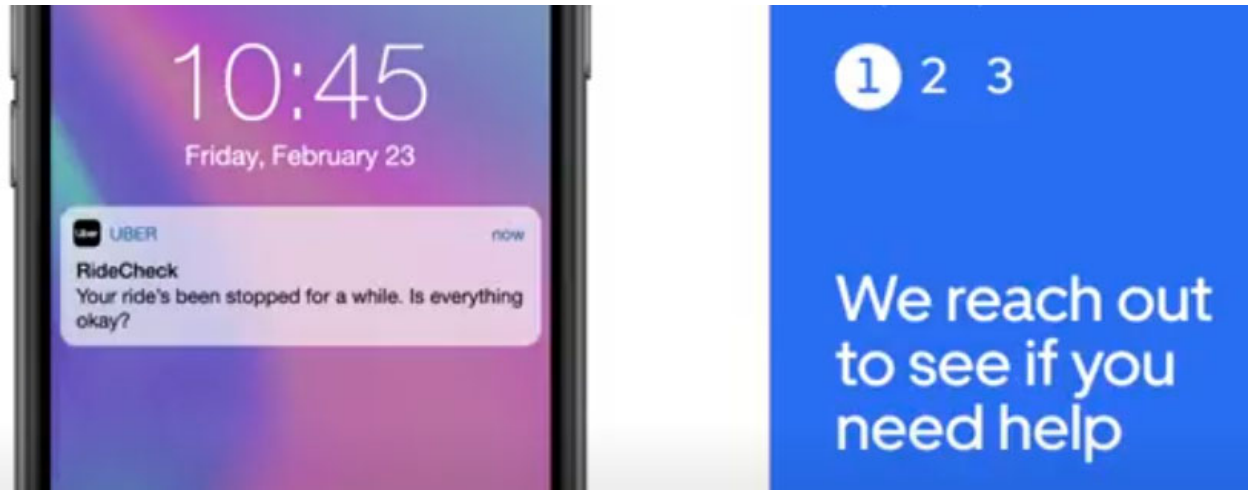
154. Uber determines an anomalous condition associated with the transport using at least one of the transport provider device and the transport user device and transmits a notification to one or more of the transport user device, the transport provider device, and security personnel based on the determined anomalous condition. For example, in both Rideshare and Delivery Products, Uber uses RideCheck which it describes as: "RideCheck proactively surfaces tools riders and drivers may need when it detects something may have gone wrong, like a possible crash or an unexpected long stop." https://www.uber.com/newsroom/ridecheck/ "Every trip is on the map, so we know where and when you're riding and who's behind the wheel. By using this data and other sensors in drivers' smartphones, our technology can detect possible crashes or if a trip goes unusually off course." Id. *See also* https://www.uber.com/us/en/deliver/safety/ (indicating RideCheck enabled for Delivery Products); https://www.uber.com/newsroom/national-bike-month/ ("when our system detects a delivery person on two-wheels making an unusually long stop, a RideCheck will be initiated.")

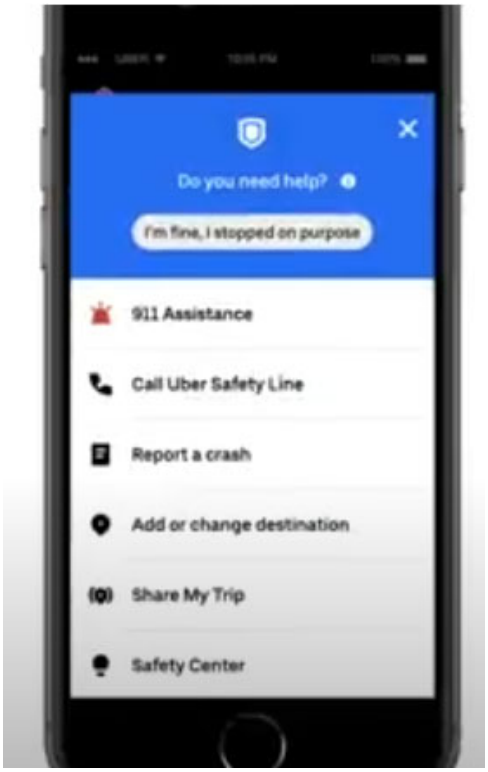
155. Uber further describes that "When a RideCheck is initiated, both a rider and driver will receive a notification asking if everything is OK. They can let us know through the app that all is well, or take other actions like using the emergency button or reporting the issue to Uber's Safety Line. Our safety team may also follow up by phone to inquire about the

RideCheck. In the event of a crash, we can also help expedite the insurance claims process."

https://www.uber.com/newsroom/ridecheck/

156. Exemplary notifications using RideCheck are shown below:





"RideCheck: Connecting You with Help When You Need It | Safety at Uber | Uber" at

https://youtu.be/rTcI1Z2MT0g?t=27

157. Uber has injured Carma and is liable to Carma for directly infringing one or more of the claims of the '668 Patent, including, without limitation, claim 1 pursuant to 35 U.S.C. § 271(a).

