IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RIDEAPP, INC.,

Plaintiff,

v.

Civil Action No. _____

UBER TECHNOLOGIES, INC. and SOCIAL BICYCLES, LLC d/b/a JUMP BIKES,

JURY TRIAL DEMANDED

Defendants.

COMPLAINT

In 1999, Georgia Tech Engineering Professor Stephen Dickerson conceived of a passenger-centric transportation system to provide greater convenience and service to customers, and to reduce the social and personal costs of commuting. His system integrated cell phones, the Global Positioning System, and automatic billing technology to allow a passenger who needed a ride to be connected to various methods of transportation to complete a desired trip, including an available driver and direct access to different types of shared vehicles. The system he envisioned would identify the passenger to the driver or vehicle and vice versa, estimate connection and arrival times, and automatically bill the passenger in a safe and secure manner that required no cash to change hands. And he conceived of all of this at a time during which no major cellphone manufacturer had yet integrated GPS technology into their commercially available cellphones, and certainly no cellphones allowed for automatic billing for anything other than cellphone calls.

In April 2000, he filed an application for a patent on the transportation system he invented. He was awarded U.S. Patent No. 6,697,730 (the "'730 Patent") to protect his ideas, and he later incorporated RideApp ("RideApp" or "Plaintiff") to develop that transportation system.

A decade after Professor Dickerson filed his patent application, in 2012, defendant Uber Technologies, Inc. ("Uber Tech.") was formed (then known as Ubercab). In 2018, Uber acquired Social Bicycles, LLC, which it now operates as JUMP Bikes, ("JUMP") to provide bike and scooter sharing services (Uber Tech. and JUMP are herein collectively referred to as "Uber"). As explained herein, the core of Uber's business and technical platforms for its rideshare, bikeshare, and scooter sharing services practice the transportation system of Professor Dickerson's invention; without that system, Uber literally cannot operate. Throughout its existence, Uber has egregiously infringed the '730 Patent without paying any compensation for such use. RideApp seeks that compensation through this lawsuit.

Plaintiff RideApp, Inc. ("RideApp" or "Plaintiff"), by its undersigned attorneys, for its Complaint against Defendants Uber Technologies, Inc. ("Uber Tech.") and Social Bicycles, LLC d/b/a JUMP Bikes ("JUMP") (collectively, "Uber" or "Defendants") herein alleges:

A. NATURE OF ACTION

1. This is an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code, arising from Defendant's infringement of one or more claims of United States Patent No. 6,697,730 (the "'730 Patent"), attached hereto as Exhibit A.

B. PARTIES

2. Plaintiff RideApp, Inc. is a company organized and existing under the laws of the State of Delaware with a place of business at 227 Sandy Springs Place, Suite D-273, Sandy Springs, GA 30328. RideApp develops transportation systems to reduce the social costs of traffic congestion and inefficient travel, as more fully described below.

3. On information and belief, Defendant Uber Tech. is a company organized and existing under the laws of the State of Delaware with a principal place of business at 548 Market Street, Suite 68514, San Francisco, CA 94104. On information and belief, Uber Tech. is a publicly

traded, for-profit corporation that provides on-demand transportation services to individuals around the world.

4. On information and belief, Uber Tech. has a physical office known as a "Greenlight Hub" located at 3111 Clairmont Road, Suite B, Atlanta, GA 30329, which is open and staffed from 9 a.m. to 4 p.m., Monday through Friday. On information and belief, Uber Tech. conducts services through this office including but not limited to the onboarding of drivers, resolving driver payment issues, assisting drivers in setting up direct deposit, initiating background checks, answering driver questions and complaints, and providing driver training and education services. On further information and belief, this office is staffed with Uber Tech. employees, which it refers to as a "team of Experts."

5. On information and belief, Defendant JUMP is a company organized and existing under the laws of Delaware with a principal place of business at 55 Prospect Street, Suite 304, Brooklyn, NY 11201, and a registered agent in Lawrenceville, GA.

6. On information and belief, JUMP maintains a physical presence in Georgia and this District through the presence of various employees specifically employed to facilitate JUMP's business activities in this District, including but not limited to technicians dedicated to the maintenance of JUMP scooters and bikes.

C. JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Uber Tech. because, *inter alia*, Uber Tech. maintains a regular and established place of business in this judicial district, Uber Tech. has transacted business in this district and has sufficient minimum contacts within the forum as a result

of its business conducted within the State of Georgia, and Uber Tech. has engaged in infringing conduct within or directed at the State of Georgia.

9. This Court has personal jurisdiction over JUMP because, *inter alia*, JUMP has specifically availed itself of the laws of the State of Georgia by selecting Atlanta as one of only nineteen U.S. cities in which to implement its bikeshare services and as one of only twelve U.S. cities in which to implement its scooter sharing services, JUMP has transacted business in this district and has sufficient minimum contacts within the forum as a result of its business conducted within the State of Georgia, and JUMP has engaged in infringing conduct within or directed at the State of Georgia.

10. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

D. FACTS AND BACKGROUND

1. Professor Dickerson Invents A Coordinated Transportation System To Minimize The Social Costs Of Traffic Congestion.

11. Professor Stephen Dickerson received his Sc.D. degree from MIT in 1965. He was then hired as an Assistant Professor at the Georgia Institute of Technology ("Georgia Tech") in the George W. Woodruff School of Mechanical Engineering. Professor Dickerson developed the first commercially available vanpools in the Atlanta area in 1975. He retired from Georgia Tech as a Professor Emeritus in 1996.

12. Around the time of his invention, Professor Dickerson had serious concerns about the social costs of urban transportation, such as traffic congestion, environmental impacts, costs of and impact on infrastructure, travel time and uncertainty, and high costs of individual transportation borne by families. Nearly a decade before companies like Uber began operations, Professor Dickerson was a pioneer in developing what we have come to know as ride- and vehicle-sharing services.

13. Professor Dickerson invented an automated transit system that uses wireless, hand-held devices to hail vehicles; includes integrated global positioning system ("GPS") matching and billing for rides; provides for an automated, cash-free transaction; and, with respect to automobiles, advises both the driver and the passenger of each other's GPS location and physical proximity and the time at which a driver is anticipated to arrive, and with respect to shared vehicles, advises the user of the availability and location of the vehicle.

14. Professor Dickerson is listed as the inventor of the '730 Patent.

15. On February 24, 2004, the United States Patent and Trademark Office ("USPTO") issued the '730 Patent, entitled "Communications and Computing Based Urban Transit System." The application that issued as the '730 Patent was filed on April 4, 2001, with priority claimed to a provisional patent application U.S. Ser. No. 60/273,286, also entitled "Communications and Computing Based Urban Transit System" (filed on March 1, 2001) and originally to U.S. Ser. No. 60/194,416, entitled "Communications and Computing Based Urban Transit System" (filed on April 4, 2000).

16. As a faculty member of Georgia Tech, Professor Dickerson was initially obligated to assign his '730 Patent to the Georgia Tech Research Corporation, and this assignment was recorded by the USPTO on April 4, 2001. The Georgia Tech Research Corporation made no effort to enforce the '730 Patent against any infringing parties during the time that it held this assignment.

17. Professor Dickerson remained keenly interested in transportation solutions. For example, in approximately August 2006, Professor Dickerson donated $1.5 million in proceeds from another invention to Georgia Tech to endow a chair for a professor to study such transportation solutions. Professor Dickerson was also a founder of RideCell, Inc., a Georgia Tech

spin-off, as well as other companies. He has participated in the Georgia Intelligent Transportation Society and was elected to the Board of Directors of the Atlanta-Region Transit Link Authority, which guides efforts to unify the transit system throughout metro Atlanta, a group of 13 counties, including Atlanta and Fulton County.

18. In early 2018, then retired but still interested in pursuing further development of the claimed technology, Professor Dickerson was able, in discussions with the Georgia Tech Research Corporation, to have the '730 Patent assigned back to him. That assignment was recorded on February 20, 2018, with a corrected assignment subsequently recorded on April 26, 2018. Professor Dickerson subsequently assigned the '730 Patent to his newly formed transportation company, RideApp, Inc., with a recording date of May 7, 2018 in the USPTO.

19. RideApp is the current owner by assignment of all right, title, and interest in and to the '730 Patent and has standing to sue for the past, present, and future infringement of the '730 Patent. The claims of the '730 Patent are valid and enforceable. A true and correct copy of the '730 Patent is attached as Exhibit A.

2. Professor Dickerson Invented A System That Integrated Location Technology And Provided For Secure, Automated Allocation And Billing.

20. The claims of the '730 Patent generally are directed to a novel communication and on-demand transportation system that integrates digital cellular communications, GPS and other locating technology, automatic billing and payment, and digital computers that interface with all of the foregoing to provide real-time command and control of passengers and vehicles, electronic identification, dynamic scheduling, and enhanced security. The system of his invention successfully addressed many of the social costs associated with the then-existing transportation system. Professor Dickerson's invention improved the area it targeted – transit systems – and revolutionized the industry.

21. As set forth in the '730 Patent, the transportation systems of April 2000 imposed enormous economic and social costs. The transportation systems of the time were singular sources of air, water and noise pollution. Personal transportation was also expensive in a unique way: the costs of purchasing, maintaining, owning, operating, and insuring motor vehicles were a serious burden on most of society, and was so inefficient that, by some estimates, most passenger vehicles sat, idle and unused, more than 90% of the time. All of the above rested on the costs associated with building and maintaining infrastructure: highways, parking spaces, and a fuel infrastructure. ('730 Patent 1:31-2:6).

22. Mass transit systems impose many of the same costs. Further, mass transit imposes high costs of installation. In particular, rail systems are extremely expensive to install in highly populated areas, if the necessary land and easements can even be obtained, and extremely difficult to use in less populated areas. Further, such systems inevitably have widely-spaced travel schedules, inefficiencies, and uncertainties that make use by many consumers inefficient and time-prohibitive. ('730 Patent 2:7-51).

