

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

AGIS SOFTWARE DEVELOPMENT LLC,	§	Case No.
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	
v.	§	
	§	
LYFT, INC.,	§	
	§	
Defendant.	§	
	§	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, AGIS Software Development LLC (“AGIS Software” or “Plaintiff”) files this original Complaint against Defendant Lyft, Inc. (“Lyft” or “Defendant”) for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1. Plaintiff AGIS Software is a limited liability company organized and existing under the laws of the State of Texas and maintains its principal place of business at 100 W. Houston Street, Marshall, Texas 75670. AGIS Software is the owner of all right, title, and interest in and to U.S. Patent Nos. 7,031,728, 7,630,724, 8,213,970, 10,299,100, 10,341,838 and (the “Patents-in-Suit”).

2. Defendant Lyft is a Delaware corporation and maintains its principal place of business at 185 Berry Street, #5000, San Francisco, California, 94107, and may be served with process via its registered agent, CT Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas, 75201. Upon information and belief, Lyft does business in Texas, directly or through intermediaries, and offers its products and/or services, including those accused herein of

infringement, to customers and potential customers located in Texas, including in the judicial Eastern District of Texas.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

4. This Court has personal jurisdiction over Lyft in this action because Lyft has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Lyft would not offend traditional notions of fair play and substantial justice. Lyft conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States by, among other things, offering to sell and selling products and/or services that infringe the Patents-in-Suit.

5. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b). Lyft is registered to do business in Texas and, upon information and belief, Lyft has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas. Lyft has regular and established places of business in this Judicial District as set forth below and is deemed to reside in this Judicial District.

Lyft Express Drive Locations in this District

6. Venue is proper at least because Lyft maintains a regular and established place of business with its Lyft Express Drive location at 928 West Spring Creek Parkway, Plano, Texas 75023. The Express Drive location is a physical location of Lyft in this District, from which

Lyft's agents and/or employees conduct its business. For example, Lyft Express Drive locations provide Lyft Drivers with rental vehicles to drive for Lyft.¹

7. Upon information and belief, Lyft leases its Express Drive space at 928 West Spring Creek Parkway from Pep Boys, and/or otherwise compensates Pep Boys for use of its physical space in this District. Upon information and belief, the Lyft Express Drive location is staffed by employees and/or agents of Lyft, and is regularly visited by Lyft drivers, who are also employees and/or agents of Lyft.

8. Upon information and belief, Lyft further maintains dedicated pickup locations in this District which are visible through the Lyft application, and are physically marked with Lyft branding. For example, upon information and belief, the Lyft Express Drive at 928 West Spring Creek Parkway, Plano, Texas 75023 further operates as a Lyft pickup location. Lyft offers transportation services directly to customers in this District, including through its website as shown below.

¹ <https://help2.lyft.com/hc/en-us/articles/115013080108-Express-Drive-overview>



DRIVER

RIDER

BUSINESS

LOG IN

SIGN UP



Best ways to get from Lyft Express Drive Plano to DFW Airport

Download the app

Schedule for later

Ridesharing Fare Estimates

Enter pick-up location*
Lyft Express Drive Plano

Enter drop-off location*
DFW Airport

GET ESTIMATE

Sample fares are estimates only and do not reflect variations due to discounts, traffic delays or other factors. Actual fares may vary. You agree to pay the fare shown upon confirming your ride request. If your route or destination changes on trip, your fare may change based on the rates above and other applicable taxes, tolls, charges and adjustments. Subject to Lyft's [Terms of Service](#).

RIDE TYPES

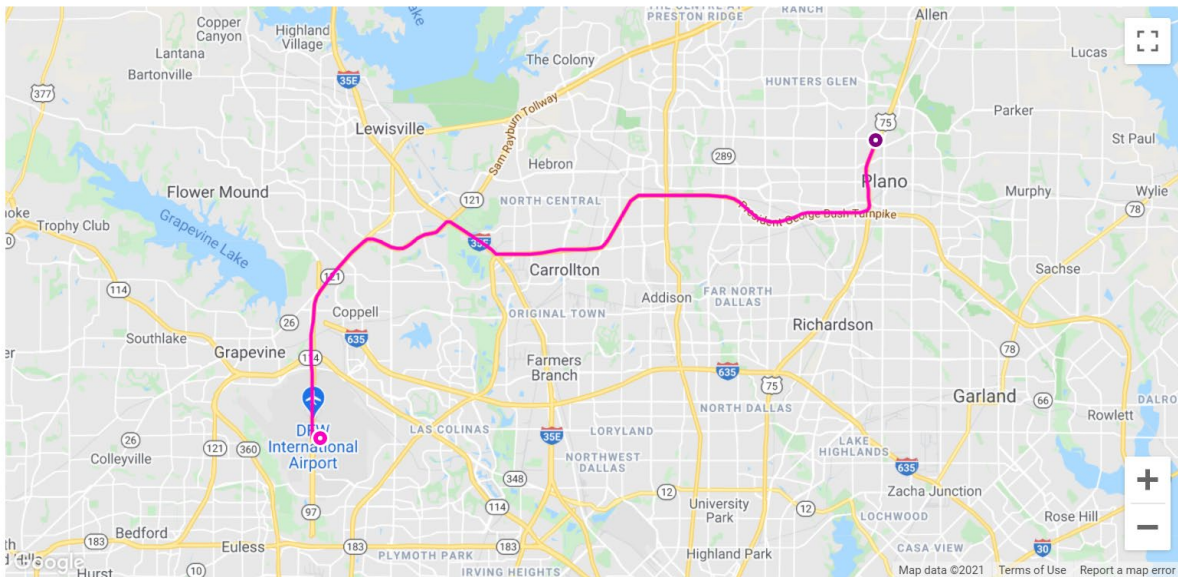
Lyft	Personal ride	\$42-49 33min	Request a ride →
XL	Supersized ride	\$60-70 33min	Request a ride →
Lux	High-end ride	\$60-70 33min	Request a ride →
Lux Black	Luxury ride	\$105-120 33min	Request a ride →
Lux Black XL	Spacious luxury ride	\$120-140 33min	Request a ride →

[More](#)

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² <https://www.lyft.com/rider/routes/lyft-express-drive-plano-to-dfw-airport>

Request a ride



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Lyft Vehicles in this District

9. Venue is proper because the vehicles of Lyft Drivers in this District are its regular and established places of business. The vehicles of Lyft drivers in this District are physical locations of Lyft that are regularly visited by agents or employees of Lyft and are responsible for conducting Lyft's business.

10. Lyft drivers are employees and/or agents who carry out Lyft's business from its Lyft locations (e.g. their vehicles) in this District. Through the Accused Products in this case (e.g., Lyft and Lyft Driver), Lyft enters into transactions with its passengers, drivers, and other users. Upon information and belief, Lyft collects approximately a 20% of all payments for transportation and delivery services offered through its applications.⁴

³ <https://www.lyft.com/rider/routes/lyft-express-drive-plano-to-dfw-airport>

⁴ See <https://www.moneyunder30.com/driving-for-uber-or-lyft#:~:text=Lyft%20takes%2020%25%20of%20each,can%20change%20at%20any%20moment>

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