158. Uber's infringement of the '668 Patent has been and continues to be deliberate and willful, and therefore, this is an exceptional case warranting an award of enhanced damages and attorneys' fees pursuant to 35 U.S.C. §§ 284–285. Uber had knowledge of the issued '427 Patent prior to the filing of this Complaint, and on information and belief, Uber also had knowledge of subsequent patents issued in the family, including the '668 Patent, including by way of willful blindness since its issuance on May 25, 2021. And Uber had actual knowledge of the '668 Patent at least with the filing of this Complaint. After acquiring that knowledge, Uber infringed the '668 Patent, and in doing so, it knew, or should have known, that its conduct amounted to infringement of the '668 Patent.

159. As a result of Uber's infringement of the '668 Patent, Carma has suffered monetary damages, and seeks recovery in an amount adequate to compensate for Carma's infringement, but in no event less than a reasonable royalty with interest and costs.

FIFTH COUNT: INFRINGEMENT OF U.S. PATENT NO. 11,164,456

160. Carma incorporates by reference the allegations set forth in the paragraphs above as though fully set forth herein.

161. The '456 Patent claims systems and methods for an end-to-end ridsesharing service incorporating numerous novel features as will be described below. *See* Ex. G at claim 1.

162. Uber has directly infringed and continues to directly infringe one or more claims of the '456 Patent, including at least Claim 1 of the '456 Patent, in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using,

selling, offering for sale, and/or importing into the United States products and services that embody one or more of the inventions claimed in the '456 Patent, including but not limited to the above-identified Uber Rideshare and Eats Products and all reasonably similar products ("the '456 Accused Products"), in violation of 35 U.S.C. § 271(a).

163. For example, Claim 1 of the '456 Patent recites:

1. A method implemented by at least one processor of a shared transport system, the method comprising:

> receiving, from a transport user application operating on a transport user device corresponding to a transport user, a pick-up request for at least one person or item, the pick-up request identifying a pick-up location and a drop-off location for the at least one person or item;
>
> identifying one or more transport providers available to service the pick-up request, based on information from a transport provider application operating on one or more transport provider devices corresponding to the identified one or more transport providers;
>
> transmitting the pick-up request to a transport provider device corresponding to a transport provider, the transport provider being one of the identified one or more transport providers;
>
> causing the transport provider device to display, via the transport provider application, one or more of the pick-up location or a transport user rating score associated with the transport user;
>
> receiving an indication of an acceptance of the pick-up request;
>
> causing the transport provider device to display, via the transport provider application, at least: (1) navigation instructions from a location of the transport provider to the pick-up location, the location determined based on GPS position data of the transport provider device; and (2) information descriptive of the at least one person or item;
>
> causing the transport user device to display, via the transport user application:
>
> information descriptive of one or more of the transport provider, a transport provider vehicle associated with the transport provider, or a transport provider rating score associated with the transport provider;
>
> an estimated cost associated with servicing the pick-up request;

an estimated time associated with arrival of the at least one person or item at the drop-off location; and

location information of the transport provider based on the GPS position data of the transport provider device;

receiving an indication, based on the GPS position data of the transport provider device, that the transport provider is approaching the pick-up location;

in response to receiving the indication that the transport provider is approaching the pick-up location, causing the transport user device, via the transport user application, to display a notification indicative of the approaching transport provider;

receiving, from the transport provider device, an indication that the at least one person or item has been picked up;

causing the transport provider device, via the transport provider application, to display navigation directions to the drop-off location based on the GPS position data of the transport provider device;

causing the transport user device, via the transport user application, to display one or more of an estimated time associated with arrival of the at least one person or item at the drop-off location or the location information of the transport provider based on the GPS position data of the transport provider device;

tracking progress of travel of the transport provider along a route from the pick-up location to the drop-off location based on one or more of the GPS position data of the transport provider device or GPS position data of the transport user device;

receiving an indication that the transport provider has delivered the at least one person or item to the drop-off location from at least one of the transport provider device or the transport user device;

transmitting trip summary data associated with the pick-up request to the transport user device, the trip summary data displayable via the transport user application and including a cost for servicing the pick-up request and a transport provider rating prompt soliciting the transport user to provide a rating value for the transport provider;

receiving the rating value for the transport provider from the transport user device via the transport user application;

updating the transport provider rating score of the transport provider based on the received rating value for the transport provider; and

causing the cost for servicing the pick-up request to be charged to a payment method associated with the transport user.