23. At the time of Professor Dickerson's invention, time uncertainty and long wait times were serious problems with transit systems. Transit systems at that time, including taxi and limo dispatch, consisted of calling a dispatch company operator and waiting for a vehicle to arrive at a specified location. Alternately, when using mass transit such as buses, the passenger would wait at a fixed location, such as a bus stop. In none of these systems did the passenger have a means of determining when the transit vehicle would actually arrive or of determining where it was located. It was a common problem at the time of the invention for a passenger to have to wait in the dark while not knowing whether the summoned taxi, limo, or a bus on a designated route was near—or even if it was coming at all. (*See, e.g.*, '730 Patent, 7:16-19).

3. Professor Dickerson Anticipated Regulatory And Technological Advances.

24. As of April 2000, the regulatory and technical landscape was challenging but evolving. Technologists at the time looked to cellphones to facilitate transportation improvements, and there are references to those attempts in the prior art. Cellphones were not "smart phones" in the modern sense, and cellphone usage was largely limited to the geography that the particular carrier supported, i.e., where the carrier had erected its own towers.

25. Some prior artisans looked to the GPS system to track, for example, delivery trucks, but that was not a practical technology for the passenger to use. GPS receivers were only receivers – they could not transmit radio signals. The receivers were bulky, as were their antennae, and used enormous amounts of power. To acquire GPS signal, the antennae needed a clear view of the sky and several minutes to acquire the satellite signals.

26. In 2000 GPS was also imprecise. It could only reliably determine location to within a 300+ meter radius. In fact, the United States Air Force, which controls the GPS system, intentionally degraded GPS accuracy for civilian uses worldwide (so called "Selective Availability"). See https://www.gps.gov/systems/gps/performance/accuracy/.

27. The cellphone system itself allowed "crude" location abilities, as noted in the '730 Patent, but it was no more precise than GPS at the time. ('730 Patent 1:43-55).

28. Professor Dickerson was aware that the cellphone system was soon going to allow for location and tracking of cellphones with precision. The Wireless Communications And Public Safety Act of 1999 required cellphone carriers to provide for precise locations of cell phones such that emergency response systems could locate callers and respond. The month after Professor Dickerson filed his patent application, the president signed an order essentially ending Selective Availability. *See* https://www.gps.gov/systems/gps/performance/accuracy/.

29. Professor Dickerson thus saw that the cellphone system could be part of his transportation solutions.

4. Professor Dickerson's Solution Was To Invent The Unified Billing and Transportation System Described In The '730 Patent.

30. Professor Dickerson's invention integrated developments in location technology such as GPS and cellphone advances with a "central assignment system" (which he calls a "central data system" when it is further enhanced with a database containing passenger parameters). (*See, e.g.*, '730 Patent Figure 2; 7:65-8:7). This transportation system monitored both the passenger and vehicle information and provided communications with each to allow for estimated or exact times of pickup. (*See* '730 Patent 7:47-64; 14:29-40; Table 1, col. 21-22). These solutions are reflected in the '730 Patent's claims. (*See, e.g.*, Claim 2(b); Claim 6(c); Claim 3(d); *see also* Claim 3(b); Claim 6(b)). The use of wireless communication devices for communication among drivers, passengers, and a central data system was not routine or conventional in circa-2000 transit systems, nor was this feature well-known in the industry.

31. The specification of the '730 Patent explains in detail how long passenger wait times and time uncertainty were problems with prior art transit systems, providing several examples of how the claimed invention solved these problems. (*See, e.g.*, '730 Patent, 3:25-31; 6:17-20; 7:16-19; 8:22-26; 11:63-65; 14:33-40; 15:41-43; 16:1-2; 16:22-23; Abstract ("real-time command and control of passengers and vehicles"); Claim 2(c); Claim 3(d); Claim 6(c)).

32. The '730 Patent's novel "allocation" process also provides a solution to the long passenger wait times and time uncertainty problems described in the specification. The claimed "allocation" is a function of the central assigning system in which it assigns a passenger to a vehicle, and vice versa, based on current passenger information (including passenger parameters), current transit parameters, and current vehicle data. (*See, e.g.*, '730 Patent, 14:4-13).

33. The allocation process is reflected in the '730 Patent's claims. (*See, e.g.*, Claim 2(c); *see also* Claim 3(c)). Because of the invention's unique allocation process, passengers know when their vehicle is close, and uncertainty regarding wait times is reduced.

34. The '730 Patent's novel allocation system was inventive and not routine, conventional, or well-known in the industry. Even New York taxicabs were not fitted for GPS until 2004. *See The Appeals Court Ruled that The City Can Monitor Taxis with GPS*, YellowCabNYC.com, Sept. 1, 2016, https://www.yellowcabnyctaxi.com/blog/appeals-court-rules-city-can-monitor-taxis-movements-with-gps ("New York Taxicabs were fitted for GPS back in 2004…"); *see also* Annie Karni, *Cabbies May Strike to Protest Mandatory GPS* Systems, The Sun, Aug. 24, 2007, https://www.nysun.com/new-york/cabbies-may-strike-to-protest-mandatory-gps/61245/. In fact, no prior art system used a novel allocation process like the one in Professor Dickerson's invention, where locating technology used both passenger and driver location in the allocation process. As of 2000, GPS had only been incorporated into a single cell phone – the Benefon ESC! (sold in Europe) – and the idea of incorporating it into a transit system was novel and non-obvious. No transit system at the time of the invention incorporated "digital cellular communication, GPS locating technology, and digital computers to provide real-time command and control of passengers." ('730 Patent, 1:18-21).

