Message

From: Jay Choi [jay.choi@uber.com]
Sent: 2/14/2018 6:02:44 PM
To: Lawrence Mulligan [lawrence.mulligan@gocarma.com]
CC: Bill Harmon [billh@uber.com]
Subject: Re: Patent Violation - United States Patent 7,840,427

Hi Lawrence,

2pm PT on 2/26 works for us. Please let me know what number to call you at and we'll call you then.

Thanks,
Jay

On Wed, Feb 14, 2018 at 6:43 AM, Lawrence Mulligan <lawrence.mulligan@gocarma.com> wrote:
Hi Bill

Can we make it 2pm on 2/26

Regards

Lawrence

On Tue, Feb 13, 2018 at 6:17 PM Jay Choi <jay.choi@uber.com> wrote:
Hi Lawrence,

Bill and I are available at these times the following week:

- 2/26: 10am-noon PT; 2pm-4pm PT
- 2/27: 9am-10am PT
- 2/28: 11am-1pm PT; 2pm-4pm PT
- 3/1: 9am-10am PT; 3pm-4pm PT

Jay

On Tue, Feb 13, 2018 at 3:02 PM, Lawrence Mulligan <lawrence.mulligan@gocarma.com> wrote:
Hey Jay

Cant make that, how about the following week, could you give me 3 or so dates and times. I'm trying to manage 3 calendars

Thanks

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UBER EXHIBIT 1038
Uber Techs, Inc. et al. v. Carma Tech., Ltd.
IPR2026-00306

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On 12 February 2018 at 12:17, Jay Choi <jay.choi@uber.com> wrote:
Hi Lawrence,

Would sometime this Wednesday (2/14) or Thursday (2/15) work for you? Perhaps 11:30a-noon ET? Bill is out of office next week and we'd both like to be on the call.

Thanks,
Jay

On Mon, Feb 12, 2018 at 8:36 AM, Lawrence Mulligan <lawrence.mulligan@gocarma.com> wrote:
Hi Jay

Can we schedule a call on either of these dates

Wed Feb 21 anytime 9am ET - noon ET
Thur Feb 22 2pm ET

I look forward to hearing from you

Regards

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On 19 January 2018 at 15:33, Lawrence Mulligan <lawrence.mulligan@gocarma.com> wrote:
Hi Jay

That's perfect

Thanks

On Fri, Jan 19, 2018 at 2:13 PM Jay Choi <jay.choi@uber.com> wrote:
Hi Lawrence,

I hope you are feeling better (I am hearing scary things about the flu). I am actually out of office on leave for 2 weeks, returning February 5. Can we find time to chat sometime that week? I can ping you then to find time for us.

Jay

On Thu, Jan 18, 2018 at 11:38 PM, Lawrence Mulligan <lawrence.mulligan@gocarma.com> wrote:
Hi Jay

Apologies for not responding to you, I have been out for the count with the flu.

Can you give me some dates that would work for you over the next few weeks?

Regards

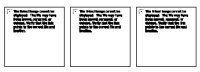
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On 10 January 2018 at 12:53, Jay Choi <jay.choi@uber.com> wrote:
Hi Lawrence,

I hope you enjoyed the holidays. I am looking at our calendars and this week is a bit rough. How about 11:30a-12p CT on Tuesday January 16? Please let me know if that works for you.

Jay

On Tue, Jan 9, 2018 at 1:35 PM, Lawrence Mulligan <lawrence.mulligan@gocarma.com> wrote:
Hi Jay

Can we arrange to have this meeting now? I am available any pm from 11:30 am to 2 pm Central time this week and available Monday and Tuesday of next week at the same times

Regards

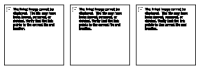
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On 20 December 2017 at 16:01, Jay Choi <jay.choi@uber.com> wrote:

Hi Lawrence,

Not a problem, we'll circle back in January. Have a great holiday.

Jay

On Tue, Dec 19, 2017 at 8:21 AM, Lawrence Mulligan <lawrence.mulligan@gocarma.com> wrote:

Hi Jay

Can we push this to the first week of January.

