

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMERANTH, INC.)	
)	
Plaintiff,)	Civil Action No. 2:22-cv-1776-WSH
)	
v.)	FIRST AMENDED COMPLAINT FOR
)	PATENT INFRINGEMENT
DOORDASH, INC.)	
)	JURY TRIAL DEMANDED
Defendant.)	
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For its First Amended Complaint, Ameranth, Inc. ("Ameranth"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. Ameranth is a Delaware corporation having a principal place of business at 5820 Oberlin Drive, Suite 202, San Diego, California 92121.

2. Defendant DoorDash, Inc. ("Defendant") is a Delaware company, with, upon information and belief, a brick-and-mortar store, called DashMart, located at 3232 Penn Avenue, Pittsburgh, Pennsylvania 15201, which has been open since 2021.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

5. Upon information and belief, Defendant conducts substantial business in this forum, directly and/or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district and otherwise directs infringing activities to this District in connection with its

products and services . Defendant's staff operating at and from their DashMart store in Pittsburgh use products and services that are accused of infringement herein. The same is true of the hundreds of Defendant's Delivery Driver Dashers operating within this district .

6. The same accused products and services are also integrated with, upon information and belief, more than seven hundred other restaurants/stores operating within this district, *see* Food Delivery in Pittsburgh (available at <https://www.doordash.com/food-delivery/pittsburgh-pa-restaurants/> (last accessed May 1, 2023)), and with tens of thousands of Pittsburgh area consumers within this district, using Defendant's mobile application and supported by a Pittsburgh, Pennsylvania-based engineering team, that is focused on activities directly related and contributing to the infringement allegations herein: Defendant is "focused on core platform technologies that drive our delivery logistics platform and solve some of our team's largest distributed systems challenges." Brian Bailey, "Pioneering DoorDash's Platform Evolution in Pittsburgh," Oct. 21, 2021 (available at <https://doordash.engineering/2021/10/21/pioneering-doordashes-platform-evolution-in-pittsburgh/> (last accessed Apr. 2, 2023)); *see also* "DoorDash to make regional debut with DashMart convenience concept on Penn Avenue in Lawrenceville," Sept. 22, 2021 (available at <https://www.wpxi.com/news/business/doordash-make-regional-debut-with-dashmart-convenience-concept-penn-avenue-lawrenceville/RGRKTXADZVAKZB6GYOV44WO6NA/> (last accessed Apr. 3, 2023)).

7. Defendant's July 2022 job posting for a DashMart Site Manager in Pittsburgh, Pennsylvania confirmed the use and operation in this district of the products and services accused of infringement herein:

Site Manager

POSTED ON 6/28/2022 CLOSED ON 7/18/2022

 DoorDash, Inc.  Pittsburgh, PA  Full Time

Job Posting for **Site Manager** at **DoorDash, Inc.**

About the Team

We're looking for a people-focused leader and experienced warehouse specialist to lead one of our DashMart facilities. DashMart is a new convenience and grocery store from DoorDash, focused on delivering household essentials, favorite snacks, and light groceries right to our customers' doorsteps on-demand.

About the Role

In this role, you'll manage a 5-10k sq ft distribution center, the local warehouse operating team, and be responsible for ensuring we maintain high quality for our customers.

You're excited about this opportunity because you will...

Lead: Recruit, lead, coach & retain a high-performing team of Shift Leads (3) and Operations Associates (6). Set your team up for success to work safely and productively. As a leader, you will be responsible for building a strong, positive culture and will be accountable for driving strong employee satisfaction scores. You'll partner with your Shift Leads to effectively delegate daily tasks and ensure high performance from your team.

Own: You will own the day-to-day operations of one of our DashMart warehouses, ensuring the site processes run smoothly, efficiently and safely. You'll own scheduling and be responsible for managing a labor budget. You will be responsible for ensuring your warehouse meets site-level metric goals.

Delight customers: Lead your team in providing our customers with the best possible experience on each and every order. You will be responsible for maintaining key quality metrics including order accuracy and fulfillment speed. Work cross-functionally with central teams including our inventory and training teams to provide your team with the tools and resources to achieve this goal.

