

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RIDEAPP, INC.

Plaintiff,

v.

LYFT, INC.

Defendant.

Case No. 1:18-CV-06625-LGS

**DEFENDANT LYFT, INC.’S ANSWER TO PLAINTIFF RIDEAPP INC.’S AMENDED
COMPLAINT**

Defendant Lyft Inc. (“Lyft”), by and through its counsel, hereby answers the Amended Complaint (Dkt. 29) of Plaintiff RideApp, Inc. (“RideApp”).

As an initial matter, Lyft denies each and every allegation contained in the Amended Complaint that is not expressly admitted below. Any factual allegation admitted below is admitted only as to the specific facts, and not as to any purported conclusions, characterizations, implications, or speculations that might follow from the admitted facts. Additionally, to the extent that the headings or any other non-numbered statements in the Amended Complaint contain any allegations, Lyft denies each and every such allegation. Lyft includes headings herein solely for purposes of clarity.

Because Motivate International Inc. (“Motivate”) is no longer a party in this proceeding, allegations throughout the Amended Complaint relating to Motivate or Motivate’s products or services are no longer relevant, and no response to these allegations is required. Accordingly,

Lyft does not provide responses to allegations directed to Motivate or Motivate's products or services.

In answering the specific allegations of RideApp's Amended Complaint, Lyft responds with the following paragraphs, which correspond sequentially to the paragraphs in RideApp's Amended Complaint:

A. NATURE OF ACTION

1. Lyft admits that the Amended Complaint purports to bring an action under the patent laws of the United States, Title 35 of the United States Code. Lyft denies infringement of any valid claim of United States Patent No. 6,697,730 ("the '730 Patent").

B. PARTIES

2. Lyft lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Amended Complaint and therefore denies those allegations.

3. Lyft admits that it is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 185 Berry Street, Suite 5000, San Francisco, California 94107. Lyft admits that it maintains a business location at 245 West 17th Street, New York, New York 10011. Lyft admits that its agent for service of process is CT Corporation System, 111 Eighth Avenue, New York, NY 10011. Lyft admits that it is a privately-held, for-profit corporation. Lyft otherwise denies the allegations of Paragraph 3 of the Amended Complaint.

4. RideApp's allegations in Paragraph 4 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this

proceeding, the allegations in Paragraph 4 of the Amended Complaint are no longer relevant, and no response is required.

C. JURISDICTION AND VENUE

5. Lyft admits that the Amended Complaint purports to bring an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code, and that this Court has subject matter jurisdiction over such claims under 28 U.S.C. §§ 1331 and 1338(a). Lyft denies the legal sufficiency of RideApp's claims and allegations and denies that RideApp has any viable claim thereunder.

6. Lyft admits that it maintains a business location at 245 West 17th Street, New York, New York 10011. Lyft otherwise denies the allegations of Paragraph 6 of the Amended Complaint.

7. Paragraph 7 states a legal conclusion to which no response is required. Lyft denies the legal sufficiency of RideApp's claims and allegations and denies the allegations of Paragraph 7 of the Amended Complaint.

D. FACTS AND BACKGROUND

8. Lyft lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Amended Complaint and therefore denies those allegations.

9. Lyft lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Amended Complaint and therefore denies those allegations.

10. Lyft lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Amended Complaint and therefore denies those allegations.

11. Lyft lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Amended Complaint and therefore denies those allegations.

12. Lyft admits that the '730 Patent states on its face a Stephen L. Dickerson of Atlanta, Georgia as the sole inventor. Lyft otherwise lacks knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 12 of the Amended Complaint and therefore denies those allegations.

13. Lyft admits that the '730 Patent states on its face that it issued on February 24, 2004; that the '730 Patent is entitled "Communications and Computing Based Urban Transit System"; that the '730 Patent states on its face that the application that issued as the '730 Patent was filed on April 4, 2001; and that the '730 Patent states on its face that it claims priority to a provisional patent application U.S. Ser. No. 60/273,286, entitled "Communications and Computing Based Urban Transit System" (filed on March 1, 2001) and to U.S. Ser. No. 60/194,416, entitled "Communications and Computing Based Urban Transit System" (filed on April 4, 2000). Except as expressly admitted herein, Lyft lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 13 of the Amended Complaint and therefore denies those allegations. Lyft denies that the '730 Patent was duly and legally issued.

