IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

GRIDLEY IP LLC, Plaintiff, v. **DOORDASH, INC.,** Defendant.	Civil Action No.: **TRIAL BY JURY DEMANDED**

COMPLAINT FOR INFRINGEMENT OF PATENT

Now comes, Plaintiff, Gridley IP LLC ("Plaintiff" or "Gridley"), by and through undersigned counsel, and respectfully alleges, states, and prays as follows:

NATURE OF THE ACTION

1.   This is an action for patent infringement under the Patent Laws of the United States, Title 35 United States Code ("U.S.C.") to prevent and enjoin Defendant Doordash, Inc. (hereinafter "Defendant"), from infringing and profiting, in an illegal and unauthorized manner, and without authorization and/or consent from Plaintiff from U.S. Patent No. 8,676,668 ("the '668 Patent") and U.S. Patent No. 9,852,435 ("the '435 Patent) (collectively the "Patents-in-Suit"), which is attached hereto as Exhibit A and Exhibit B, respectively, and incorporated herein by reference, and pursuant to 35 U.S.C. §271, and to recover damages, attorney's fees, and costs.

THE PARTIES

2.   Plaintiff is a Texas limited liability company with its principal place of business at 13359 North Highway 183, Suite 406-760, Austin, TX 78750.

3.   Upon information and belief, Defendant is a corporation organized under the laws of Delaware, having a principal place in San Francisco California. Defendant maintains a physical presence in this Judicial District by maintaining a Cleveland Office at 31515 Lorain Rd, North

Olmsted, OH 44070. Upon information and belief, Defendant may be served with process c/o Registered Agent Solutions, Inc., 4568 Mayfield Road, Suite 204, Cleveland, Ohio 44121.

JURISDICTION AND VENUE

4.   This is an action for patent infringement in violation of the Patent Act of the United States, 35 U.S.C. §§1 *et seq*.

5.   The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a).

6.   This Court has personal jurisdiction over Defendant by virtue of its systematic and continuous contacts with this jurisdiction and its residence in this District, as well as because of the injury to Plaintiff, and the cause of action Plaintiff has risen in this District, as alleged herein.

7.   Defendant is subject to this Court's specific and general personal jurisdiction pursuant to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; (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 forum state and in this judicial District; and (iii) being physically located in this District.

8.   Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) because Defendant resides in this District under the Supreme Court's opinion in *TC Heartland v. Kraft Foods Group Brands LLC,* 137 S. Ct. 1514 (2017) through its regular and established place of business in this District (i.e., Defendant's Cleveland Office).

FACTUAL ALLEGATIONS

9.   On March 18, 2014, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '668 Patent, entitled "METHOD FOR THE DETERMINATION OF

A TIME, LOCATION, AND QUALITY OF GOODS TO BE MADE AVAILABLE BASED ON

MAPPED POPULATION ACTIVITY" after a full and fair examination. The '668 Patent is

attached hereto as Exhibit A and incorporated herein as if fully rewritten.

10.   On December 26, 2017, the United States Patent and Trademark Office ("USPTO")

duly and legally issued the '435 Patent, entitled "TELEMETRICS BASED ON LOCATION AND

TRACKING" after a full and fair examination. The '435 Patent is attached hereto as Exhibit B and

incorporated herein as if fully rewritten.

11.   Plaintiff is presently the owner of the '668 Patent and the '435 Patent, having

received all right, title and interest in and to the '668 Patent and the '435 Patent from the previous

assignee of record. Plaintiff possesses all rights of recovery under the '668 Patent and the '435

Patent, including the exclusive right to recover for past infringement.

12.   To the extent required, Plaintiff has complied with all marking requirements under

35 U.S.C. § 287.

13.   Claim 1 of the '668 Patent states:

> "1. A method for mapping population activity, the method comprising:
> detecting wireless mobile devices within a geographic region at two or more different points in time;
> discerning a location, speed and direction of the wireless mobile devices within the geographic region to discern a particular location toward which the wireless mobile devices are moving;
> determining, based upon the location, speed, direction and the particular location toward which the wireless mobile devices are moving:
> a time at which goods or services are to be made available;
> a location at which the goods or services are to be made available; and
> a quantity of the goods or services to be made available, the determining being performed by one or more processors of a computer network; and
> presenting a result of the determining on a user interface of the computer network.." See Exhibit A.

14.   Claim 9 of the '435 Patent states:

"9. An apparatus effective to track potential purchasers, the apparatus comprising:

a memory configured to store instructions; and

a processor configured to be in communication with the memory, wherein the processor is configured to execute the instructions to:

detect wireless mobile devices within a geographic region at two or more different points in time;

discern a current location, a current speed, and a current direction of travel for the wireless mobile devices within the geographic region based on the detection of the wireless mobile devices;

identify a set of the wireless mobile devices that are estimated to be within proximity of a particular location at a specified time or specified time period, based on the current location, the current speed, and the current direction of travel for the wireless mobile devices within the geographic region;

retrieve demographic information related to the identified set of the wireless mobile devices;

retrieve historical information related to the identified set of the wireless mobile devices;

identify a portion of the identified set of the wireless mobile devices based on at least one of the demographic information or the historical information, wherein the identified portion is associated with goods or services that are available proximate to the particular location at the specified time or specified time period; and

determine a quantity of the goods or services to be made available to users associated with the identified portion of the identified set of the wireless mobile devices, so as to facilitate provision of the determined quantity of the goods or services at the particular location at the specified time or specified time period to the users.." See Exhibit B.

15.   As identified in the Background Section of both the '668 Patent and the '435 Patent,

prior art systems had technological faults. See Ex. A at Col 1:8-21, Ex. B at Col. 1:16-29.

16.   More particularly, the Background Section of both the '668 Patent and the '435

Patent identifies that the prior art provided: "A particular problem that arises is that some

customers demand prompt service or otherwise a sales opportunity may be lost. A large number

of businesses and other agencies provide goods and services that are valuable to consumers only when they can be provided at a proper time and place. Moreover, these goods and services may call for some advance planning immediately prior to providing the goods or services to such customers. This may be a particular problem when dealing with crowds, e.g., when large numbers of potential customers demand prompt service at a given time, and if no such service is provided, then opportunities to be a service provider may be lost." Ex. A at Col 1:10-21, Ex. B at Col. 1:18-29.

17.   The Background of the '668 Patent and the '435 Patent identified computer-centric or internet-centric technological problems that needed to be solved.

18.   To address this specific technical problem, Claim 1 in the '668 Patent comprises a non-abstract method for mapping population activity. Ex. A at Col. 18:17-36.

19.   In further addressing this specific technical problem, Claim 9 in the '435 Patent comprises a non-abstract apparatus to track potential purchasers. Ex. B at Col. 19:52-20:20.

20.   Claim 1 of the '668 Patent provides a specific solution, to deal with the vulnerability of dealing with large number of potential customers demand prompt service at a given time as the method of Claim 1 requires detecting wireless mobile devices within a geographic region at two or more different points in time; discerning a location, speed and direction of the wireless mobile devices within the geographic region to discern a particular location toward which the wireless mobile devices are moving; determining, based upon the location, speed, direction and the particular location toward which the wireless mobile devices are moving: a time at which goods or services are to be made available; a location at which the goods or services are to be made available; and a quantity of the goods or services to be made available, the determining being

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