No. _____

In The
Supreme Court of the United States

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ROADIE, INC.,

Petitioner,

v.

BAGGAGE AIRLINE GUEST SERVICES, INC.,

Respondent.

———— ♦ ————

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

———— ♦ ————

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The Patent Statute provides, simply and succinctly, that "[t]he court in exceptional cases may award reasonable attorney fees to the prevailing party." 35 U.S.C. § 285. This edict has remained unchanged since enactment of the Patent Statute in 1952. However, in 2014, the Supreme Court corrected long standing application of Section 285 by the U.S. Court of Appeals for the Federal Circuit in the seminal case *Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 572 U.S. 545 (2014). It has been near universally accepted that *Octane Fitness* made it easier to obtain fees for the prevailing party by doing away with rigid and complex analyses imposed by the Federal Circuit application of the law, rather than focusing on the law itself.

Near simultaneously, the Supreme Court issued its decision in *Highmark Inc. v. Allcare Health Management System Inc.*, 134 S. Ct. 1744 (2014). There, the Supreme Court overturned the previous de novo standard of review for the exceptional-case determination under Section 285. The court held that "[b]ecause § 285 commits the determination whether a case is 'exceptional' to the discretion of the district court, that decision is to be reviewed on appeal for abuse of discretion." Since 2014, judicial "discretion" has been inconsistent and contradictory in a way that frustrates the goal of 35 U.S.C. § 285 which is to improve the efficiency of the judiciary by discouraging the filing of bogus law suits.

The questions presented are:

1. Whether District Court judges should be required to consider the weakness of an infringement

claim, after ruling in favor of the defendant on invalidity, where, as here, (i) the issue of non-infringement was fully briefed, (ii) claim construction, of the only disputed term, was performed by the judge in ruling on invalidity, and (iii) plaintiff misrepresented to the court both the need for claim construction, and the nature of the alleged infringement; and concomitantly, should Circuit Courts of Appeals give more scrutiny to District Court judges who use discretion without considering all relevant factors.

2. Whether the district court failed to fairly consider all relevant factors bearing on the issue of exceptionality.

3. Whether violating Fed. R. C. P. 7, in an apparent effort to hide the improper motive for bringing and sustaining a weak patent infringement case, should lead to a *per se* rule that a case is exceptional; alternatively, whether such a violation should have been considered as one of the factors in determining exceptionality.

CORPORATE DISCLOSURE STATEMENT

Petitioner Roadie, Inc. is a privately held company with no parent corporation, and no publicly held company owning 10% or more of its stock.

RELATED CASES

- *Baggage Airline Guest Services, Inc. v. Roadie, Inc.*, No. 18-707-RGA, U.S. District Court for the District of Delaware. Judgment entered Feb. 14, 2020.

- *Baggage Airline Guest Services, Inc. v. Roadie, Inc.*, No. 2020-1540, U.S. Court of Appeals for the Federal Circuit. Judgment entered Nov. 4, 2020.

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ROADIE, INC., PETITIONER

v.

BAGGAGE AIRLINE GUEST SERVICES, INC., RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

Roadie, Inc. respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Federal Circuit in this case.

OPINIONS BELOW

The opinion of the court of appeals affirming the denial of attorney fees (App. 1a-2a) is unreported. The district court's order denying petitioner's motion to declare the case exceptional under 35 U.S.C. § 285 (App. 4a-13a) is unreported. The district court's order granting petitioner's motion for judgment on the pleadings is reported at 351 F. Supp. 3d 753. The opinion of the court of appeals affirming the district court's ruling on invalidity is unreported.

JURISDICTION

The judgment of the court of appeals was entered on November 4, 2020. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

The relevant provisions of the Patent Statute, 35 U.S.C. § 285, are reproduced in the appendix to this petition (App. 14a).