14. Lyft lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of the Amended Complaint and therefore denies those allegations.

15. Lyft lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15 of the Amended Complaint and therefore denies those allegations.

16. Lyft admits that what appears to be a copy of the '730 Patent was attached as Exhibit A to the Amended Complaint. Lyft denies that the claims of the '730 Patent are valid and enforceable. Lyft otherwise lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 16 of the Amended Complaint and therefore denies those allegations.

17. Lyft denies the allegations of Paragraph 17 of the Amended Complaint.

18. Lyft lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 18 of the Amended Complaint and therefore denies those allegations.

19. Lyft lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 of the Amended Complaint and therefore denies those allegations.

20. Lyft admits that Paragraph 20 of the Amended Complaint includes what appears to be an excerpt from column 3, lines 48–52 of the '730 Patent. Lyft otherwise lacks knowledge or information sufficient to form a belief as to the truth of the content of the excerpt or the remaining allegations of Paragraph 20 of the Amended Complaint and therefore denies those allegations.

21. Lyft admits that Paragraph 21 of the Amended Complaint includes what appears to be excerpts from column 4, lines 6–9, and column 4, lines 9–14 of the '730 Patent. Lyft

otherwise lacks knowledge or information sufficient to form a belief as to the truth of the content of the excerpts or the remaining allegations of Paragraph 21 of the Amended Complaint and therefore denies those allegations.

22. Lyft admits that the '730 Patent includes five independent claims and one dependent claim.

23. Lyft admits that Paragraph 23 of the Amended Complaint includes what appears to be an excerpt of claim 2 from the '730 Patent. Lyft lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 23 of the Amended Complaint and therefore denies those allegations.

24. Lyft admits that Paragraph 24 of the Amended Complaint includes what appears to be an excerpt of claim 3 from the '730 Patent. Lyft lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 24 of the Amended Complaint and therefore denies those allegations.

25. Lyft admits that Paragraph 25 of the Amended Complaint includes what appears to be an excerpt of claim 6 from the '730 Patent. Lyft lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 25 of the Amended Complaint and therefore denies those allegations.

26. Lyft admits that the remaining claims of the '730 Patent include some limitations found in claims 2, 3, and 6. Lyft otherwise denies the allegations in Paragraph 26 of the Amended Complaint.

27. Lyft admits that Exhibit B of the Amended Complaint is a copy of a Lyft web page available at <https://blog.lyft.com/posts/2017/10/10/half-a-billion-rides-and-counting>. Lyft

admits that Exhibit B to the Amended Complaint recites: “And we are now connecting passengers with drivers over 1 million times every single day.” Lyft admits that Exhibit H to the Amended Complaint recites: “The media outlet [The Information] viewed financial reports, which showed Lyft brought in \$483 million in revenue in the first half of 2017[.]” Lyft otherwise denies the allegations in Paragraph 27 of the Amended Complaint.

28. Lyft denies the allegations in Paragraph 28 of the Amended Complaint.

29. Lyft admits that it develops and provides smartphone applications, referred to in the Amended Complaint as the “Lyft App.” *See* Amended Compl. (Dkt. 29) at ¶¶ 29–36. Lyft admits that the image shown in Paragraph 29 of the Amended Complaint purports to be a screenshot taken from a web page available at <https://www.lifewire.com/lyft-4156217>. Lyft lacks knowledge or information sufficient to form a belief as to whether the images are illustrative of what the Amended Complaint refers to as the “Citibike App.” *See* Amended Compl. at ¶ 29; *see also id.* at ¶¶ 40, 44. Lyft otherwise denies the allegations of Paragraph 29 of the Amended Complaint.

30. Lyft admits that Exhibit C of the Amended Complaint purports to be a copy of a Lyft web page. Lyft denies that Exhibit C is a true and accurate copy of a Lyft web page currently available at <https://help.lyft.com/hc/en-us/articles/115013080028-How-to-give-a-Lyft-ride>. Lyft admits that Exhibit D of the Amended Complaint purports to be a copy of a Lyft web page. Lyft denies that Exhibit D is a true and accurate copy of a Lyft web page currently available at <https://help.lyft.com/hc/en-us/articles/115013079988-How-to-request-a-ride>. Lyft admits that the image shown in Paragraph 30 of the Amended Complaint purports to be a screenshot taken from a Lyft web page and that the Lyft App can be used to request rides and

accept ride requests. Lyft denies that the image shown in Paragraph 30 of the Amended Complaint can be found at the web page currently available at <https://help.lyft.com/hc/en-us/articles/115013080028-How-to-give-a-Lyft-ride> or the web page currently available at <https://help.lyft.com/hc/en-us/articles/115013079988-How-to-request-a-ride>. Lyft otherwise denies the allegations in Paragraph 30 of the Amended Complaint.

