

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

AGIS SOFTWARE DEVELOPMENT LLC §
v. § CASE NO. 2:21-cv-00072-JRG
(Lead Case)

T-MOBILE USA, INC., and T-MOBILE §
US, INC. §

AGIS SOFTWARE DEVELOPMENT LLC §
v. § CASE NO. 2:21-cv-00024-JRG
(Member Case)

LYFT, INC. §

AGIS SOFTWARE DEVELOPMENT LLC §
v. § CASE NO. 2:21-cv-00026-JRG
(Member Case)

UBER TECHNOLOGIES, INC., d/b/a UBER §

LYFT, INC.’S ANSWER TO COMPLAINT

Defendant Lyft, Inc. (“Lyft”), by and through its counsel, hereby answers the Complaint of Plaintiff AGIS Software Development LLC’s (“AGIS”) filed on January 29, 2021 in Case No. 2:21-cv-00024, Dkt. 1.

As an initial matter, Lyft denies each and every allegation contained in the Complaint that is not expressly admitted below. Any factual allegation admitted below is admitted only as to the specific facts, and not as to any purported conclusions, characterizations, implications, or speculations that might follow from the admitted facts. Additionally, to the extent that the headings



or any other non-numbered statements in the Complaint contain any allegations, Lyft denies each and every such allegation. Lyft includes headings herein solely for purposes of clarity.

In answering the specific allegations of AGIS's Complaint, Lyft responds with the following paragraphs, which correspond sequentially to the paragraphs in AGIS's Complaint:

THE PARTIES

1. Lyft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph and therefore denies them.

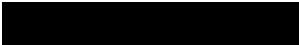
2. Lyft admits that it is a Delaware corporation with a place of business located at 185 Berry Street, Suite 5000, San Francisco, California 94107. Lyft admits that it develops an application available for download that may be used to provide a peer-to-peer marketplace for on-demand ridesharing. Lyft denies any remaining allegations in this Paragraph.

JURISDICTION AND VENUE

3. This Paragraph states a legal conclusion to which no response is necessary. To the extent a response is deemed necessary, Lyft admits that AGIS purports to state causes of action for infringement, although Lyft denies that any such claims are meritorious, and Lyft admits that 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202 provide subject matter jurisdiction to this Court for cases arising under federal patent law, including declaratory judgment actions and appropriate counterclaims.

4. This Paragraph states a legal conclusion to which no response is necessary. To the extent a response is deemed necessary, Lyft admits that the Court has personal jurisdiction over Lyft in this action. Lyft denies any remaining allegations in this Paragraph.

5. Lyft denies that venue is proper in this judicial district and has moved to dismiss on that basis (See Dkt. 30). This motion is presently pending before the Court.



There Are No Lyft Express Drive Locations in this District

- 6. Denied.
- 7. Denied.
- 8. Denied.

There are No Lyft Vehicles in this District

- 9. Denied.
- 10. Denied.
- 11. Lyft admits that there were over one million drivers on the Lyft platform in the United States in 2020. Lyft admits that it develops an application available for download that may be used to provide a peer-to-peer marketplace for on-demand ridesharing. Lyft denies any remaining allegations in this Paragraph.

12. Lyft admits that it provides terms of service for use of its application at <https://www.lyft.com/terms>. Lyft denies any remaining allegations in this Paragraph.

13. Lyft admits that it provides terms of service for use of its application at <https://www.lyft.com/terms>. Lyft denies any remaining allegations in this Paragraph.

14. Lyft admits that it provides emblems that drivers may use to mark their vehicle when providing a ride using the Lyft application. Lyft denies any remaining allegations in this Paragraph.

PATENTS-IN-SUIT

15. Lyft admits that U.S. Patent No. 8,213,970 (the “’970 Patent”) is entitled “Method of Utilizing Forced Alerts for Interactive Remote Communications.” Lyft admits that the face of the ’970 patent indicates that it was issued on July 3, 2012. Lyft admits that a copy of the ’970



Patent is attached as Exhibit A to AGIS's Complaint. Lyft denies any remaining allegations in this Paragraph.

16. Lyft admits that U.S. Patent No. 7,630,724 (the "'724 Patent") is entitled "Method of Providing a Cellular Phone/PDA Communication System." Lyft admits that the face of the '724 patent indicates that it was issued on December 8, 2009. Lyft admits that a copy of the '724 Patent is attached as Exhibit B to AGIS's Complaint. Lyft denies any remaining allegations in this Paragraph.

17. Lyft admits that U.S. Patent No. 7,031,728 (the "'728 Patent") is entitled "Cellular Phone/PDA Communication System." Lyft admits that the face of the '728 patent indicates that it was issued on April 18, 2006. Lyft admits that a copy of the '728 Patent is attached as Exhibit C to AGIS's Complaint. Lyft denies any remaining allegations in this Paragraph.

18. Lyft admits that U.S. Patent No. 10,299,100 (the "'100 Patent") is "Method to Provide Ad Hoc and Password Protected Digital and Voice Networks." Lyft admits that the face of the '100 patent indicates that it was issued on May 21, 2019. Lyft admits that a copy of the '100 Patent is attached as Exhibit D to AGIS's Complaint. Lyft denies any remaining allegations in this Paragraph.

19. Lyft admits that U.S. Patent No. 10,341,838 (the "'838 Patent") is entitled "Method to Provide Ad Hoc and Password Protected Digital and Voice Networks." Lyft admits that the face of the '838 patent indicates that it was issued on July 2, 2019. Lyft admits that a copy of the '838 Patent is attached as Exhibit E to AGIS's Complaint. Lyft denies any remaining allegations in this Paragraph.



FACTUAL ALLEGATIONS

20. Lyft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph and therefore denies them.

21. Lyft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph and therefore denies them.

22. Lyft admits AGIS purports to have licensed some patents in its patent portfolio. Lyft is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations in this Paragraph and therefore denies them.

23. Denied.

24. The allegations of this Paragraph are based on interpretations of claim language and legal conclusions to which no response is necessary, and Lyft denies any allegation of infringement.

**COUNT I
(Infringement of the '970 Patent)**

25. This paragraph incorporates by reference Paragraphs 1–24 of Plaintiff’s Complaint and no response is required. To the extent a response is required, Lyft incorporates by reference each response contained in paragraphs 1 through 24 of this Answer as though fully set forth herein.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

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