35. The specification of the '730 Patent details how the invention provides a solution to security problems inherent in prior art transit systems, providing several examples of how the invention improves the state of transit systems with respect to security. (*See, e.g.*, '730 Patent, 5:16-19; 12:53-55; 14:37; 23:30-33). In addition, the automated billing provided by the patent augments security because neither the driver nor the passenger needs to carry cash or credit cards – a great improvement over the transit systems circa 2000. (*See, e.g.*, '730 Patent, 16:17-38; 20:29-

37; 23:16-34). The ability for the passenger to receive dynamic updates regarding a vehicle's time of arrival and its proximity also provided for amplified security because it provided greater time certainty and shorter wait times, and allowed the customer to obtain dynamic updates regarding the ETA of the vehicle, its current location, and the identity of the vehicle and its driver. (*See, e.g.*, '730 Patent, 14:29-40).

36. These novel, security-enhancing features are reflected in the '730 Patent's claims. (*See, e.g.*, Claim 2(b) ("a plurality of communication devices for providing wireless communication between passengers, vehicles, and the central data system in connection with the passenger transportation vehicle usage"); Claim 2(c) ("a wireless means of on-demand allocation of a passenger to a specific vehicle through the central data system"); Claim 3(d) ("a wireless means of informing the passenger of the assignment and updated expected arrival time"); Claim 6(c) ("a wireless means of detecting the proximity of the passenger and alerting the passenger of the proximity of the vehicle"); *see also* Claims 3(b); 3(c); 6(b)).

37. The security-enhancing features of the '730 Patent were inventive, and provided greater security for both drivers and passengers. For example, no prior art transit system provided "a wireless means of detecting the proximity of the passenger and alerting the passenger of the proximity of the vehicle," provided electronic identification, or provided automated billing. Nor were these features well-understood or routine in the industry. Indeed, in July 2000, 50 yellow cabs in New York City had just begun taking credit cards. (*See* Edward Wong, Yellow Cabs Start to Take Credit Cards, N.Y. Times, July 14, 2000 (available at https://www.nytimes.com/2000/07/14/nyregion/yellow-cabs-start-to-take-credit-cards.html)).

38. The specification explains in detail the need for a convenient billing system for transit systems. (*See, e.g.*, '730 Patent, 8:32-34) ("It is another objective of this invention to

provide a convenient access and billing system for all modes of travel…"). The specification explains that electronic identification of the passenger will be used for automatic billing. (*See* '730 Patent, 23:30-32). The patent explains at length the various ways that automatic billing can occur – via utility-style billing, automatically charged to credit cards, or payment at the time the trip occurs. (*See, e.g.*, '730 Patent, 18:43-45; 18:4-17). The specification notes, "[i]t is a great convenience not to need to make payment by cash, tokens, or credit cards each time a trip or segment of trip is made." ('730 Patent, 5:42-44). The patent's focus on automatic payment—which no prior art transit system provided—is also seen in the patent claims.

39. The specification explains in detail the infrastructure problems and financial burdens with the prior art systems—where so many people individually owned cars. For example, "retail and establishments and business centers necessitate substantial spacing to accommodate parking for cars." ('730 Patent, 1:65-2:6). "The largest monthly expense for many families is the cost of acquiring and operating motor vehicles. Repair costs and insurance add to the financial burdens associated with individual transportation vehicles." ('730 Patent, 1:48-53). The transit system invented by Professor Dickerson minimizes social costs such as trip times, economic costs, and convenience and "has total economic and social costs that are much less than those associated with conventional mass transit systems[.]" (*See* '730 Patent, 6:11-14).

40. The invention disclosed in the '730 Patent improves the logistics, economic impacts, and efficiencies of the transportation system. The invention generally is an automated and integrated communications and computing system that uses a central assigning system and handheld devices to provide information between the passengers of the transit system, the vehicles and/or drivers, and the central assigning system itself, which is used to move the passengers between particular originating and destination sites. "The transit system preferably integrates mass

transit needs by providing wireless communications between the passengers of the transit system, the vehicles, and the central assigning system and destination sites." ('730 Patent, 3:48-52).

41. The invention allows a passenger to use a hand-carried device to request or locate a vehicle and a central assigning system that tracks the geographic position of all vehicles and passengers in real time, to dispatch a vehicle in response to the passenger's request and/or provide the location of the vehicle to the requestor for the requestor's use. "The system provides passengers with the greatest flexibility and convenience consistent with relatively low economic and environmental costs through the use of wireless communications to and from passengers, vehicles and the central assigning system." ('730 Patent, 4:9-14). "The central assigning system is capable of maximizing efficiencies in urban transportation with the information received from and sent to the passengers and vehicles." ('730 Patent, 4:6-9).

42. All of the communication devices and processors of the invention communicate with each other. (*See, e.g.*, '730 Patent, 7:47-64; 14:29-40; 16:17-38; 20:29-37; Table 1, col. 21-22 ("Notify Passenger, Updates; Report Position"); Claim 2(c)). With this dynamic updating and interconnected communications capability, a passenger can move toward a vehicle's location – such as when the vehicle is stuck in traffic in a series of one-way streets – and the system would update the vehicle's and passenger's proximity to one another.

