

EXHIBIT E

Attachment D for US Patent No. 8,213,970 Against Lyft Accused Products

Based on information presently available,¹ Defendant AGIS Software Development LLC (“AGIS Software”) and Defendant Lyft Technologies Inc. (“Lyft” or “Plaintiff”) infringes claims 2, 10, 12, and 13 (the “Asserted Claims”) of US Patent No. 8,213,970 (the “’970 Patent”) through the Accused Products which are manufactured, sold, offered for sale, and/or used.

The Accused Products comprise the Lyft and Lyft Driver applications, servers, and services manufactured and/or used by Lyft Technologies Inc. during and after 2016. AGIS Software reserves the right to seek leave of court to amend this list of Accused Products upon filing of an amended complaint or as discovery progresses.

Lyft directly infringes each of the Asserted Claims by making, using, importing, testing, distributing, selling, offering for sale, and/or sale the Accused Products in violation of 35 U.S.C. § 271(a).

Lyft indirectly infringes the Asserted Claims in violation of 35 U.S.C. § 271(b) by inducing third parties, including its employees and/or customers, to directly infringe through their operation and use of the Accused Products. Lyft has knowingly induced this direct infringement by, *inter alia*, (i) selling, importing, or otherwise providing the Accused Products to third parties with the intent that the Accused Products will be operated and used in a manner that practices the Asserted Claims; (ii) advertising the Accused Products. Lyft’s marketing and promotional materials for the Accused Products are found on Lyft’s website, and in App stores of operating systems for which the Accused Products are made available. For example, Lyft offers customers instructions and/or manuals for the Accused Products that instruct customers to, among other things, use the services in the Accused Products. Lyft’s website also offers support to customers, including instruction to, among other things, use the Accused Products share location information with a group of users. Lyft knows, or should have known, that its actions constitute infringement of the Asserted Claims, or subjectively believes that there is a high probability that its actions will constitute infringement of the Asserted Claims but has taken deliberate actions to avoid learning these facts.

Lyft also contributorily infringes each of the Asserted Claims in violation of 35 U.S.C. § 271(c) by selling, offering for sale, and otherwise providing the Accused Products, which when used directly infringe the Asserted Claims. These actions constitute a material part of the Asserted Claims.

¹ There is no operative complaint asserting non-infringement of any patent claim in this action at this time. AGIS Software reserves the right to update its contentions upon receipt of any future amended complaint.

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The following chart identifies specifically where each limitation of each Asserted Claim is found within the Lyft and Lyft Driver applications, and in particular, the corresponding elements that meet the limitations in the Lyft and Lyft Driver applications. On information and belief, each charted version of the Lyft Rider and Driver Apps are representative of all Lyft Accused Products, including all variants of the Accused Products made, sold, offered for sale, or used on any version of the Lyft operating systems.

AGIS Software does not concede that any claims of the '970 Patent that are not listed below are not infringed by the Accused Products. Moreover, the citations to certain documents and other information below are intended to be illustrative and in no way foreclose AGIS from citing or relying on additional documents, information, source code, and/or testimony. These contentions are preliminary in nature and an analysis of Lyft's products, internal documentation, source code, and other relevant witnesses may more fully and accurately describe the infringing features of its accused products. Accordingly, AGIS Software reserves the right to seek leave of court to supplement, correct, modify, and/or amend these contentions once such information is made available to AGIS Software. Furthermore, AGIS Software reserves the right to seek leave of court to supplement, modify, and/or amend these contentions as discovery in this case progresses; in view of the Court's claim construction order and of any positions taken by Lyft, including but not limited to positions on claim construction, invalidity, and/or non-infringement in connection with the preparation and exchange of expert reports.

The contents of each claim cell below on which another claim cell depends are expressly incorporated by reference into the dependent cell, as if set forth in their entirety therein.

² The construction of claim terms herein is consistent with the constructions in *AGIS Software Dev. LLC v. Huawei Technologies Co., Ltd.*, No. 2:17-cv-00513-JRG, Dkt. 205 (E.D. Tex. Oct. 10, 2018); *AGIS Software Dev. LLC v. Google LLC*, No. 2:19-cv-00147 (E.D. Tex. Dec. 8, 2020); *AGIS Software Dev. LLC v. T-Mobile USA, Inc., et al.*, No. 2:21-cv-00072-JRG, Dkt. 1 (E.D. Tex. Nov. 10, 2021). AGIS Software reserves the right to update its constructions and contentions in view of this Court's final claim construction order.