164. Each of the steps of claim 1 are performed by Uber as the shared transport system and are implemented by at least one processor controlled by Uber. For example, Uber describes its processing of trips: "On the surface, Uber's ridesharing technology may seem simple: a user requests a ride from the app, and a driver arrives to take them to their destination. Behind the scenes, however, a giant infrastructure consisting of thousands of services and terabytes of data supports each and every trip on the platform. At the heart of this infrastructure, both map data and services enable the most basic features powering our business. These features include the ability to find locations and addresses, match riders with drivers by geographic proximity, show drivers and riders their estimated time of arrival (ETA), and navigate them to their destinations. Although map data and services initially grew to support ridesharing, we continue to build new products on this base, such as Uber Eats, Uber Freight, and JUMP Bikes. Rather than the simple, two-dimensional representations people see when they look at the Uber app, a map is actually a complex data structure." *See also* https://www.uber.com/blog/maps-metrics-computation/

165. Both the driver and rider apps receive push notifications with realtime updates. "All our apps need to be synced with real-time information, whether it's through pickup time, arrival time, and route lines on the screen, or nearby drivers when you open the app. We use our push platform to deliver these messages that power the real-time user experiences" https://www.uber.com/blog/ubers-next-gen-push-platform-on-grpc/?uclick_id=723c457b-088b-4616-81d1-26305340e939

166. Uber receives, from a transport user application operating on a transport user device corresponding to a transport user, a pick-up request for at least one person or item, the pick-up request identifying a pick-up location and a drop-off location for the at least one person or item.

167. For example, Uber describes how to make a request with pick-up and drop-off locations on its websites. *See e.g.,* "How to request a ride on the Uber app" "If you're a new Uber user taking a ride, don't worry—it's not complicated. Here's the simple step-by-step on how to use Uber for the first time: Open and log into the Uber app on your device; Type your destination into the "Where to?" section; Select the type of vehicle you would like at the bottom of the screen.; Tap "request" and then confirm the pickup location; Wait for your request to be accepted by a driver and check the estimated time of arrival. Just wait for your driver to arrive." https://www.uber.com/en-AE/blog/how-to-use-uber-for-the-first-time/; "How to use the Uber app | Create an account | All you need is an email address and phone number. You can request a ride from your browser or from the Uber app. To download the app, go to the App Store or Google Play. | Enter a destination in the app | Enter your destination | Open the app and enter where you're going in the Where to? box. Tap to confirm your pickup location and tap Confirm again to be matched to a driver nearby." https://www.uber.com/us/en/ride/how-it-works/ ; With Uber Eats, Uber also receives a pickup and drop-off request. *See e.g.,* https://www.ubereats.com/checkout?diningMode=DELIVERY; https://help.uber.com/ubereats/restaurants/article/how-to-place-an-order-on-uber-eats?nodeId=509d1b2f-087c-4dac-9e94-6ab248e87491 ("set your delivery address. Choose the restaurant you want to order from").

168. Uber identifies one or more transport providers available to service the pick-up request, based on information from a transport provider application operating on one or more transport provider devices corresponding to the identified one or more transport providers; transmits the pick-up request to a transport provider device corresponding to a transport provider, the transport provider being one of the identified one or more transport providers; causes the

transport provider device to display, via the transport provider application, one or more of the pick-up location or a transport user rating score associated with the transport user.

169. For example, the Uber backend determines available transport providers and transmits pickup requests to drivers: "Uber's matching system on the backend identifies a match and provides a trip offer to a driver." https://www.uber.com/blog/real-time-push-platform/ Uber further describes to drivers: "While on the road, you'll begin to receive trip requests. Accepting a trip will show you a rider's pickup address, location, and navigational directions to get them."; *see also* https://www.uber.com/us/en/drive/driver-app/ ("Turn-by-turn directions | The app makes it easy to find your customer and navigate to their destination.")