31. Lyft admits that Exhibit E of the Amended Complaint is a copy of a Lyft web page available at <https://help.lyft.com/hc/en-us/articles/115013080908-How-to-get-picked-up-as-a-passenger>. Lyft admits that the image shown in Paragraph 31 of the Amended Complaint purports to be a screenshot taken from a Lyft web page showing a driver's estimated time of arrival. Lyft denies that the image shown in Paragraph 31 of the Amended Complaint can be found at the web page available at <https://help.lyft.com/hc/en-us/articles/115013080908-How-to-get-picked-up-as-a-passenger>. Lyft otherwise denies the allegations in Paragraph 31 of the Amended Complaint.

32. Lyft admits that Exhibit F of the Amended Complaint is a copy of a Lyft web page available at <https://help.lyft.com/hc/en-us/articles/115012926507-How-to-pay-for-a-Lyft-ride>. Lyft admits that the image shown in Paragraph 32 of the Amended Complaint purports to be a screenshot taken from a Lyft web page showing payment information and that a receipt may be emailed to a passenger after completion of a trip. Lyft denies that the image shown in Paragraph 32 of the Amended Complaint can be found at the web page available at <https://help.lyft.com/hc/en-us/articles/115012926507-How-to-pay-for-a-Lyft-ride>. Lyft otherwise denies the allegations in Paragraph 32 of the Amended Complaint.

33. Lyft admits that Exhibit C of the Amended Complaint purports to be a copy of a Lyft web page. Lyft denies that Exhibit C is a true and accurate copy of a Lyft web page currently available at <https://help.lyft.com/hc/en-us/articles/115013080028-How-to-give-a-Lyft-ride>. Lyft otherwise denies the allegations in Paragraph 33 of the Amended Complaint.

34. Lyft admits that Exhibit G of the Amended Complaint purports to be a copy of a Lyft web page. Lyft denies that Exhibit G is a true and accurate copy of a Lyft web page currently available at <https://blog.lyft.com/posts/how-does-lyft-work>. Lyft admits that Exhibit G of the Amended Complaint and the web page available at <https://blog.lyft.com/posts/how-does-lyft-work> recite: “Ridesharing matches you with a nearby driver who will pick you up and take you where you want to go.” Lyft otherwise denies the allegations in Paragraph 34 of the Amended Complaint.

35. Lyft admits that Exhibit G of the Amended Complaint purports to be a copy of a Lyft web page. Lyft denies that Exhibit G of the Amended Complaint is a copy of a Lyft web page currently available at <https://blog.lyft.com/posts/how-does-lyft-work>. Lyft admits that the current web page available at <https://blog.lyft.com/posts/how-does-lyft-work> recites: “You’ll see a photo of your driver and the car, as well as their ETA.” Lyft otherwise denies the allegations in Paragraph 35 of the Amended Complaint.

36. Lyft admits that Exhibit C of the Amended Complaint purports to be a copy of a Lyft web page. Lyft denies that Exhibit C of the Amended Complaint is a true and accurate copy of a Lyft web page currently available at <https://help.lyft.com/hc/en-us/articles/115013080028-How-to-give-a-Lyft-ride>. Lyft admits that the image shown in Paragraph 36 of the Amended Complaint purports to be a screenshot taken from a Lyft web page currently available at

<https://help.lyft.com/hc/en-us/articles/115013080028-How-to-give-a-Lyft-ride> showing a possible route estimated time. Lyft denies that the image shown in Paragraph 36 of the Amended Complaint can be found at the web page currently available at <https://help.lyft.com/hc/en-us/articles/115013080028-How-to-give-a-Lyft-ride>. Lyft denies that the technology purportedly disclosed in the '730 Patent is core to the way in which Lyft operates its business. Lyft otherwise denies the remaining allegations in Paragraph 36 of the Amended Complaint.