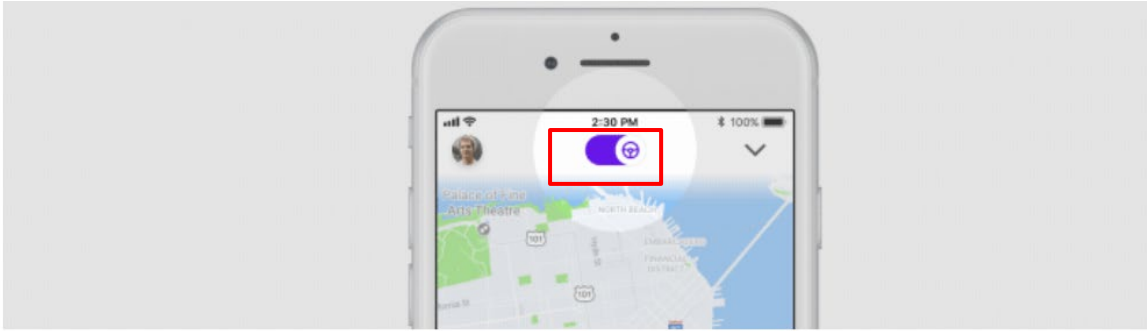
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Attachment D for US Patent No. 8,213,970 Against Lyft Accused Products

Claim - 8,213,970	Exemplary Supporting Evidence Regarding Accused Products
<p>(Unasserted) 1[P]. A communication system for transmitting, receiving, confirming receipt, and responding to an electronic message, comprising:</p>	<p>The Lyft Accused Products comprise a communication system for transmitting, receiving, and responding to an electronic message. Lyft infringe directly and/or indirectly by providing a communication system for transmitting, receiving, confirming receipt, and responding to a message.</p> <p>For example, Lyft provides Lyft Rider app for passengers and Lyft Driver app for drivers. Riders and drivers, in conjunction with Lyft's servers and services, provide users with intercom, request, view, and track locations of passengers/riders using real-time maps and communication. Lyft's server(s) and their services communicate with the Lyft apps for riders and drivers. The Lyft services host information related to and instructions for processing user/device/vehicle account information and map data. The claimed methods are distributed by Lyft in the Lyft apps. The claimed methods are used/tested by Lyft using the Lyft apps. The claimed methods are downloaded and installed on Lyft's customers (riders) and personnel (drivers, personnel) at the direction/encouragement of Lyft's customers and Lyft's personnel.</p> <p>The Lyft Driver application receives an electronically transmitted request for a ride message and acknowledges the receipt of the message which triggers a forced message alert that locks the application for a period of time until the driver sends a response message (decline or accept) to clear the lock ("transmitting, receiving, confirming receipt, and responding to an electronic message").</p> <h2>Lyft Driver app</h2> <p>We've separated the passenger and driver experiences into two separate mobile apps — one exclusively for passengers (named the Lyft app) and the other exclusively for drivers (named the Lyft Driver app).</p> <p>The Lyft Driver app will eventually be standard for all drivers and required for driving. At this time, drivers can keep using the Lyft app to give rides. Don't worry! While we have some planned improvements to the Lyft Driver app, we've kept its features the same.</p>

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Claim - 8,213,970	Exemplary Supporting Evidence Regarding Accused Products
	<p data-bbox="483 800 1377 835">https://help.lyft.com/hc/en-ca/articles/115013079208-Lyft-Driver-app</p> <h2 data-bbox="493 884 792 932">What is Lyft?</h2> <p data-bbox="493 984 1560 1056">Lyft is a platform that connects drivers with individuals and organizations that need rides.</p> <p data-bbox="483 1083 956 1119">https://www.lyft.com/drive-with-lyft</p>  <p data-bbox="483 1549 605 1577">Go online</p> <p data-bbox="483 1614 1624 1719">Open your Lyft Driver app and tap the steering wheel icon. Lyft will now find the closest passenger to your location requesting a ride. Turn on some music and get comfortable: that first ride request may come quickly or may take a while, depending on the number of current passenger requests.</p> <p data-bbox="483 1726 1138 1761">https://www.lyft.com/hub/posts/how-to-give-a-ride</p>

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