

EXHIBIT 4

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19 Attorneys for Defendant
 20 *AGIS Software Development LLC*

21 **UNITED STATES DISTRICT COURT**
 22 **NORTHERN DISTRICT OF CALIFORNIA**

23 LYFT, INC.,

24 *Plaintiffs,*

25 v.

26 AGIS SOFTWARE DEVELOPMENT LLC,

27 Defendant.

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

**DEFENDANT AGIS SOFTWARE
 DEVELOPMENT LLC'S DISCLOSURE
 OF ASSERTED CLAIMS AND
 INFRINGEMENT CONTENTIONS**

Hon. Judge Beth Labson Freeman

1 Defendant AGIS Software Development LLC (“AGIS Software”) hereby makes the
 2 following infringement disclosure under the Patent Local Rules with respect to United States Patent
 3 Nos. 7,031,728; 7,630,724; 8,213,970; 10,299,100; and 10,341,838 (collectively, the “Patents-in-
 4 Suit”). AGIS Software’s investigation is ongoing, and discovery has not yet commenced.¹
 5 Accordingly, these disclosures are based on information available to AGIS Software at this time.
 6 AGIS Software reserves the right to supplement this disclosure after further discovery regarding the
 7 Lyft Accused Products set forth below. AGIS Software also reserves the right to assert additional
 8 claims of the Patents-in-Suit, accuse different products, or find literal and/or equivalent infringing
 9 elements in the Lyft Accused Products.

10 **I. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**
 11 **PURSUANT TO PATENT LOCAL RULE 3-1**

12 **A. ASSERTED CLAIMS**

13 Plaintiff Lyft Inc. (“Plaintiff” or “Lyft”) has infringed and continues to infringe at least the
 14 following claims of the Patents-in-Suit in connection with the Lyft Accused Products set forth
 15 below:

- 16 • Claim 7 of U.S. Patent No. 7,031,728 (the “’728 Patent”);
- 17 • Claims 9, 12-16 of U.S. Patent No. 7,630,724 (the “’724 Patent”);
- 18 • Claims 2, 10, 12-13 of U.S. Patent No. 8,213,970 (the “’970 Patent”);
- 19 • Claims 1-31 of U.S. Patent No. 10,299,100 (the “’100 Patent”); and
- 20 • Claims 1-26 of U.S. Patent No. 10,341,838 (the “’838 Patent”).

21 AGIS Software reserves the right to seek leave of court to add, delete, substitute, or
 22 otherwise amend this list of asserted claims should further discovery, the Court’s claim construction,
 23 or other circumstances so merit.

24 **B. ACCUSED INSTRUMENTALITIES**

25 AGIS Software is currently aware that the following Lyft Products infringe each of the
 26 Patents-in-Suit, either alone or in concert with one or more other Lyft Accused Products:

- 27 • Lyft applications, services, and servers;

- 1 • Lyft Driver applications, services, and servers; and
- 2 • Lyft servers related to Lyft applications and Lyft Driver applications.

3 AGIS Software reserves the right to amend this list of accused instrumentalities, as well as
4 other information contained in this document and the exhibits hereto, to incorporate new information
5 learned during the course of discovery including, but not limited to, the inclusion of newly-released
6 products or any other equivalent devices ascertained through discovery.

7 **C. CLAIM CHARTS**

8 Claim charts identifying a location of every element of every asserted claim of the Patents-
9 in-Suit within Lyft Accused Products are attached hereto as Exhibits A-E. AGIS Software believes
10 that the citations in the claim charts are representative of all Lyft Accused Products. For example,
11 where AGIS Software cites reference material or images representing an application, service, or
12 server that citation is representative for all other such applications, services, or servers including all
13 prior and future versions unless otherwise noted. AGIS Software reserves the right to amend these
14 claim charts as well as other information contained in this document and the exhibits hereto, to
15 incorporate new information learned during the course of discovery including, but not limited to,
16 information that is not publicly available or readily discernible without discovery. AGIS Software
17 further reserves the right to amend these claim charts, as well as other information contained in this
18 document and the exhibits attached hereto, pursuant to Patent Local Rules 3-1(g) and 3-6.

19 **D. LITERAL INFRINGEMENT AND DOCTRINE OF EQUIVALENTS**

20 AGIS Software asserts that, under the proper construction of the asserted claims and their
21 claim terms, the limitations of the asserted claims of the Patents-in-Suit are literally present in the
22 Lyft Accused Products as set forth in the claim charts attached hereto as Exhibits A-E. AGIS
23 Software contends that any and all elements found not to be literally infringed are infringed under
24 the doctrine of equivalents because the differences between the claimed inventions and the accused
25 instrumentalities, if any, are insubstantial.

26 AGIS Software contends that Lyft directly infringes the asserted claims by making, using,
27 offering for sale, selling, and importing into the United States the accused instrumentalities as well

1 as indirectly infringe by contributing to and/or inducing others (*e.g.*, Lyft customers or its Lyft
2 customers' customers) to directly infringe those claims by making, using, offering for sale, or selling
3 the Lyft Accused Products. AGIS Software contends that Lyft directly infringes the asserted claims
4 by testing the Lyft Accused Products in the United States.

5 Pursuant to Patent Local Rule 3-6(a), AGIS Software reserves the right to amend its
6 Infringement Contentions as to literal infringement or infringement under the doctrine of
7 equivalents, *e.g.*, in light of the Court's claim construction.

8 **E. PRIORITY DATES**

9 Under Patent Local Rule 3-1(f), each of the asserted claims of the Patents-in-Suit are entitled
10 to a priority date of at least as early as September 21, 2004.² For the purposes of this case only,
11 AGIS Software intends to assert the following priority dates to earlier applications:

- 12 • April 17, 2006 for Claims 1-31 of U.S. Patent No. 10,299,100 (the "100 Patent");
- 13 and
- 14 • April 17, 2006 for Claims 1-26 of U.S. Patent No. 10,341,838 (the "838 Patent")

15 With the identification of these priority dates, AGIS does not waive the right to assert earlier
16 priority dates to earlier applications. AGIS Software reserves the right to establish an earlier date
17 of invention based upon actions related to conception and reduction to practice of the claimed
18 inventions.

19 **F. PRACTICING PRODUCTS**

20 Pursuant to Patent Local Rule 3-1(g), AGIS Software contends that licensee AGIS, Inc.'s
21 LifeRing products are covered by at least one of claim 7 of the '728 Patent; claims 9, 12-16 of the
22 '724 Patent; claims 2, 10-13 of the '970 Patent; claims 1-31 of the '100 Patent; and claims 1-26 of
23 the '838 Patent. AGIS is not aware of any other licensee that practice any claim of the Patents-in-
24 Suit. AGIS Software's investigation is ongoing and AGIS Software reserves the right to
25 supplement, amend, or amend these contentions in view of facts learned during discovery, the

26 _____
27 ² AGIS continues to rely on interim priority dates identified in each of the Patents-in-Suit to establish
28 priority prior to the actual filing date of the Patents-in-Suit.

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