5. The '730 Patent Claims A Unified Ride- And Vehicle-Sharing System.

43. The '730 Patent includes five independent and one dependent claims.

44. Independent Claim 3 of the '730 Patent is set forth below:

> *An automated system for providing unified billing for passenger transport comprising:*
>
> *(a) a central data system for tracking passenger transportation vehicle usage and distributing periodic invoices for the usage; and*
> *(b) a plurality of communication devices for providing wireless communication between passengers, vehicles, and the central data*

system in connection with the passenger transportation vehicle usage;
(c) a wireless means of on-demand allocation of a passenger to a specific vehicle through the central data system; and
(d) a wireless means of informing the passenger of the assignment and updated arrival time.

('730 Patent, Claim 3, 24:23-37). Independent Claim 2 of the '730 Patent contains the same elements, except for element (d). ('730 Patent, Claim 2, 23:63-24:22).

45. Independent Claim 6 of the '730 Patent is set forth below:

An automated system for providing unified billing for passenger transport comprising:

(a) *a central data system for tracking passenger transportation vehicle usage and distributing periodic invoices for the usage; and*
(b) *a plurality of communication devices for providing wireless communication between passengers, vehicles, and the central data system in connection with the passenger transportation vehicle usage; and*
(c) *a wireless means of detecting the proximity of the passenger and alerting the passenger of the proximity of the vehicle*.

('730 Patent, Claim 6, 24:53-65).

46. The remaining claims of the '730 Patent are also representative of Professor Dickerson's invention.

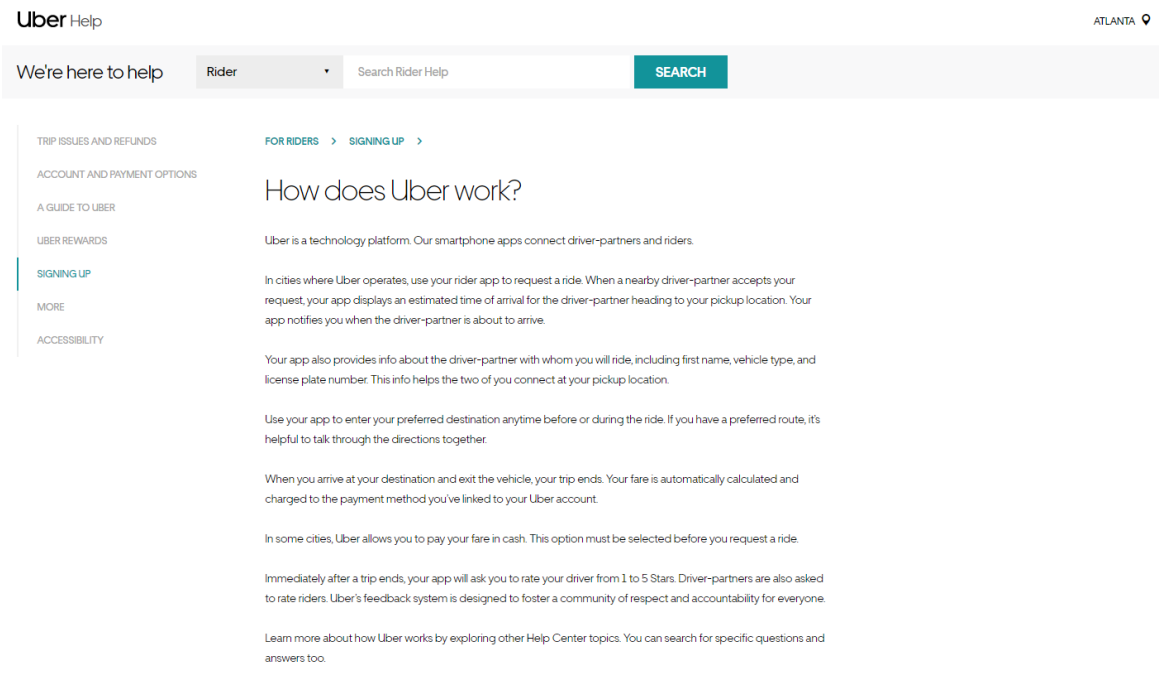
6. Uber's Rideshare Products And Services Rely On Professor Dickerson's Invention.

47. Uber was founded in 2009 and officially launched in 2010. Uber claims that it was founded to solve the following problem: "How do you get a ride at the push of a button?" In its Form S-1 filing with the SEC, Uber stated that in 2018, its Gross Bookings totaled $49.8 Billion, while its revenue was $11.3 Billion. (Amended Form S-1 Offering Statement for Uber Technologies, Inc., April 26, 2019 (excerpted as Ex. B); the full document is available at https://www.sec.gov/Archives/edgar/data/1543151/000119312519120759/d647752ds1a.htm.

Uber claims to have made over 10 Billion trips to date, including over 5 Billion trips between September 2017 and September 2018 alone. *See* Ex. B.