STATEMENT

In this case, Petitioner Roadie, Inc. ("Roadie") was forced to defend a case that should never had been brought by Baggage Airline Guest Services, Inc. ("BAGS"). Roadie was the prevailing party at the district court, by winning a motion for judgment on the pleadings that the asserted patent was invalid under 35 U.S.C. § 101. Roadie's motion included grounds for finding the patent was not infringed, but the district court did not rule on that part of the motion. BAGS appealed the district court's ruling, and the U.S. Court of Appeals for the Federal Circuit affirmed the invalidity ruling.

Roadie moved for fees under 35 U.S.C. § 285, but that motion was denied. Roadie appealed to the Federal Circuit, but the denial was affirmed. Both at the Federal Circuit, and now, the standard of review is abuse of discretion. The question before this Court is to what extent can judicial discretion exclude some factors, in favor of a more limited subset of factors. Critically, both the district court and the Federal Circuit did not consider Roadie's strong showing of

non-infringement. The issue was fully briefed. Prevailing on two dispositive issues, rather than one, would not necessarily make a case more exceptional, except that the infringement positions adopted by BAGS were interwoven with litigation misconduct, including misrepresentations to the district court about the need for claim construction, about how the accused product operated, and refusal to inspect source code, knowing that the source code would reinforce the non-infringing nature of the accused products.

A critical issue that the district court completely overlooked was the fact that BAGS was sold for $275 million before the case ended, and did not update their Fed. R. C. P. Rule 7 disclosures. The sale of the company exposes the motive for bringing a bogus lawsuit. In selling itself, BAGS would logically present itself as having a patent-based monopoly on its business model, and maintaining a law suit against Roadie would have been evidence to the buyer of BAGS' efforts to maintain that monopoly, and thus its own market capitalization. Roadie never had a chance to investigate the sale, because in discovery BAGS did not produce any information about the sale, and without a Rule 7 update, both the district court and Roadie were in the dark.

For both the district court and the Federal Circuit, no mention was made about this significant subterfuge. While intent is difficult if not impossible to prove with direct evidence, the sale itself is strong circumstantial evidence that BAGS needed to keep this case alive at least until the sale was consummated, which ironically, was just before this case ended.

SUMMARY OF FACTORS

The district court failed to consider the following:

- BAGS failed to update their Fed. R. C. P. Rule 7 corporate disclosure statement to reflect that they had a new owner, who paid $275 million for BAGS.

- The district court did not consider the non-infringement part of the case, mistakenly saying that discovery had just begun, when in fact it was nearly over, and that a Markman ruling had not been made when in fact Markman was fully briefed, and only one term was in dispute, and that term was construed by the district court in ruling on invalidity for Roadie.

- Trial counsel for BAGS misrepresented to the district court the operation of Roadie's app, by using a separate messaging app to change a delivery option, and then saying the change was effected through the Roadie app.

- Trial counsel for BAGS inappropriately engaged a Roadie driver in a discussion, without Roadie counsel knowledge, about how the Roadie app worked, specifically, whether Roadie gave drivers phone numbers to use.

- BAGS sued Roadie twice in the wrong venue, once before BAGS owned the patent, and both time required successful motions to dismiss and transfer.

- The relative financial situations between the two parties, showing that Roadie was much smaller, and the defense put a severe financial strain on their operations.

REASONS FOR GRANTING THE PETITION

The questions presented in this case are critically important to the efficient operation of the judicial system. Federal courts are awash with patent suits that have no merit, and while legislative solutions are frequently proposed, and often misguided, the tools already exist for making the judicial system more efficient and effective. Those include Rule 11 of the Federal Rules of Civil Procedure, and fee reversing statutes like 35 U.S.C. § 285. Section 285 can only work, however, if it is applied evenly, consistently and fairly. The Court needs to provide guidance to the district courts, including for the first time, guidance that non-infringement should be factored into the equation, when it is fully briefed, discovery is nearly completed, and Markman is unnecessary, as here.