37. RideApp's allegations in Paragraph 37 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 37 of the Amended Complaint are no longer relevant, and no response is required.

38. RideApp's allegations in Paragraph 38 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 38 of the Amended Complaint are no longer relevant, and no response is required.

39. RideApp's allegations in Paragraph 39 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 39 of the Amended Complaint are no longer relevant, and no response is required.

40. RideApp's allegations in Paragraph 40 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this

proceeding, the allegations in Paragraph 40 of the Amended Complaint are no longer relevant, and no response is required.

41. RideApp's allegations in Paragraph 41 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 41 of the Amended Complaint are no longer relevant, and no response is required.

42. RideApp's allegations in Paragraph 42 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 42 of the Amended Complaint are no longer relevant, and no response is required.

43. RideApp's allegations in Paragraph 43 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 43 of the Amended Complaint are no longer relevant, and no response is required.

44. RideApp's allegations in Paragraph 44 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 44 of the Amended Complaint are no longer relevant, and no response is required.

45. RideApp's allegations in Paragraph 45 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 45 of the Amended Complaint are no longer relevant, and no response is required.

46. RideApp's allegations in Paragraph 46 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 46 of the Amended Complaint are no longer relevant, and no response is required.

47. RideApp's allegations in Paragraph 47 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 47 of the Amended Complaint are no longer relevant, and no response is required.

48. RideApp's allegations in Paragraph 48 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 48 of the Amended Complaint are no longer relevant, and no response is required.

COUNT I

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

(Claim 2)

49. Paragraph 49 of the Amended Complaint incorporates by reference Paragraphs 1–48 of the Amended Complaint, to which no response is required. To the extent a response is required, Lyft realleges and incorporates by reference its responses to Paragraphs 1–48 of the Amended Complaint.

50. Lyft denies the allegations of Paragraph 50 of the Amended Complaint.

51. Lyft admits that Paragraph 51 of the Amended Complaint includes what appears to be an excerpt of claim 2 from the '730 Patent. Lyft otherwise denies the remaining allegations of Paragraph 51 of the Amended Complaint.

52. Lyft denies the allegations of Paragraph 52 of the Amended Complaint.

53. Lyft denies the allegations of Paragraph 53 of the Amended Complaint.

54. Lyft denies the allegations of Paragraph 54 of the Amended Complaint.

55. Lyft denies the allegations of Paragraph 55 of the Amended Complaint.

56. Lyft denies the allegations of Paragraph 56 of the Amended Complaint.

57. Lyft denies the allegations of Paragraph 57 of the Amended Complaint.

COUNT II

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

(Claim 2)

58. Paragraph 58 of the Amended Complaint incorporates by reference Paragraphs 1–57 of the Amended Complaint, to which no response is required. To the extent a response is required, Lyft realleges and incorporates by reference its responses to Paragraphs 1–57 of the Amended Complaint.

59. Lyft denies the allegations of Paragraph 59 of the Amended Complaint.

60. Lyft denies the allegations of Paragraph 60 of the Amended Complaint.

61. RideApp's allegations in Paragraph 61 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 61 of the Amended Complaint are no longer relevant, and no response is required.

- 62. Lyft denies the allegations of Paragraph 62 of the Amended Complaint.
- 63. Lyft denies the allegations of Paragraph 63 of the Amended Complaint.
- 64. Lyft denies the allegations of Paragraph 64 of the Amended Complaint.
- 65. Lyft denies the allegations of Paragraph 65 of the Amended Complaint.

COUNT III

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

(Claim 3)

66. Paragraph 66 of the Amended Complaint incorporates by reference Paragraphs 1–65 of the Amended Complaint, to which no response is required. To the extent a response is required, Lyft realleges and incorporates by reference its responses to Paragraphs 1–65 of the Amended Complaint.

67. Lyft denies the allegations of Paragraph 67 of the Amended Complaint.

68. Lyft admits that Paragraph 68 of the Amended Complaint includes what appears to be an excerpt of claim 3 from the '730 Patent. Lyft otherwise denies the remaining allegations of Paragraph 68 of the Amended Complaint.