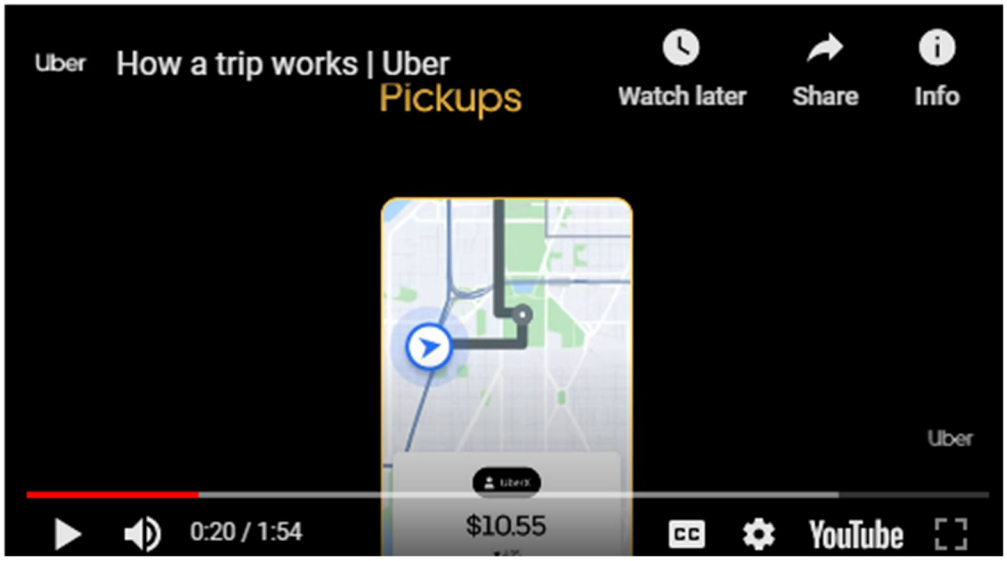
170. Uber also explains: "When you're in your vehicle and ready to receive trip requests from nearby riders, tap "GO" to go online. A pulsing horizontal blue bar at the bottom of your screen indicates your app is actively receiving trip requests. When you receive a trip request you'll see a box appear at the bottom of the screen with a flashing blue button. To accept the trip, tap the button within 15 seconds." https://help.uber.com/driving-and-delivering/article/getting-a-trip-request?nodeId=7162bba3-ba0b-4f76-b900-645bf43c7b07 ; *See also* https://help.uber.com/driving-and-delivering/article/picking-up-riders?nodeId=3e330a09-c46a-4e06-ab0a-c8025433407c; ("Picking up riders | A great pickup starts when you receive the ride request. Note the pickup location address and location of the rider's icon on the map. This icon is typically the best indicator of where the rider will actually be. Riders are notified by their app when your vehicle is about one minute away from the pickup location. Riders also have the option of using the Spotlight feature to help you easily find them. If a rider uses Spotlight, they will be instructed to hold up their phone while their screen illuminates a specific color. You will receive a notification in the app telling you what color to look for when you arrive to the pickup

location."); *see also* https://www.uber.com/us/en/deliver/basics/making-deliveries/how-to-deliver/ ("Picking up orders | After accepting a delivery request, you'll get the order number, order details, and customer's name. Directions to the pickup location will show along with any specific pickup instructions. The order receipt should always match the details shown in the Driver app.)

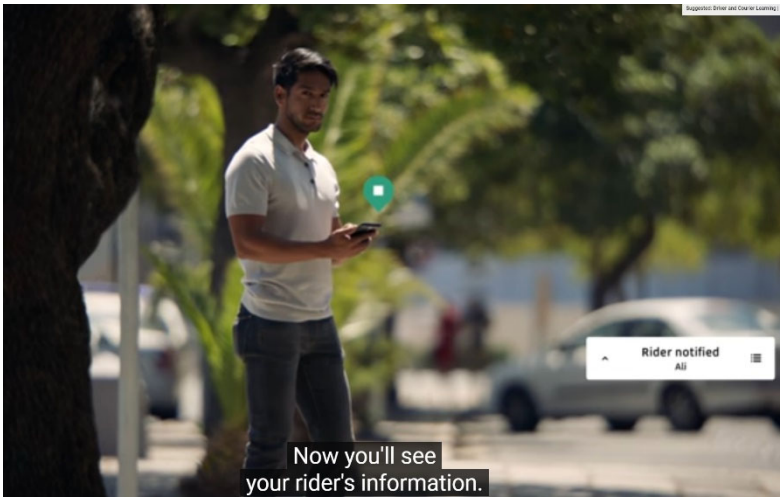
171. Uber receives an indication of an acceptance of the pick-up request. For example, the driver can swipe to accept a trip offer, which results in an indication of acceptance on the backend. Uber describes that on the backend: "when a driver 'accepts' an offer, the driver and trip entity state changes. This change triggers the Fireball service. Then, based on a configuration, Fireball decides what type of push messages should be sent to the involved marketplace participants." https://www.uber.com/us/en/drive/driver-app/ ("Accepting trip and delivery requests | Once online, you'll automatically begin to receive requests in your area. Your phone will sound. Swipe to accept."); https://www.uber.com/us/en/deliver/basics/making-deliveries/how-to-deliver/ ("Picking up orders | After accepting a delivery request, you'll get the order number, order details, and customer's name. Directions to the pickup location will show along with any specific pickup instructions. The order receipt should always match the details shown in the Driver app.")