Where bright lines are available, judicial discretion can be more easily applied and defended. For that reason, Roadie proposes that where corporate disclosure rules are not followed, and the failure to do so can be tied to a motive for carrying on bogus litigation, the mere failure to disclosure should provide a per se basis for finding exceptionality under Section 285.

BACKGROUND

A. The '336 Patent

The patent-in-suit, U.S. Patent No. 9,659,336 ("the '336 patent"), titled "Mobile Baggage Dispatch System and Method," purports to provide an improved system and method for coordinating and

monitoring baggage delivery. (App. 15a-68a) In fact, practically the first words in the patent state the invention in the abstract: "the present disclosure relates to a system and a method of coordinating and monitoring baggage delivery." (App. 33a-34a)

The specification discloses that the patent is directed to "coordinating and monitoring baggage delivery," and that delivery of delayed baggage before the purported invention of the '336 Patent typically was coordinated through telephone calls between the passenger and the delivery service:

> The present disclosure relates generally to the field of baggage management. In particular, the present disclosure relates to a system and a method of coordinating and monitoring baggage delivery.
>
> When baggage is lost during an airline flight, a passenger usually reports the bag missing and leaves an address and phone number where the baggage can be dropped off. The passenger continues to his destination, for example, to a hotel, his home, or a resort, without his baggage. The airline or airport then commences a search for the baggage, for example, by parsing unclaimed baggage in the system. After the baggage is located by the airline or airport, the airline can then deliver the baggage to the passenger. It can be a number of days before baggage is located and forwarded to the correct destination.

> Typically, the baggage is actually delivered to the passenger by a sub-contractor, such as a taxi service.
>
> Often, the sub-contractor will call the passenger at the address to confirm the drop-off location, to determine if the passenger is home, and to let the passenger know that the baggage will be dropped off. A typical sub-contractor will drop the baggage off at the front door, ring the doorbell, and leave; where the baggage could then be stolen. Further, the sub-contractor could simply keep the baggage and merely report the baggage as delivered. Thus, improved systems and methods for coordinating and monitoring baggage delivery are needed.

(App. 34a).

The '336 patent contains three independent claims, claims 1, 7, and 13, which use remarkably similar language. Claim 7, a method claim, was treated as representative for purposes of Roadie's Rule 12(c) motion, and states as follows:

> 7. A method of dispatching baggage, comprising:
>
> receiving, through a transceiver of a server and after a piece of baggage has been transported to a destination, baggage information relating to the piece of baggage to be delivered to a passenger, the baggage information

including a drop off address, wherein the passenger is at a location different than the destination;

associating, by the processor of the server, the baggage information with a delivery person, wherein the delivery person is associated with delivery person information;

transmitting, through the transceiver, a pickup bags message to a deliverer computing device associated with the delivery person;

transmitting, through the transceiver, at least a portion of the baggage information and the delivery person information to a passenger computing device associated with the passenger;

receiving, through the transceiver, from the passenger computing device a selection to hold delivery of the piece of baggage using a passenger interface until a delayed delivery time wherein the passenger interface displays travel information of the passenger including at least one of an airline name and an airport name and a baggage map configured to display on the passenger computing device an approximate location or current location of the piece of baggage associated with the travel information wherein the passenger interface is updated with changes in the

> approximate location or the current location of the piece of baggage during transport;
>
> relaying, through the transceiver, a delivery change to the deliverer computing device responsive to the selection to hold delivery of the piece of baggage using the passenger interface; and
>
> reordering, by the processor of the server, other deliveries associated with the deliverer computing device given the delivery change.

(App. 62a-64a).

All three independent claims require a "selection to hold delivery" function with structure that points to a server that is a part of the claimed luggage dispatch apparatus and method. As relates to the present appeal, the "selection to hold delivery" limitation did not make the claims patentable, but it did confirm non-infringement.