Strategize: Use data to identify pain-points or areas of inefficiency within our warehouse and current processes. Design, build and execute process improvement projects to improve our warehouse operations, quality metrics, and the employee experience.

[https://www.salary.com/job/doorDash-inc/site-manager/a9606a76-32ac-4adc-9e25-](https://www.salary.com/job/doorDash-inc/site-manager/a9606a76-32ac-4adc-9e25-311d72e1198e)

[311d72e1198e](https://www.salary.com/job/doorDash-inc/site-manager/a9606a76-32ac-4adc-9e25-311d72e1198e) (last accessed Apr. 3, 2023).

8. While Defendant announced on January 20, 2023, approximately one-month after the filing of the initial Complaint, the cancellation of its planned physical engineering office within this district, the announcement itself admits to infringing activity within this district, including its engineering talent hub in the Pittsburgh area, and admits to its continuing to hire engineers within this district, which it has continued to do and still is doing today:

"We have chosen not to open an office in Pittsburgh at this time," she said. "That said, we do have engineers in Pittsburgh, and are enthusiastic about talent there."

She further emphasized how "DoorDash's flexible work model allows employees to work from wherever is most convenient to them and has enabled us to grow our engineering talent across the U.S., including in Pittsburgh."

The company expects to continue to grow its staff in western Pennsylvania, she added: "DoorDash remains enthusiastic about our plans to grow our talent hub in the Pittsburgh area."

DoorDash's "hub" will likely be figurative now, of course, as the company continues to seek to recruit Pittsburgh engineering talent.

Tim Schooley, "DoorDash opts against establishing Pittsburgh office, instead staying remote with local engineering team," Jan. 20, 2023 (available at https://www.bizjournals.com/pittsburgh/news/2023/01/20/doordash-engineering-office-pittsburgh.html?utm_campaign=manual&utm_medium=trueAnthem&utm_source=linkedin (last accessed Apr. 3, 2023)).

9. Defendant also has an "Engineering Leader" in Pittsburgh, Pennsylvania. <https://www.linkedin.com/in/mranney> (last accessed Apr. 3, 2023), and the Pittsburgh engineering team includes numerous data scientists, software programmers, operations research scientists, partner integrators, computer scientists and more working on all or almost all aspects of the products and services accused herein of infringing the '130 patent. He and, upon information and belief, other Defendant employees located in this district are working on the products and services accused of infringement herein. Further, their technical work within this district clearly provides them access to all of the relevant Defendant engineering evidence/information.

10. Further, the Pittsburgh engineering team is a centralized platform team that is

contributing to "all aspects of DoorDash's products and internal services":

Pittsburgh Engineering Teams

Platform Evolution is a newly formed engineering team and will be the first (of many) teams to be located in Pittsburgh. As [previous blog posts have discussed](#), the DoorDash engineering team has been focused on transitioning away from a monolithic codebase to a microservices architecture. This new team represents the next phase in this transformation. In addition to having our product teams focus on the migration, we'll also be staffing a fully dedicated team. Platform Evolution will be responsible for building the core platform components to enable a seamless migration, while also ensuring we are able to increase capacity and expand to new global markets. As a centralized platform team, our software engineers will have the opportunity to contribute to all aspects of DoorDash's products and internal services.

Brian Bailey, "Pioneering DoorDash's Platform Evolution in Pittsburgh," Oct. 21, 2021 (available at <https://doordash.engineering/2021/10/21/pioneering-doordashes-platform-evolution-in-pittsburgh/> (last accessed Apr. 3, 2023)).

11. As is stated above, in addition to the engineering team in Pittsburgh, which is focused on the platform/framework technology of the '130 patent claims as explained and admitted below, Defendant also employs hundreds of delivery Dashers, throughout the district, all of which use technology that is accused of infringement herein and which is implemented within DashMart in Pittsburgh, as well as, upon information and belief, more than seven hundred stores and restaurants operating within this district and all of which are integrated with tens of thousands of consumers, each equipped with Defendant's mobile application, and all of which are operating together and within this district.

12. Venue is thus proper in this district pursuant to the second clause of 28 U.S.C. § 1400(b) which states venue is appropriate "where the defendant has committed acts of infringement and has a regular place of business."

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