

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

AMERANTH, INC.)	
)	
Plaintiff,)	Civil Action No. <u>2:23-cv-2165</u>
)	
v.)	COMPLAINT FOR
)	PATENT INFRINGEMENT
DOORDASH, INC.,)	
EAT'N PARK RESTAURANTS, LLC, and)	
EAT'N PARK HOSPITALITY GROUP, INC.,)	JURY TRIAL DEMANDED
)	
Defendants.)	
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For its 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. ("DDI") 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.
3. DDI's Form 10-K at p. 28 for Fiscal Year 2022, which was signed February 24, 2023, states that "[w]e face certain risks in connection with the operation of DashMart and Wolt Market, our first-party owned and self-operated convenience and grocery delivery businesses." (available at <https://d18rn0p25nwr6d.cloudfront.net/CIK-0001792789/6c80c6fa-ff0b-44e3-963b-a6c60669ff56.pdf> (last accessed Dec. 20, 2023)).
4. The DoorDash website on which DashMart job openings are posted (<https://careers.doordash.com>) is also the website that provides investor information for the publicly traded DDI (<https://ir.doordash.com/>).

5. On August 5, 2020, DDI announced: "DashMart stores are owned, operated, and curated by DoorDash." Introducing DashMart, Aug. 5, 2020 (available at <https://about.doordash.com/en-us/news/introducing-dashmart> (last accessed Dec. 20, 2023)).

6. Defendant Eat'N Park Restaurants, LLC is a Pennsylvania company, with upon information and belief, a place of business located at 285 East Waterfront Drive, Homestead, Pennsylvania 15120.

7. Defendant Eat'N Park Hospitality Group, Inc. is a Pennsylvania company, with upon information and belief, a place of business located at 285 East Waterfront Drive, Homestead, Pennsylvania 15120.

8. Defendants Eat'N Park Restaurants, LLC and Eat'N Park Hospitality Group, Inc. are collectively referred to herein as "Eat'N Park."

9. Defendant DDI and Eat'N Park are collectively referred to herein as "Defendants."

JURISDICTION AND VENUE

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

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

12. Upon information and belief, Defendants conduct 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. DDI's staff operating at and from its DashMart store in Pittsburgh use products and services that are accused of infringement herein. The same is true of the hundreds of DDI's

Delivery Driver Dashers operating within this district. Eat'N Park's staff operating at and from its restaurant in Pittsburgh use and integrate with DDI products and services that are accused of infringement herein. That Eat'N Park restaurant and/or other physical locations within this district clearly establish venue in this district for both Eat'N Park and DDI.

13. 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 DDI'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: DDI 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)).

14. While DDI announced on January 20, 2023, 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/4ittsburgh/news/2023/01/20/doordash-engineering-office-pittsburgh.html?utm_campaign>manual&utm_medium=trueAnthem&utm_source=linkedin (last accessed Dec. 20, 2023)).

15. DDI 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 infringement. He and, upon information and belief, other DDI 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 DDI engineering evidence/information.

16. 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 Dec. 20, 2023)).

17. DDI has stated that "Employees are encouraged to gather in person for . . . 'moments that matter': product launches, hackathons, team meetings, planning sessions, decision-making and all-hands gatherings." DDI spokesperson interview, "Remote work or not? How 4 Bay Area companies are tackling the post-pandemic workplace," Nov. 7, 2022 (available at <https://www.sfchronicle.com/tech/article/remote-work-bay-area-17559854.php> (last accessed Dec. 20, 2023)). DDI thus directs, ratifies or establishes in person/team meetings involving members of teams who are employees of DDI, including the Pittsburgh-located DoorDash Platform Engineering Team. The location(s) of these meetings within this district are regular and established places of DDI's business because they are used to conduct business of DDI including, *inter alia*, conducting engineering activities at DDI's direction and for DDI's benefit.

18. By seeking employees specifically for and in its Pittsburgh location, DDI requires its engineering team members to be located in the Pittsburgh area, thus to maintain employment

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