B. BAGS Sued Roadie Twice In Florida Twice

On July 7, 2017, BAGS sued Roadie in the Middle District of Florida (6:17-cv-01549) for infringement of the '336 patent and for violation of Florida state law claims. Roadie moved to dismiss because BAGS did not own the '336 patent and thus lacked standing, because the state law claim was preempted by federal patent law, and because venue

was improper. That motion was granted with respect to the standing issue and the state law claim, and the complaint was dismissed, without addressing the venue issue.

On August 24, 2017, BAGS filed a second complaint in the Middle District of Florida on the same day it acquired the '336 patent, without any state law claims. On November 10, 2017, Roadie filed another motion to dismiss for improper venue and that motion granted, six months later on May 9, 2018, thereby sending the case to Delaware.

Florida had the case for approximately nine (9) months (August 24, 2017 to May 9, 2018), and Delaware had the case for approximately eight (8) months (May 9, 2018 to January 6, 2019).

Before transfer to Delaware, on February 6, 2018, Roadie filed a motion for judgment on the pleadings under Fed. R. Civ. P. 12(c), asserting both invalidity under 35 U.S.C. § 101, and non-infringement. That motion was fully briefed by Florida local practice rules (which did not permit a reply to the opposition) on March 6, 2018 when BAGS filed its opposition brief.

The parties engaged in extensive discovery in Florida and exchanged claim constructions. According to the Case Management Report filed on December 14, 2017, the parties exchanged Initial Disclosures on January 12, 2018, and BAGS served Infringement Contentions on January 31, 2018. Roadie served Non-infringement and Invalidity Contentions on February 28, 2018. The parties served Disputed Terms on March 28, 2018, and filed

a Joint Claim Construction Statement on May 9, 2018.

According to the parties' Joint Claim Construction, only one claim term had a disputed construction: "selection to hold delivery." BAGS asserted the following construction: "sending a communication to the deliverer via the server to change delivery time." Roadie asserted the term did not need construction, given the plain and ordinary meaning of the words. The construction that BAGS asserted was adopted by the district court in deciding that the claims were patent ineligible under 35 U.S.C. § 101. Under any construction, the '336 claims were not infringed by Roadie.

C. The Delaware District Court Ruled The '336 Patent Invalid

On January 7, 2019, the district court granted Roadie's Motion for Judgment on the Pleadings, but declined to consider non-infringement because the patent was found to be invalid.[1] That decision was appealed by BAGS to the Federal Circuit, which affirmed on November 5, 2019.

In its invalidity determination, the district court found that the BAGS patent claims were directed to the abstract idea of "coordinating and monitoring baggage delivery." The court referred to the patent specification where it states that the invention relates to "improved systems and methods

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[1] Appx1997 at footnote 3: "Because I have found that the '336 patent claims are directed to ineligible subject matter, I decline to consider whether the Complaint fails to state a claim of infringement."

for coordinating and monitoring baggage delivery." The district court also found the BAGS patent to be similar to the one invalidated under 35 U.S.C. § 101 in *GT Nexus, Inc. v. Intra, Inc.,* 2015 WL 6747142 (N.D. Cal. Nov. 5, 2015), *aff'd*, 669 F. App'x 562 (Fed. Cir. 2016) (per curiam). The *GT Nexus* case involved the shipping of goods, which was known to be a conventional business practice. *Id.*

BAGS tried to argue that the "selection to hold delivery" aspect of the claims made the claims not abstract. However, the district court acknowledged that the parties disputed construction of that term, and for the purposes of the motion, construed the term the way BAGS wanted it: "sending a communication to the deliverer via the server to change the delivery time." Having construed the claim term, the district court opined that the desired construction does not change the fact that the claims are directed to an abstract idea.

After finding the claims directed to an abstract idea, the district court went on to find "no inventive concept" under the two step analysis set forth in *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014). Roadie pointed out that the claims require nothing more than conventional and generic computer elements to implement the claimed functionality, and the district court agreed. BAGS then tried to argue validity based on features that were not in the claims, including that the invention provides "guaranteed delivery." However, the district court agreed with Roadie that "guaranteed delivery" could not be relied on for patentability since it does not appear in the claims.