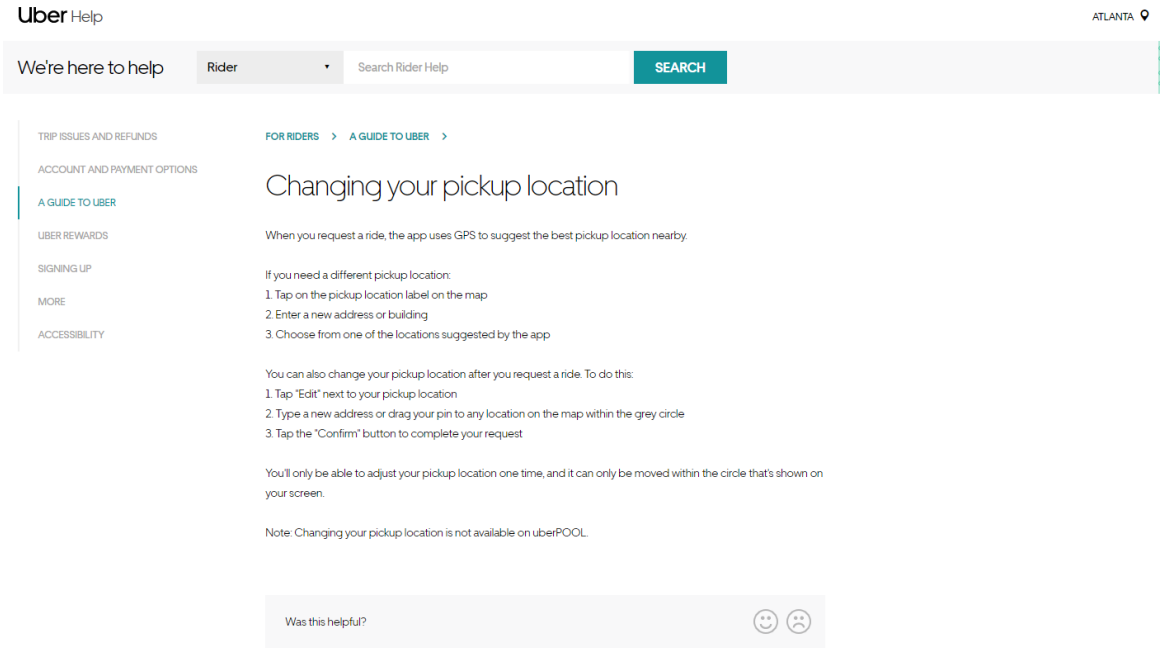
48. Uber makes, uses, sells, offers for sale, and/or imports into the United States and this District products and services that practice the claims of the '730 Patent, including but not limited to the Uber technology platform, the Uber Web Platform, the Uber Mobile Architecture, the Uber Product Platform, the Uber App, the Uber Rider App, the Uber Driver App, UberX, UberBLACK, UberSELECT, UberSUV, UberLUX, uberPOOL, UberCab, Uber Rent, Express Pool, Uber Freight, UberEATS, UberFRESH, Uber Central, and Advanced Technologies (self-driving ride sharing) (collectively, the "Accused Rideshare Services" or the "Uber Architecture").

49. The foregoing Accused Rideshare Services are integrated into a system comprising a technology platform and smartphone applications to connect drivers and passengers:



See Ex. C (available at https://help.uber.com/riders/article/how-does-uber-work?nodeId=738d1ff7-5fe0-4383-b34c-4a2480efd71e). Uber creates and works with data and "bundle[s] it up neatly as a platform that enables drivers to get business and riders to get around." *See* Ex. D (available at https://eng.uber.com/tech-stack-part-one/).

50. A passenger uses the Uber App to request a ride and, through the Uber App, a driver accepts the request. *See* Ex. C. When a passenger requests a ride, the Uber App uses GPS to suggest the best nearby pick-up location:



See Ex. E (available at https://help.uber.com/riders/article/changing-your-pickup-location---?nodeId=a07378ea-2906-42f8-b7c0-dd8060656488).

51. The Uber Architecture wirelessly detects the proximity of the passenger and alerts the passenger of the proximity of the vehicle. The Uber App displays the driver's estimated time of arrival and notifies the passenger when the driver is about to arrive. *See* Ex. C.

52. The Uber Architecture automatically calculates the passenger's fare, and the fare automatically is charged to the payment method linked to the passenger's account. *See* Ex. C. A passenger's receipt is automatically emailed to the passenger's email address upon completion of the trip. *See* Ex. F (available at https://help.uber.com/riders/article/getting-a-trip-receipt?nodeId=846f6cad-6f27-492a-9e0b-d2f056e1298e).

53. The Uber Architecture uses a plurality of communication devices – smartphones used by the passengers and drivers, its technology platform, and applications – to provide wireless communication between passengers, vehicles, and a central data system in order to operate its passenger transit system. *See* Ex. C. ("Uber is a technology platform. Our smartphone apps connect driver-partners and riders. In cities where Uber operates, use your rider app to request a ride.").

54. The Uber Architecture uses a wireless means – the Uber App and/or other applications running on smartphones – to provide on-demand allocation of a passenger to a specific vehicle through its central data system. *See* Ex. C. ("Our smartphone apps connect driver-partners and riders. In cities where Uber operates, use your rider app to request a ride. When a nearby driver-partner accepts your request, your app displays an estimated time of arrival for the driver-partner heading to your pickup location. Your app notifies you when the driver-partner is about to arrive."). Upon a rider's request, the Uber Architecture determines the proximity of nearby drivers and dispatches a car with the shortest predicted pick-up time; this intelligent matching system lowers wait times for passengers.