69. Lyft denies the allegations of Paragraph 69 of the Amended Complaint.

70. Lyft denies the allegations of Paragraph 70 of the Amended Complaint.

71. Lyft denies the allegations of Paragraph 71 of the Amended Complaint.

72. Lyft denies the allegations of Paragraph 72 of the Amended Complaint.

73. Lyft denies the allegations of Paragraph 73 of the Amended Complaint.

74. Lyft denies the allegations of Paragraph 74 of the Amended Complaint.

75. Lyft denies the allegations of Paragraph 75 of the Amended Complaint.

- 76. Lyft denies the allegations of Paragraph 76 of the Amended Complaint.
- 77. Lyft denies the allegations of Paragraph 77 of the Amended Complaint.
- 78. Lyft denies the allegations of Paragraph 78 of the Amended Complaint.

COUNT IV

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

(Claim 3)

79. Paragraph 79 of the Amended Complaint incorporates by reference Paragraphs 1–78 of the Amended Complaint, to which no response is required. To the extent a response is required, Lyft realleges and incorporates by reference its responses to Paragraphs 1–78 of the Amended Complaint.

80. Lyft denies the allegations of Paragraph 80 of the Amended Complaint.

81. Lyft denies the allegations of Paragraph 81 of the Amended Complaint.

82. RideApp's allegations in Paragraph 82 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 82 of the Amended Complaint are no longer relevant, and no response is required.

83. Lyft denies the allegations of Paragraph 83 of the Amended Complaint.

84. Lyft denies the allegations of Paragraph 84 of the Amended Complaint.

85. Lyft denies the allegations of Paragraph 85 of the Amended Complaint.

86. Lyft denies the allegations of Paragraph 86 of the Amended Complaint.

COUNT V

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

(Claim 6)

87. Paragraph 87 of the Amended Complaint incorporates by reference Paragraphs 1–86 of the Amended Complaint, to which no response is required. To the extent a response is required, Lyft realleges and incorporates by reference its responses to Paragraphs 1–86 of the Amended Complaint.

88. Lyft denies the allegations of Paragraph 88 of the Amended Complaint.

89. Lyft denies the allegations of Paragraph 89 of the Amended Complaint.

90. Lyft admits that Paragraph 90 of the Amended Complaint includes what appears to be an excerpt of claim 6 from the '730 Patent. Lyft otherwise denies the remaining allegations of Paragraph 90 of the Amended Complaint.

91. Lyft denies the allegations of Paragraph 91 of the Amended Complaint.

92. Lyft denies the allegations of Paragraph 92 of the Amended Complaint.

93. Lyft denies the allegations of Paragraph 93 of the Amended Complaint.

94. Lyft denies the allegations of Paragraph 94 of the Amended Complaint.

95. Lyft denies the allegations of Paragraph 95 of the Amended Complaint.

96. Lyft denies the allegations of Paragraph 96 of the Amended Complaint.

97. Lyft denies the allegations of Paragraph 97 of the Amended Complaint.

98. Lyft denies the allegations of Paragraph 98 of the Amended Complaint.

99. Lyft denies the allegations of Paragraph 99 of the Amended Complaint.

COUNT VI

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

(Claim 6)

100. Paragraph 100 of the Amended Complaint incorporates by reference Paragraphs 1–99 of the Amended Complaint, to which no response is required. To the extent a response is required, Lyft realleges and incorporates by reference its responses to Paragraphs 1–99 of the Amended Complaint.

101. Lyft denies the allegations of Paragraph 101 of the Amended Complaint.

102. Lyft denies the allegations of Paragraph 102 of the Amended Complaint.

103. RideApp's allegations in Paragraph 103 of the Amended Complaint relate to Motivate or Motivate's products or services. Because Motivate is no longer a party in this proceeding, the allegations in Paragraph 103 of the Amended Complaint are no longer relevant, and no response is required.

104. Lyft denies the allegations of Paragraph 104 of the Amended Complaint.

DEMAND FOR JURY TRIAL

105. Lyft admits that the Amended Complaint demands that all issues be determined by a jury.

AFFIRMATIVE DEFENSES

Further answering the Amended Complaint and as additional defenses thereto, Lyft asserts the following affirmative defenses.

106. Lyft's investigation of its defenses is continuing, and Lyft expressly reserves the right to assert any additional defenses under the Federal Rules of Civil Procedure, the patent laws

of the United States, and any other defense, at law or in equity, that may now exist or be available in the future based upon discovery and further investigation in this case. By asserting the following Defenses, the burden of proof has not shifted from RideApp for any issue where RideApp bears the burden, including, without limitation, infringement. Lyft reserves the right to amend its response, including asserting additional affirmative and other defenses as they may be discovered or otherwise become available.