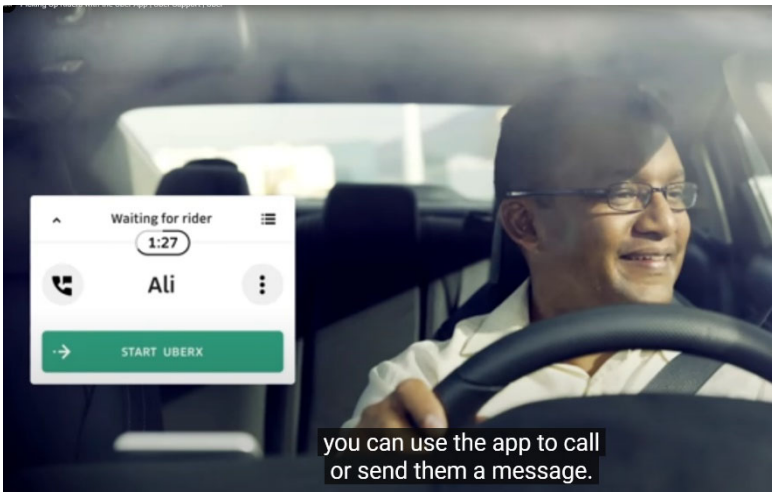
172. Uber causes the transport provider device to display, via the transport provider application, at least: (1) navigation instructions from a location of the transport provider to the pick-up location, the location determined based on GPS position data of the transport provider device; and (2) information descriptive of the at least one person or item.

173. For example, *see* https://www.uber.com/us/en/drive/basics/how-to-take-trips/ ("Accepting a trip will show you a rider's pickup address, location, and navigational directions to get them.") *See also*:



See also "Picking up Riders with the Uber App | Accepting a Request" starting at https://youtu.be/sKhctMkTSu4?t=17 :

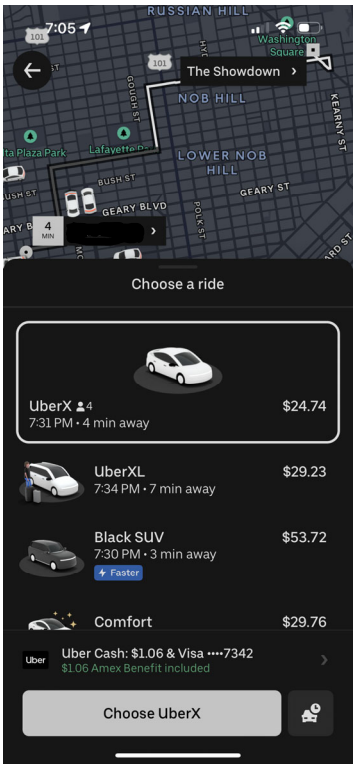




see also https://www.uber.com/us/en/deliver/basics/making-deliveries/how-to-deliver/ ("Picking up orders | After accepting a delivery request, you'll get the order number, order details, and customer's name. Directions to the pickup location will show along with any specific pickup instructions. The order receipt should always match the details shown in the Driver app.)

174. Uber causes the transport user device to display, via the transport user application: information descriptive of one or more of the transport provider, a transport provider vehicle associated with the transport provider, or a transport provider rating score associated with the transport provider; an estimated cost associated with servicing the pick-up request; an estimated time associated with arrival of the at least one person or item at the drop-off location; and location information of the transport provider based on the GPS position data of the transport provider device.

