

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

MAPLEBEAR INC. D/B/A INSTACART,  
Petitioner

v.

CONSUMERON, LLC,  
Patent Owner.

---

IPR2023-00865  
U.S. Patent 11,238,465

---

**PETITIONER'S UPDATED MANDATORY NOTICES**

Pursuant to 37 C.F.R. § 42.8, Petitioner, Maplebear Inc. d/b/a Instacart, (“Petitioner”), hereby submits the following Updated Mandatory Notices.

**I. Related Matters (UPDATED)**

In accordance with 37 C.F.R. § 42.8(b)(2), and to the best of Petitioner's knowledge, Petitioner identifies the following related matters:

- *Consumeron, LLC. v. Maplebear Inc. d/b/a Instacart*, No. 1:21-cv-01147 (D. Del.) (filed Aug. 6, 2021).

Petitioner now identifies this matter because after the oral hearing in this proceeding, on September 5, 2024, Consumeron, LLC (“Patent Owner”) sent Petitioner's counsel a letter accusing Petitioner of infringing the '465 patent at issue in this *inter partes* review. Although no formal complaint has been filed involving the '465 patent, Consumeron states in its letter that it “believes Instacart infringes the '465 Patent for the same or similar reasons articulated in Consumeron's First Amended Complaint with regard to the '835 Patent.”<sup>1</sup> The referenced '835 Patent (U.S. Patent No. 10,628,835) is currently being asserted against Petitioner in above district court case.

Further, as noted previously, the '465 patent is related to other U.S. patents that the Board addressed in four earlier IPRs: U.S. Patent No. 8,244,594 (IPR2022-01356);

---

<sup>1</sup> Petitioner intends to contact the Board regarding whether this letter should be included in the record.

U.S. Patent No. 10,628,835 (IPR2022-01357); U.S. Patent No. 10,115,067 (IPR2022-01358); and U.S. Patent No. 9,202,191 (IPR2022-01359). Appeals from those IPRs are pending before the Federal Circuit in *Consumeron, LLC v. Maplebear Inc.*, Appeal Nos. 24-1703, 24-1704, 24-1705, 24-1706 (Fed. Cir.) (consolidated). All four of those patents (the '594, '835, '067, and '191 patents) are currently being asserted against Petitioner in the district court litigation noted above.

The '465 patent is also related to the following pending application: U.S. 17/585,779.

## **II. Lead and Back-Up Counsel and Service Information (no change)**

| <b>LEAD COUNSEL</b>                                                                                   |                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Scott T. Jarratt<br>HAYNES AND BOONE, LLP<br>2801 N. Harwood St., Suite 2300<br>Dallas, TX 75201      | Phone: (972) 739-8663<br>Fax: (214) 200-0853<br><a href="mailto:scott.jarratt.ipr@haynesboone.com">scott.jarratt.ipr@haynesboone.com</a><br>USPTO Reg. No. 70,297       |
| <b>BACKUP COUNSEL</b>                                                                                 |                                                                                                                                                                         |
| Angela M. Oliver<br>HAYNES AND BOONE, LLP<br>2801 N. Harwood St., Suite 2300<br>Dallas, TX 75201      | Phone: (202) 654-4552<br>Fax: (214) 200-0853<br><a href="mailto:angela.oliver.ipr@haynesboone.com">angela.oliver.ipr@haynesboone.com</a><br>USPTO Reg. No. 73,271       |
| Destiny L. Stephenson<br>HAYNES AND BOONE, LLP<br>2801 N. Harwood St., Suite 2300<br>Dallas, TX 75201 | Phone: (214) 651-5792<br>Fax: 9214) 200-0853<br><a href="mailto:lyric.stephenson.ipr@haynesboone.com">lyric.stephenson.ipr@haynesboone.com</a><br>USPTO Reg. No. 80,404 |
| Laura Vu<br>HAYNES AND BOONE, LLP                                                                     | Phone: 415-293-8930<br>Fax: 214-200-0853                                                                                                                                |

|                                                     |                                                                                                         |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| 2801 N. Harwood St., Suite 2300<br>Dallas, TX 75201 | <a href="mailto:laura.vu.ipr@haynesboone.com">laura.vu.ipr@haynesboone.com</a><br>USPTO Reg. No. 79,752 |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------|

Please address all correspondence in this proceeding to lead and back-up counsel. Petitioner consents to electronic service in this proceeding by email at the addresses above.

**III. Real Party-in-Interest (no change)**

Pursuant to 37 C.F.R. § 42.8(b)(1), Petitioner certifies that the real party-in-interest is Maplebear Inc. d/b/a Instacart.

Dated: October 4, 2024

HAYNES AND BOONE, LLP  
2801 N. Harwood Street, Suite 2300  
Dallas, TX 75201  
Customer No. 27683

Respectfully submitted,

/Scott T. Jarratt/  
Scott T. Jarratt  
Lead Counsel for Petitioner  
Reg. No. 70,297

**CERTIFICATE OF SERVICE**

The undersigned certifies, in accordance with 37 C.F.R. § 42.6, that service was made on the Patent Owner as detailed below.

*Date of service*    October 4, 2024

*Manner of service*    Electronic Mail to: [jhannah@kramerlevin.com](mailto:jhannah@kramerlevin.com)  
[jfuller@kramerlevin.com](mailto:jfuller@kramerlevin.com)  
[jprice@kramerlevin.com](mailto:jprice@kramerlevin.com)  
[svdocketing@kramerlevin.com](mailto:svdocketing@kramerlevin.com)

*Documents served*    **Petitioner's Updated Mandatory Notices**

*Persons served*    James Hannah  
Jenna Fuller  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
333 Twin Dolphin Drive, Suite 700  
Redwood Shores, CA 94065

Jeffrey H. Price  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
1177 Avenue of the Americas  
New York, NY 10036

/Scott T. Jarratt/  
Scott T. Jarratt  
Lead Counsel for Petitioner  
Registration No. 70,297