55. Once a driver has been assigned to a ride, the Uber Architecture wirelessly informs the passenger of the assignment and provides information on driver proximity and arrival time. *See* Ex. C. ("When a nearby driver-partner accepts your request, your app displays an estimated time of arrival for the driver-partner heading to your pickup location. Your app notifies

you when the driver-partner is about to arrive. "); Ex. G ("6. When your request has been accepted, you'll see your driver's location on your map and an estimated time of arrival at your pickup location 7. Your app will notify you when your driver is close to your pickup location") (available at https://help.uber.com/riders/article/how-to-request-a-ride?nodeId=e9862b49-81c6-4c6a-a9d3-3c05bf42e82e).

56. Uber trips are GPS-tracked. Once a passenger enters the address or name of his/her destination, the Uber App will display the suggested route for the driver to take and an estimated time of arrival: *See* Ex. H. ("All Uber rides are tracked by GPS from start to finish so there's a record of your trip if something happens.") (available at https://www.uber.com/us/en/ride/safety/).

57. It can thus be seen that the technology disclosed in Professor Dickerson's '730 Patent is absolutely core to the way in which Uber operates its business.

58. As described herein, Uber used the Accused Rideshare Services by controlling the operation of those services either directly or indirectly (including the operation of each claimed element of the Accused Rideshare Services), and benefited from each and every element of the Accused Rideshare Services.

7. Uber's Bike and Scooter Products and Services Rely on Professor Dickerson's Invention.

59. Uber operates bicycle and scooter sharing services under the brand name "JUMP" in many cities throughout the United States, including Atlanta ("JUMP bikes," "JUMP scooters," or collectively "JUMP Services"). Using the infrastructure it has deployed – including bikes and scooters throughout the United States and worldwide, and back-end computer systems – Uber allows user-passengers to use their smartphones to arrange for point-to-point transportation

using borrowed vehicles (*i.e*. JUMP bikes and scooters). JUMP bikes are pedal-assist electric bikes, while JUMP scooters are electric scooters that travel up to 15 miles per hour.

60. Uber makes, uses, sells, offers for sale, and/or imports into the United States and this District products and services that practice the claims of the '730 Patent, including but not limited to the JUMP Services.

61. Each of the foregoing JUMP Services are integrated systems comprising a technology platform and smartphone application to connect riders and vehicles (*i.e*. the JUMP bikes and scooters). As an example, a general description of the operation of JUMP bikes and scooters follows.

62. A user opens their Uber App and selects "Bike & Scooter" to locate a JUMP bike or scooter near them. *See* Ex. I. (available https://jump.com/). JUMP Services are integrated into the Uber App using locating technology such as GPS, and the Uber technology platform wirelessly identifies the proximity of the user and one or more bikes or scooters available for allocation to the user. The Uber technology platform can allocate a JUMP bike or scooter to a user in advance with a registration, or allocate an available JUMP bike or scooter when the user is in proximity. *Id*.

63. Once a user begins a trip on a JUMP bike or scooter – or reserves a JUMP bike or scooter – the Uber/JUMP technology platform ensures that the allocated bike or scooter is not available for allocation to another user. *See* Exs. J, K. The bike or scooter only becomes available for re-allocation once the current user's trip has been completed. Once the trip is completed, the user can end the trip, initiating automated billing for the trip.

64. Uber uses a plurality of communication devices in connection with the JUMP Services to provide wireless communication between user-passengers, the JUMP bikes and/or

scooters, and central data systems in order to operate its passenger transit systems. These devices include smartphones used by the users and system maintainers/operators as well as electronic equipment built in to the bikes and scooters to allow for tracking, identification, trip activation/completion, and billing.

65. Uber uses a wireless means – applications running on smartphones and other infrastructure – to provide allocation of users to available JUMP bikes and scooters through its central data system. The technology disclosed in Professor Dickerson's '730 Patent is thus core to the way in which Uber operates the JUMP Services.

66. As described herein, Uber used the JUMP Services by controlling the operation of those services either directly or indirectly (including the operation of each claimed element of the JUMP Services), and benefited from each and every element of the JUMP Services.

3. UBER'S AWARENESS OF PLAINTIFF'S PATENT

67. Uber is well aware of the '730 Patent and has continued its unauthorized and infringing activity in spite of this knowledge. Uber has continued to willfully, wantonly, and deliberately engage in acts of infringement of the '730 Patent thereby permitting increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

68. On April 8, 2014, Uber cited the '730 Patent in the prosecution of its own patent application that later issued as United States Patent No. 9,230,292. *See* Ex. L.

69. Accordingly, Uber has known about, and willfully continued to infringe, Plaintiff's '730 Patent since at least April 2014.

COUNT I
(Direct Infringement of the '730 Patent pursuant to 35 U.S.C. § 271(a))

70. Plaintiff hereby incorporates by reference the allegations of the foregoing paragraphs of this Complaint as if fully set forth herein.