175. For example, below is a screenshot of a transport user device showing cost estimate:



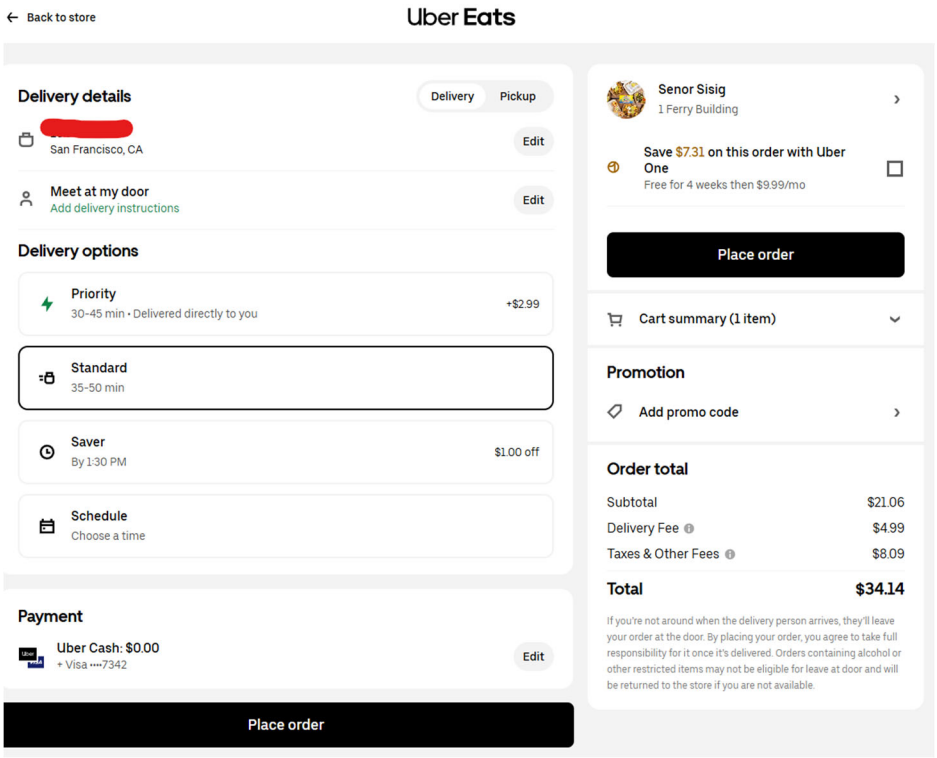
176. For example, Uber describes how it displays its estimated costs: "Upfront pricing | If upfront pricing is available in your city, you'll see the price for a trip next to each vehicle option. Upfront prices account for: The rate for time and distance to your destination | Applicable fees, tolls and surcharges … If you don't see a single upfront price when requesting a trip, you'll see a price range instead." https://help.uber.com/riders/article/accepting-a-trip-price?nodeId=4efa31c0-1123-48a7-b9b1-6e968a62fd6e

177. Uber further describes how the rider will see descriptive information about the driver and vehicle, for example: "**How to identify a driver and their vehicle** | When you request a ride, your app sends your request to nearby drivers. After you're matched with a driver, your app shares info about the vehicle and driver headed to your pickup location. | **Viewing driver and vehicle details** | Tap the bar that has the driver's name, photo, and vehicle. This displays: A photo of your driver; The vehicle's make, model, and license plate number |

Confirming the vehicle | When you see your driver's vehicle at your pickup location, confirm that the license plate number displayed in your app matches the actual vehicle. Drivers will often ask your name before starting the trip." https://help.uber.com/riders/article/how-to-identify-a-driver-and-their-vehicle?nodeId=02746faf-1bc6-4d3f-8ba2-ab35f36d7191; *see also* https://www.uber.com/us/en/ride/how-it-works/ ("Meet your driver | You can track their arrival on the map. When they're a few minutes away, wait for them at your pickup location."); https://www.uber.com/us/en/ride/how-it-works/ ("Check your ride | Every time you take a trip with Uber, please make sure you're getting into the right car with the right driver by matching the license plate, car make and model, and driver photo with what's provided in your app.") Uber also displays to the transport user via application, the driver rating. *See* https://www.uber.com/us/en/drive/basics/how-ratings-work/ ("The app adds the ratings you get into an average that's displayed to your riders before and during a trip."); https://help.uber.com/riders/article/how-to-request-a-ride--get-a-price-estimate?nodeId=67f41961-e0aa-4670-af32-58be02c7c492 ("Once a driver accepts your request, you'll see their location and estimated time of arrival on the map.")

