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10 *Attorneys for Plaintiff Lyft, Inc.*

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN JOSE DIVISION**

14 LYFT, INC.

15 Plaintiff,

16 v.

17 AGIS SOFTWARE DEVELOPMENT LLC,

18 Defendant.

Case No. 5:21-cv-04653-BLF

**DECLARATION OF BETHANY R.  
SALPIETRA IN SUPPORT OF  
PLAINTIFF LYFT, INC.'S MOTION TO  
STAY PENDING PATENT OFFICE  
PROCEEDINGS INVOLVING THE  
PATENTS-IN-SUIT**

Date: August 11, 2022  
Time: 9:00 a.m.  
Judge: Hon. Beth Labson Freeman  
Trial Date: October 16, 2023  
Courtroom: 3, Fifth Floor

1 I, Bethany R. Salpietra, declare as follows:

2 1. I am over the age of 21 and am fully competent to make this declaration. I have  
3 personal knowledge of all facts recited herein and state that such facts are true and correct to my  
4 knowledge or information and belief, and, if called upon to do so, I would testify competently about  
5 them.

6 2. I am duly admitted to practice law in the State of Texas and before this Court. I am  
7 counsel at the law firm of Baker Botts L.L.P., 2001 Ross Avenue, Suite 900, Dallas, TX 75201, and  
8 I represent Lyft, Inc. (“Lyft”) in the above-captioned action.

9 3. I have reviewed and complied with the Northern District of California’s Civil L.R.  
10 (dated November 1, 2021).

11 4. I make this Declaration in support of Plaintiff’s Motion to Stay Pending Patent Office  
12 Proceedings Involving the Patents-in-Suit.

13 5. Attached hereto as **Exhibit 1** is a true and correct copy of the *Ex Parte*  
14 Reexamination Certificate for U.S. Patent No. 8,213,970, which issued on December 9, 2021.

15 6. Attached hereto as **Exhibit 2** is a true and correct copy of the Order Granting Request  
16 for *Ex Parte* Reexamination regarding U.S. Patent 7,031,728 (“the ’728 Patent”) mailed by the  
17 United States Patent and Trademark Office (“USPTO”) on December 6, 2021.

18 7. Attached as **Exhibit 3** is a true and correct copy of the Order Granting Request for  
19 *Ex Parte* Reexamination regarding U.S. Patent 7,630,724 (“the ’724 Patent”) mailed by the USPTO  
20 on December 7, 2021.

21 8. Attached as **Exhibit 4** is a true and correct copy of the Decision on Petition for  
22 Extension of Time in Reexamination regarding the ’728 Patent mailed by the USPTO on January  
23 28, 2022.

24 9. Attached as **Exhibit 5** is a true and correct copy of the Decision on Petition for  
25 Extension of Time in Reexamination regarding the ’724 Patent mailed by the USPTO on January  
26 28, 2022.

27 10. Attached as **Exhibit 6** is a true and correct copy of the Reexamination operational  
28 statistics updated in March 2022 by the USPTO.

1           11. Attached as **Exhibit 7** is a true and correct copy of the Decision Granting Institution  
2 of *Inter Partes* Review regarding U.S. Patent 10,341,838 (“the ’838 Patent”) by the Patent Trial and  
3 Appeal Board (“PTAB”) on January 7, 2022 in IPR2021-01306.

4           12. Attached as **Exhibit 8** is a true and correct copy of the Decision Granting Institution  
5 of *Inter Partes* Review regarding U.S. Patent 10,299,100 (“the ’100 Patent”) by the PTAB on  
6 January 7, 2022 in IPR2021-01307.

7           13. Attached as **Exhibit 9** is a true and correct copy of the Decision Granting Institution  
8 of *Inter Partes* Review regarding U.S. Patent 10,299,100 (“the ’100 Patent”) by the PTAB on  
9 January 7, 2022 in IPR2021-01308.

10           14. Attached as **Exhibit 10** is a true and correct copy of email correspondence between  
11 counsel for Lyft, Inc. and counsel for AGIS Software Development LLC.

12           15. Attached as **Exhibit 11** is a true and correct copy of Ex Parte Reexamination  
13 Historical Statistics updated in March 2021 by the USPTO.

14           16. Attached as **Exhibit 12** is a true and correct copy of a USPTO presentation entitled  
15 “PTAB Trial Statistics FY21 End of Year Outcome Roundup IPR, PGR, CBM” regarding Fiscal  
16 Year 2021.

17           17. Attached as **Exhibit 13** is a true and correct copy of excerpts of the Transcript of  
18 Proceedings before the Honorable Beth Labson Freeman on January 27, 2022 in the above-  
19 captioned case.

20           18. Attached as **Exhibit 14** is a true and correct copy of the Petition for *Inter Partes*  
21 *Review* regarding the ’838 Patent filed by Lyft on January 28, 2022 in IPR2021-00513.

22           19. Attached as **Exhibit 15** is a true and correct copy of the Petition for *Inter Partes*  
23 *Review* regarding the ’100 Patent filed by Lyft on January 28, 2022 in IPR2021-00514.

24           20. Attached as **Exhibit 16** is a true and correct copy of the Petition for *Inter Partes*  
25 *Review* regarding the ’100 Patent filed by Lyft on January 28, 2022 in IPR2021-00515.

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1 Executed on this 18 day of April, 2022, at Dallas, Texas, County of Dallas. I declare under  
2 penalty of perjury under the laws of the United States of America that the foregoing is true and  
3 correct to the best of my knowledge.

4 Dated: April 18, 2022

Respectfully submitted,

5 By: /s/ Bethany R. Salpietra

6 Bethany R. Salpietra

7 *Attorneys for Plaintiff Lyft, Inc.*  
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