FIRST DEFENSE

(Non-infringement of the '730 Patent)

107. Lyft has not infringed, either directly, indirectly, by inducing infringement of others, by contributing to the infringement of others, or in any other manner, any valid and enforceable claim of the '730 Patent either literally or under the doctrine of equivalents.

SECOND DEFENSE

(No Willful Infringement of the '730 Patent)

108. Any alleged infringement by Lyft was not and is not willful for at least the reasons that Lyft was not aware of the '730 Patent until receiving notice of RideApp's Complaint (Dkt. 1) and that Lyft is not and was not aware of any products bearing a marking of the '730 Patent.

THIRD DEFENSE

(Invalidity of the '730 Patent)

109. One or more claims of the '730 Patent are invalid because they fail to satisfy the conditions for patentability specified in Title 35 of the United States Code, including, but not limited to, §§ 101, 102, 103, and/or 112.

FOURTH DEFENSE

(Failure to State a Claim)

110. RideApp has failed to state a claim upon which relief can be granted at least because, even assuming all facts recited in the Amended Complaint are true, the Amended Complaint fails to show that Lyft infringes one or more valid and enforceable claims of the '730 Patent under any theory.

FIFTH DEFENSE

(Unenforceability of the '730 Patent)

111. As discovery in this case is at its earliest stages, Lyft explicitly reserves the right to assert that the '730 Patent is unenforceable due to at least unclean hands and/or inequitable conduct.

SIXTH DEFENSE

(Prosecution History Estoppel)

112. RideApp is estopped from construing the claims of the '730 Patent to cover or include either literally or by application of the doctrine of equivalents, methods used or devices manufactured, used, imported, sold, or offered for sale by Lyft because of admissions, omissions,

representations, statements, disclaimers, and/or disavowals made to the United States Patent and Trademark Office during prosecution of the applications leading to the issuance of the '730 Patent.

SEVENTH DEFENSE

(No Entitlement to Injunctive Relief)

113. RideApp's claim for injunctive relief is barred at least because RideApp has not suffered any irreparable injury, RideApp has an adequate remedy at law, and because RideApp cannot satisfy the other requirements applicable to its request for injunctive relief.

EIGHTH DEFENSE

(Waiver)

114. All or some of RideApp's claims for relief against Lyft for infringement of the '730 Patent are barred by the doctrine of waiver, acquiescence, unclean hands, and/or estoppel.

NINTH DEFENSE

(Limitation of Damages)

115. Upon information and belief, RideApp's claim for damages for purported infringement of the '730 Patent is limited under 35 U.S.C. §§ 286, 287, and/or 288.

RESPONSE TO RIDEAPP'S PRAYER FOR RELIEF

Lyft denies any form of infringement and denies that RideApp is entitled to any relief whatsoever, including all relief requested in RideApp's "Prayer for Relief" in the Amended Complaint. To the extent any statement in the Amended Complaint's Prayer for Relief is deemed factual, it is denied.

Wherefore, Lyft respectfully requests that judgement be entered in its favor against RideApp, as follows:

- A. An order dismissing RideApp's Amended Complaint with prejudice in all respects;
- B. A judgment that Lyft is not infringing and has not infringed, directly and/or indirectly, any claim of the '730 Patent.
- C. A judgment that Lyft is not willfully infringing and has not willfully infringed any claim of the '730 Patent;
- D. A judgment that each claim of the '730 Patent is invalid;
- E. A judgment that each claim of the '730 Patent is unenforceable;
- F. An order denying RideApp's request for a permanent injunction;
- G. An order denying RideApp's request for any damages including any pre-judgment and post-judgment interest;
- H. An order denying RideApp's request for attorney's fees in this action as an exceptional case;
- I. An order denying RideApp's request for any costs and expenses in this action;
- J. An order declaring this an exceptional case and that Lyft be awarded its costs, expenses, and reasonable attorneys' fees in this action under 35 U.S.C. § 285;
- K. An order awarding Lyft such other relief as the Court may deem appropriate and just under the circumstances.

Dated: October 12, 2018

/s/ Jeremy J. Taylor

Jeremy J. Taylor

Jeremy J. Taylor (admitted *pro hac vice*)
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