178. Uber also sends notifications to the transport user device via Live Activities on Apple phones in a feature called Rider OS Live Activity. *See* https://www.uber.com/blog/live-activity-on-ios/?uclick_id=723c457b-088b-4616-81d1-26305340e939

179. In the UberEats app, users are also able to see the information and track their order. *See e.g.,* https://www.ubereats.com/checkout?diningMode=DELIVERY



See also https://help.uber.com/ubereats/restaurants/article/check-the-status-of-my-order-?nodeId=4148ea8b-c9d8-409d-b7bf-b2fcb019a498 ("3. Select your current order. 4. Tap "Track" to view the status. 5. Look for the description to understand its status. 6. Once a delivery person is selected, a map appears showing their location. 7. Track your delivery person's progress as they make their way to you.")

180. Uber receives an indication, based on the GPS position data of the transport provider device, that the transport provider is approaching the pick-up location; and in response to receiving the indication that the transport provider is approaching the pick-up location, causes the transport user device, via the transport user application, to display a notification indicative of the approaching transport provider.

181. For example, Uber describes: "Meet your driver | You can track their arrival on the map. When they're a few minutes away, wait for them at your pickup location." https://www.uber.com/us/en/ride/how-it-works/ ; *see also* ("Uber will send you notifications

when your driver is close to your pickup location.") https://help.uber.com/riders/article/how-to-request-a-ride--get-a-price-estimate?nodeId=67f41961-e0aa-4670-af32-58be02c7c492

182. Uber receives, from the transport provider device, an indication that the at least one person or item has been picked up; and causes the transport provider device, via the transport provider application, to display navigation directions to the drop-off location based on the GPS position data of the transport provider device.

183. For example, Uber describes that in the "Uber driver app navigation features … Your app will start providing turn-by-turn directions as soon as your trip begins." https://help.uber.com/driving-and-delivering/article/uber-driver-app-navigation-features?nodeId=357c291a-9b6e-45e9-9614-aea820f089ce *see also* https://www.uber.com/us/en/drive/driver-app/ ("Turn-by-turn directions | The app makes it easy to find your customer and navigate to their destination."); https://www.uber.com/us/en/ride/safety/ ("All rides on the Uber platform are tracked by GPS.")

184. Uber causes the transport user device, via the transport user application, to display one or more of an estimated time associated with arrival of the at least one person or item at the drop-off location or the location information of the transport provider based on the GPS position data of the transport provider device; and tracks progress of travel of the transport provider along a route from the pick-up location to the drop-off location based on one or more of the GPS position data of the transport provider device or GPS position data of the transport user device.

185. For example, Uber describes: "**How do ETAs work? |** Before a trip starts, your app provides an ETA for when your driver should arrive at your pickup location. After your trip starts, your app provides an ETA for when you should arrive at your destination. Please note that ETA times are estimates and not guaranteed. A variety of external factors like heavy traffic or

road construction can impact travel time. Before you request a ride, your app displays a time near your pickup location pin. This time estimates how long nearby drivers should take to arrive at your pickup location. Using the slider at the bottom of your screen, you can view the ETA for each vehicle option available in your city. After a trip starts, your app will continually update the ETA for your destination." https://help.uber.com/riders/article/how-do-etas-work?nodeId=6a4dbe13-0a86-4d11-a0ab-cc88f8171fb8 https://www.uber.com/us/en/ride/safety/ ("All rides on the Uber platform are tracked by GPS.")

186. Uber receives an indication that the transport provider has delivered the at least one person or item to the drop-off location from at least one of the transport provider device or the transport user device.

187. For example, Uber describes: "Completing the trip | 1. When you arrive at the final destination, bring your vehicle to a complete stop. 2. Swipe COMPLETE in your Uber app. 3. Rate your trip experience as prompted." https://help.uber.com/driving-and-delivering/article/completing-the-trip?nodeId=31e198eb-3d12-497c-9651-a7cbc15d867d

188. Uber transmits trip summary data associated with the pick-up request to the transport user device, the trip summary data displayable via the transport user application and including a cost for servicing the pick-up request and a transport provider rating prompt soliciting the transport user to provide a rating value for the transport provider.

189. Uber provides the transport user device a trip receipt with trip summary data. For example, "You can also view trip receipts in the app or on the web: In-app: Open the Uber App menu and tap "Your Trips." Select the desired trip. On the right side of your screen, underneath the amount paid, tap "Receipt."" (https://help.uber.com/riders/article/im-not-receiving-receipts-or-emails-?nodeId=318d9393-23c6-4db2-bf34-f48cf4a169c5) Uber further describes: "When

you arrive, payment is easy. Depending on your region, you have options. Use cash or a payment method like a credit card or Uber Cash balance." https://www.uber.com/us/en/ride/how-it-works/

190. Uber further prompts the user to provide a rating: "Rate your trip | Let us know how your trip went. You can also give your driver a compliment or add a tip in the app" https://www.uber.com/us/en/ride/how-it-works/

191. Uber receives the rating value for the transport provider from the transport user device via the transport user application; and updates the transport provider rating score of the transport provider based on the received rating value for the transport provider.

