

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Quartz Auto Technologies LLC,

Plaintiff,

v.

Postmates Inc.,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Quartz Auto Technologies LLC (“Quartz Auto” or “Plaintiff”) complains against Defendant Postmates Inc. (“Postmates” or “Defendant”) as follows:

NATURE OF ACTION

1. This is an action for patent infringement of United States Patent Nos. 6,446,004 (the “’004 Patent”), U.S. Patent No. 7,370,085 (the “’085 Patent”), and 7,958,215 (the “’215 Patent”) (collectively, the “Asserted Patents”) under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*

THE PARTIES

2. Plaintiff Quartz Auto is a Delaware limited liability company with its principal place of business located at 301 S. Fremont Ave., Baltimore, Maryland 21230.

3. On information and belief, Defendant Postmates is a Delaware corporation with its principal place of business located at 201 3rd Street, Suite 200, San Francisco, California 94103. Defendant is registered to conduct business in Delaware, and may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center 1209 Orange St., Wilmington, DE 19801. On information and belief, as of December 1, 2020, Defendant became a wholly-owned subsidiary of Uber Technologies, Inc.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Defendant is subject to this Court's specific and general personal jurisdiction because it is a citizen of Delaware at least because it is organized under the laws of Delaware.

6. Venue is proper in this Court under 28 U.S.C. § 1391(b), 28 U.S.C. § 1391(c), and 28 U.S.C. § 1400(b) because Defendant is subject to personal jurisdiction in this District, resides in this District, has regularly conducted business in this District, and/or has committed acts of patent infringement in this District, as more specifically alleged below in paragraphs 7-9.

7. Venue is proper as to the '004 Patent at least because Defendant resides in this District. In addition, as alleged in further detail herein, Defendant, in conjunction with its employee drivers, has committed acts of direct infringement of the '004 Patent in this District at least by practicing steps of the claimed methods in this District. To the extent that the drivers are not employees of Defendant, the drivers' acts in this District are nevertheless attributable to Defendant under principles of joint infringement.

8. Venue is proper as to the '085 Patent at least because Defendant resides in this District. In addition, as alleged in further detail herein, Defendant, in conjunction with its employee drivers, has committed acts of direct infringement of the '085 Patent in this District at least by practicing steps of the claimed methods in this District. To the extent that the drivers are not employees of Defendant, the drivers' acts in this District are nevertheless attributable to Defendant under principles of joint infringement.

9. Venue is proper as to the '215 Patent at least because Defendant resides in this District.

THE ASSERTED PATENTS

10. On September 3, 2002, the '004 Patent, entitled “System and Method for Implementing Proximity or Location Driven Activities” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) to Kevin Trung Cao, Daniel Alexander Ford, and Reiner Kraft, with the International Business Machines Corporation (“IBM”) as assignee. A copy of the '004 Patent is attached hereto as **Exhibit A**.

11. The '004 Patent discloses and claims a system and associated method for implementing a proximity driven activity. In one embodiment, the system and an associated method of the '004 Patent allow requests to be executed at some point in the future without specifying the exact time or necessarily a precise location. The execution time of the request is linked to the arrival of a person at, or near a geographic location or destination. When a person arrives at that location or comes within a proximity threshold distance of that location, the request to interact will be executed. The proximity threshold can be adjustable and programmable. A mobile computing device may be, for example, a personal computer or smartphone, and preferably possesses a wireless means of communication.

12. On May 6, 2008, the '085 Patent, entitled “Method, System, and Program for Providing User Location Information with a Personal Information Management Program” was duly and legally issued by the USPTO to Michael Wayne Brown, Rabindranath Dutta, and Michael A. Paolini, with IBM as assignee. A copy of the '085 Patent is attached hereto as **Exhibit B**.

13. The '085 Patent discloses and claims a method for providing user location information for a personal information management (PIM) program by generating position

coordinates of a wireless device with related time information. Additionally, the '085 Patent claims another method for generating a calendar for a PIM program by receiving a time interval and determining position coordinates of a wireless device in order to display a user's activity with the corresponding time. In one embodiment, the '085 Patent determines whether a rate of change in distance per unit of time in a series of position coordinates at designated times indicates a user's activity during the activity time period, and then generates information on the predefined activity. A PIM client gathers and presents PIM information, such as calendaring and scheduling information, in accordance with the described implementations. A PIM refers to a program designed to allow users to organize random bits of information in a useful format.

14. On June 7, 2011, the '215 Patent, entitled "System Management Using Real Time Collaboration" was duly and legally issued by the USPTO to David Gerard Herbeck and Susette Marie Townsend, with IBM as assignee. A copy of the '215 Patent is attached hereto as **Exhibit C**.

15. The '215 Patent discloses and claims a number of variations of computer-implemented embodiments for responding to a problem condition or managing an information technology device that receives an alert. In particular, the '215 Patent discloses management methods and systems using real-time collaboration and instant messaging technology to manage alerts and assign responsibility.

16. The '004, '085, and '215 Patents are referred to hereinafter as the "Asserted Patents."

17. Plaintiff Quartz Auto is the owner of the entire right, title, and interest in and to the Asserted Patents, including the right to sue for and collect past, present, and future damages and to seek and obtain injunctive or any other relief for infringement of the Asserted Patents. The Asserted Patents were originally owned by and assigned to IBM, as assignee from the inventors

thereof. IBM transferred ownership of the Asserted Patents to Daedalus Group, LLC (“Daedalus”) pursuant to a Patent Assignment Agreement entered into on September 30, 2019, and, through Plaintiff’s immediate predecessor in interest, Slingshot IOT LLC, the Asserted Patents were ultimately assigned to Quartz Auto on or about February 13, 2020 and February 14, 2020, and recorded in the USPTO, with all right, title, and interest in and to the Asserted Patents to Quartz Auto.

18. Each of the Asserted Patents is presumed valid under 35 U.S.C. §282.

DEFENDANT’S INFRINGING METHODS AND SYSTEMS

19. Defendant has represented that it is a “pioneer of on-demand logistics” and that it has “built a technology platform that enables consumers who use Postmates’ platform to order food and goods from over 700,000 restaurants and other retailers for delivery or pick up.” Defendant touts that its platform serves 80% of US households in all 50 states. Through its technology platform, referred to herein as the “Postmates Platform,” Defendant offers, coordinates, and controls, among other things, on-demand delivery services. On information and belief, Defendant employs hundreds of thousands of drivers in connection with its on-demand delivery services.

20. On information and belief, Defendant uses servers in its network in combination with the Postmates mobile applications to operate, direct, and control on-demand delivery services. For the purposes of this complaint, the term “Postmates Platform” encompasses all such hardware, applications, and functionalities and any related Postmates technologies that interface with the Postmates server systems and mobile applications to provide on-demand delivery services. The specific components of the Postmates Platform that provide the structure and/or functionality and/or perform method steps recited in the asserted claims of the Asserted Patents are identified below.

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