

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CONSUMERON, LLC

Plaintiff,

v.

MAPLEBEAR Inc., d/b/a INSTACART

Defendant.

Civil Action No. 21-1147-GBW

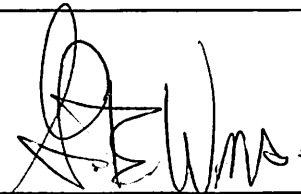
ORDER

At Wilmington this 18th day of January 2023:

For the reasons set forth in the Memorandum Opinion issued this day, IT IS HEREBY ORDERED that the Court construes the claim terms of United States Patent Nos. 8,244,594 (the “’594 Patent”), 9,202,191 (the “’191 Patent”), 10,115,067 (the “’067 Patent”), and 10,628,835 (the “’835 Patent”) as follows:

	Claim Term	Court’s Construction
A	Steps of Method Claim All asserted claims of ’594 Patent, ’067 Patent, ’835 Patent	steps of method claims do not need to be performed in order unless the claim recites an order
B	“Deploying/locating . . . to/at various geographic locations” ’067 Patent, Claim 19; ’594 Patent, Claims 1, 13; ’835 Patent, Claims 1, 24	“positioning . . . at various geographic locations”
C	“mobile agent system”/ “mobile delivery agent systems” ’835 Patent, Claims 1, 2, 24, 26; ’191 Patent, Claims 1, 11, 14; ’594 Patent, Claims 1, 13; ’067 Patent, Claims 1, 2, 27, 28	“a mobile system that includes at least a device to capture video or still images and a device set up to communicate with a remote server”
D	“Most efficiently carry out the first acquisition request” ’594 Patent, Claim 13; ’067 Patent, Claim 5	plain and ordinary meaning, which is “determining which delivery agent should be deployed based on the locations of the delivery agent, goods, and delivery site”
E	“Progress information via real-time imaging of the one or more images”	plain and ordinary meaning, which is “information about the status of the

	Claim Term	Court's Construction
	'191 Patent, Claim 1	acquisition and delivery of a customer's acquisition request via one or more images"
F	"Real-time" '191 Patent, Claims 1,10, 11, 12, 14; '835 Patent, Claims 1, 14, 15, 24, 26; '594 Patent, Claims 1, 4, 8, 13; '067 Patent, Claim 18	plain and ordinary meaning, which is "data that is passed along as it is gathered"
G	"communication means for <i>processing the acquisition request from the customer and establishing direct communication between the customer and the selected delivery agent during both the acquisition and delivery of the one or more goods to the customer</i> " '191 Patent, Claim 11	Function: Emphasized text Structure: "server 14, communications device 48, and a customer device capable of establishing communication with the delivery agent"
H	"a real-time video means for <i>sending at least one image to the customer through the communication means and transmitting real-time data to the display for the customer to view the one or more goods and the respective agent's progress during performance of the acquisition request</i> " '191 Patent, Claim 11	Function: Emphasized text Structure: "server 14, communications device 48, real-time video device 46, and customer computer 30"
I	"means for <i>sending one or more images in real-time to the customer from the mobile agent through the local communication link and providing the customer with progress information via real-time imaging of the one or more images from the mobile agent to the customer computer during performance of the acquisition request, including viewing the one or more goods from a pick-up site for the one or more goods during the shopping event</i> " '191 Patent, Claim 14	Function: Emphasized text Structure: "real-time video device 46, communications device 48, customer computer 30, and a communication link capable of connecting the customer and agent"
J	"communication means, <i>establishing direct communication between the customer and the mobile agent, for communicating approval by the customer to the mobile agent in connection with completing the acquisition request</i> " '191 Patent, Claim 14	Function: Emphasized text Structure: "real-time video device 46, communications device 48, and customer computer 30"



GREGORY B. WILLIAMS
UNITED STATES DISTRICT JUDGE