192. For example, Uber describes that "The app adds the ratings you get into an average that's displayed to your riders before and during a trip." https://www.uber.com/us/en/drive/basics/how-ratings-work/

193. Uber causes the cost for servicing the pick-up request to be charged to a payment method associated with the transport user. For example, "Uber is designed to be an entirely cashless experience in most cities. When a trip ends, the payment method selected for your trip is immediately charged. A receipt is emailed to you, and your account's trip history is updated with details about the route and fare." https://help.uber.com/riders/article/paying-with-cash------?nodeId=ba02bcb0-4bdc-417a-a236-8fe1582adffc

194. Uber has injured Carma and is liable to Carma for directly infringing one or more of the claims of the '456 Patent, including, without limitation, claim 1 pursuant to 35 U.S.C. § 271(a).

195. Uber's infringement of the '456 Patent has been and continues to be deliberate and willful, and therefore, this is an exceptional case warranting an award of enhanced damages and attorneys' fees pursuant to 35 U.S.C. §§ 284–285. Uber had knowledge of the issued '427

Patent prior to the filing of this Complaint, and on information and belief, Uber also had knowledge of subsequent patents issued in the family including the '456 Patent including by way of willful blindness since the patents issuance on Nov. 2, 2021. Uber further had actual knowledge of the '456 by at least May 2, 2024 when it identified the '456 Patent in an Information Disclosure Statement filed with the USPTO in connection with the prosecution of Uber's U.S. Patent No. 12,131,273. And Uber had actual knowledge of the '456 Patent at least with the filing of this Complaint. After acquiring that knowledge, Uber infringed the '456 Patent, and in doing so, it knew, or should have known, that its conduct amounted to infringement of the '456 Patent.

196. As a result of Uber's infringement of the '456 Patent, Carma has suffered monetary damages, and seeks recovery in an amount adequate to compensate for Carma's infringement, but in no event less than a reasonable royalty with interest and costs.

PRAYER FOR RELIEF

197. WHEREFORE, Carma respectfully requests that this Court enter judgment in its favor and against Uber, as follows:

A. For judgment that Uber has infringed either literally or under the doctrine of equivalents, and/or continues to infringe one or more claims of the Asserted Patents;

B. For an accounting of damages sustained by Carma as the result of Uber's acts of infringement;

C. For a mandatory future royalty payable on each and every future sale by Uber of a product that is found to infringe one or more of the Asserted Patents and

on all future products which are reasonably similar to those products found to infringe;

D. For a judgment and order finding that Uber's infringement is willful and awarding to Carma enhanced damages pursuant to 35 U.S.C. § 284;

E. For a permanent injunction against Uber and its respective officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all other acting in active concert therewith from infringement of the Asserted Patents;

F. For a judgment and order requiring Uber to pay Carma's damages, costs, expenses, and pre- and post-judgment interest for its infringement of the Asserted Patents as provided under 35 U.S.C. § 284;

G. For a judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Carma its reasonable attorneys' fees; and

H. For such other and further relief in law and in equity as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Carma respectfully requests a jury trial on all issues so triable.Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Carma respectfully requests a jury trial on all issues so triable.

Dated: January 14, 2025

Respectfully submitted,

/s/ *Jennifer Truelove*

Jennifer L. Truelove
Texas State Bar No. 24012906
Email:jtruelove@mckoolsmith.com
MCKOOL SMITH, P.C.
104 E. Houston Street, Suite 300
Marshall, Texas 75670
Telephone: (903) 923-9000
Facsimile: (903) 923-9099

Gareth DeWalt (*Pro Hac Pending)*
Cal. Bar No. 261479
Michael Flynn-O'Brien (*Pro Hac Pending)*
Cal. Bar No. 291301
Robin K. Curtis (*Pro Hac Pending)*
Cal. Bar No. 270702
BUNSOW DE MORY LLP
701 El Camino Real,
Redwood City, CA 94063
Tel: (650) 351-7248
Fax: (415) 426-4744

Attorneys for Plaintiffs Carma Technology, Corp. and Carma Technology, Ltd.