We want to bring the inventor of the patent into the meeting but he is unavailable till then

Regards

Lawrence

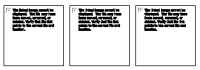
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On 16 December 2017 at 10:01, Jay Choi <jay.choi@uber.com> wrote:

Hi Lawrence, Emmett,

Thanks for your patience. Would you have time for a call this coming Wednesday or Thursday? Please let me know what times work for you and I can check with Bill's schedule as well. (Bill is a director on our team here at Uber.)

Regards,
Jay

On Fri, Dec 8, 2017 at 1:19 PM, Lawrence Mulligan <lawrence.mulligan@gocarma.com> wrote:

Hi Jay

Please include emmett.murphy@gocarma.com

Regards

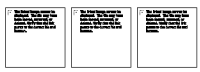
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On 8 December 2017 at 13:18, Jay Choi <jay.choi@uber.com> wrote:

+Bill

Hi Lawrence,

We acknowledge receipt of the claim chart. Thank you for sending it over. We are reviewing and we will get back to you next week to set up time to discuss by phone. Please let us know who we should email later to include in setting up the call.

Regards,
Jay

On Fri, Dec 8, 2017 at 10:24 AM, Lawrence Mulligan <lawrence.mulligan@gocarma.com> wrote:

Hi Jay

Could you acknowledge receipt of this. I'd like to have a process in place with Uber to resolve this by the 20th of December

We are attempting to resolve this issue in the most amicable way possible and look forward to your cooperation

Regards

Lawrence

On Mon, Dec 4, 2017 at 8:45 AM Lawrence Mulligan <lawrence.mulligan@gocarma.com> wrote:

Hi Jay

Thanks for your response. We are awaiting a formal response to you from our legal team, however, to be expedient here is the claim we sent previously

Please see the summary below, the attached updated Claim Chart and the attached screenshots referenced throughout.

Summary

We believe that Uber infringes on our patent (7,840,427) whenever it matches together one or more passengers with an Uber driver at a suggested pick-up / drop-off location.

As evidenced by the attached screenshots, Uber has been moving its products further towards this approach, at least since 2005 (with Uber Smart Rides, UberHop, UberPool and now Uber Express Pool) .

About Carma

Carma (formerly Avego) launched the first rideshare app in December 2008, matching together drivers and riders at suggested pick-up and drop-off locations along their shared commute path. See this New York Times article from December 2008 (http://www.nytimes.com/2008/12/21/business/21novelties.html).

Carma has invested hundreds of thousands of development hours into developing its technology further, working closely with government transportation agencies throughout the United States to deploy its ridesharing and occupancy verification technology.

Carma is bound by, and compliant with all federal, state and local laws and regulations; Carma has never received a citation or cease and desist letter from any regulator.

Regards

Lawrence

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On 29 November 2017 at 17:28, Jay Choi <jay.choi@uber.com> wrote:

Hi Lawrence,

I hope you had a good Thanksgiving. As we mentioned in our response to your attorney, we never received a claim chart or any indication of Uber's alleged infringement of the '427 patent.

Before we have any meaningful conversation, we would like a detailed summary as to how the claims cover Uber's services and products.

Regards,
Jay

On Tue, Nov 14, 2017 at 7:16 AM, Lawrence Mulligan <lawrence.mulligan@gocarma.com> wrote:

Dear Senior Counsel Choi,

One year ago, our patent attorney Frank Hand sent you a letter, and claim chart, notifying you that Uber has infringed upon our United States Patent 7,840,427. On November 30th, you denied that Uber is infringing our patent but declined to provide any further detail as to why that might be the case.

Uber has continued its infringing use of our patent and now strongly promotes rides with suggested pickups and drop-offs areas. Furthermore, with Uber's addition of the Uber Express POOL option and the already available uberPOOL, there is no doubt that Uber is willfully infringing our patent.

There is clearly a competitive advantage in Uber having a fair and legal right to use suggested pick-ups / dropoffs for rides. We would like to resolve this matter on an amicable basis, however, we will not sit idle while Uber continues to infringe on our valuable patent rights.

I would like to set up a phone conversation in the next two weeks to discuss my concerns and a potential resolution; are you available? If so, please propose a few dates and times that will work for you.

I hope to hear from you by the 30th of November 2017, if not, I will be forced to pursue legal action to protect our patents.

Kind regards,

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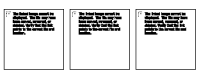
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