71. Uber has directly infringed, literally or under the doctrine of equivalents, and continues to infringe, at least Claims 2, 3, and 6 of the '730 Patent in this judicial district, in the State of Georgia, and throughout the United States under 35 U.S.C. § 271(a) by making, using, importing, selling, and/or offering for sale in the United States, without license, the Accused Rideshare Services and JUMP Services.

72. The Accused Rideshare Services and JUMP Services are an "*automated system for providing unified billing for passenger transport*."

73. The Accused Rideshare Services and JUMP Services comprise "*a central data system for tracking passenger transportation vehicle usage and distributing periodic invoices for the usage*."

74. The Accused Rideshare Services and JUMP Services comprise "*a plurality of communication devices for proving wireless communication between passengers, vehicles, and the central data system in connection with the passenger transportation vehicle usage*."

75. The Accused Rideshare Services and JUMP Services include "*a wireless means of on-demand allocation of a passenger to a specific vehicle through the central data system*."

76. The Accused Rideshare Services and JUMP Services comprise "*a wireless means of informing the passenger of the assignment and updated expected arrival time*."

77. The Accused Rideshare Services and JUMP Services comprise an "*a wireless means of detecting the proximity of the passenger and alerting the passenger of the proximity of the vehicle*."

78. Uber's infringement of the '730 Patent has injured Plaintiff and will continue to cause severe and irreparable damage as long as Uber's infringing activities continue.

79. Plaintiff is further entitled to recover damages adequate to compensate it for the past injuries complained of herein, but in no event less than a reasonable royalty.

COUNT II
(Indirect Infringement of the '730 Patent pursuant to 35 U.S.C. § 271(b))

80. Plaintiff hereby incorporates by reference the allegations of the foregoing paragraphs of this Complaint as if fully set forth herein.

81. As set forth above, Uber directly infringed the '730 Patent in this judicial district, in the State of Delaware, and throughout the United States.

82. Uber's Accused Rideshare Services are "bundled up into a platform" in the form of the Uber App, the Uber Rider App, and the Uber Driver App, all of which to allow passengers to contact drivers and others. Uber induces passengers, drivers, and others to download this platform in the form of a smartphone application to allow drivers and passengers to use the Accused Products and Services. Uber further induces drivers to download and use its platform through provision of training, onboarding, customer service, and payment services provided at its Greenlight hubs, including the Greenlight hub in this District. Uber additionally induces drivers to infringe, including in this District, by providing Atlanta-specific Partner Incentives and information regarding "high demand areas" to help "maximize [their] earnings by driving in areas with the most requests." *See* Ex. M (available at https://www.uber.com/drive/atlanta/resources/).

83. Similarly, Uber's JUMP Services are bundled into the platform of Uber's software, which allows users to connect with shared JUMP bikes and scooters. Uber induces users to download this platform in the form of a smartphone application to allow them to use the JUMP Services. Uber specifically induces infringement in this District by its placement of JUMP scooters and bikes on sidewalks across Atlanta and the District.

84. Uber has indirectly infringed, literally or under the doctrine of equivalents, and continues to infringe claim 2 of the '730 Patent within this judicial district, in the State of Delaware, and throughout the United States under 35 U.S.C. § 271(b) by inducing, instructing, directing, controlling, advertising, and/or requiring others to directly infringe claim 2 of the '730 Patent, including customers, purchasers, users, developers, passengers, drivers, and users of the Accused Rideshare Services and JUMP Services.

85. Uber knew about the '730 Patent at least as of April 8, 2014. Uber took deliberate and affirmative acts with knowledge that said acts constituted patent infringement, or with willful blindness of a fact that would show a high probability of patent infringement and deliberate avoidance of learning that fact, to encourage and induce infringement by other parties, including at least instructing, inducing, directing, controlling, advertising, and/or requiring others to infringe, without license, claim 2 of the '730 Patent. Parties induced by Uber including customers, purchasers, users, developers, passengers, drivers, and users of the Accused Products and Services.

86. Plaintiff has suffered, and will continue to suffer, substantial and irreparable harm if Uber is not enjoined from infringing the '730 Patent.

87. Plaintiff has no adequate remedy at law.

88. Plaintiff is entitled to have Uber enjoined from inducing future acts of infringement that will subject Plaintiff to irreparable harm.

89. Plaintiff is further entitled to recover damages adequate to compensate it for the past injuries complained of herein, but in no event less than a reasonable royalty.

DEMAND FOR JURY TRIAL

90. Plaintiff demands that all issues be determined by a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a judgment in its favor and against Defendants and respectfully requests the following relief:

A. A judgment declaring that Defendants have infringed, either literally or under the doctrine of equivalents, one or more claims of U.S. Patent No. 6,697,730;

B. A finding that Defendants' infringement of the '730 Patent has been willful and a judgment for enhanced damages;

C. A judgment awarding Plaintiff damages adequate to compensate for Defendants' infringement;

D. Pre-judgment and post-judgment interest to the full extent allowed under the law, as well as its costs;

E. Attorneys' fees in this action as an exceptional case pursuant to 35 U.S.C. § 285;

F. Costs and expenses in this action; and

G. Such other and further relief as the Court deems just and proper.

Date: May 31, 2019.

/s/ Mitchell G. Stockwell

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