Finally, BAGS tried to argue that the inventive concept can be found in the efficiency gained by using computers to arrange baggage delivery. To this the district court said "[t]his is contrary to law," citing *Intellectual Ventures I, LLC v. Capital One Bank (USA)*, 792 F.3d 1363 (Fed. Cir. 2015). In its ruling, the district court noted that inventions must do more than recite generic computer components configured to perform purely conventional computer functions.

D. Invalidity Was Affirmed at the Federal Circuit

The Federal Circuit affirmed the district court's judgment of invalidity on November 5, 2019. The decision came one day after oral argument, and was issued as a Federal Circuit Rule 36 decision.

During the course of the appeal, Roadie filed a Motion to Strike 45 pages of a slide presentation that BAGS added to the joint appendix with its reply brief. The basis for the motion was that the slides were not part of the record below. In an Order dated July 16, 2019, the Federal Circuit granted the motion and struck the slide presentation and the reply brief that described the slides. BAGS filed no opposition to the brief.

E. The District Court Denied Roadie's Fee Motion

Roadie first moved for fees on January 22, 2019, as the prevailing party following the district court's January 7, 2019 ruling on validity. Although BAGS filed an opposition brief on February 5, 2019, BAGS also filed a Notice of Appeal to the Federal

Circuit on February 4, 2019 to challenge the district court's invalidity ruling. Roadie filed a reply brief on February 12, 2019, but on February 15, 2019, the district court denied the fee motion, without prejudice to refile within 30 days of the Federal Circuit's decision on the appeal.

Although the Federal Circuit's ruling issued on November 5, 2019, the Mandate was not entered until December 12, 2019. Within 30 days of the Mandate, and on December 26, 2019, Roadie filed its Renewed Motion to Declare This Case Exceptional and Award Attorneys' Fees Under 35 U.S.C. § 285.

Roadie's fee motion was denied by Order and Memorandum Opinion, both dated February 14, 2020. (App. 4a-13a) The district court noted that Roadie was the undisputed prevailing party, and therefore, the only issue was whether the case was exceptional. (App. 7a)

When considering whether the case warranted "exceptional" status, the district court focused on the substantive strength of BAGS' litigation position with respect to validity, and barely addressed non-infringement. With respect to invalidity, the district court noted that Roadie relied on *Finnavations LLC v. Payoneer, Inc*., 2019 WL 1236358 (D. Del. Mar. 18, 2019), as highly analogous to the BAGS case. (App. 7a) However, the district court said *Finnavations* was more like those "invalidated in the immediate wake of *Alice*." (App. 8a)

The district court also found that BAGS did not bring this case in bad faith, and then addressed some of litigation misconduct that Roadie complained of.

For motivation, or "nefarious intent," the district court saw none in the fact that litigation counsel for BAGS "failed to grasp meaningful technological and operational distinctions in the accused product's functionality" even where such "evidence…may not have been supportive of Plaintiff's infringement contentions." (App. 10a)

The district court did not consider infringement in undertaking the analysis of BAGS' litigation conduct, stating that such analysis was would not be necessary because the case was resolved (on invalidity) "before any claim construction" and "before taking of significant discovery." (App. 11a) Those two assertions are not correct. Discovery was well advanced at the time of resolution, with the case having been pending for approximately 17 months. And claim construction was equally if not more advanced. In fact, the district court construed in its January 7, 2019 ruling on invalidity the only term that both parties disputed the construction of: "selection to hold delivery." After doing so, there was nothing left to construe, and a finding of non-infringement was ready to decide in Roadie's failure.

SUMMARY OF ARGUMENT

In patent cases, the two primary substantive issues are infringement and validity. A defendant must defend both issues. This is not an option. Defending both issues takes substantial resources in terms of time, money and distraction from day to day business. Defending patent cases is especially difficult for an underfunded start up company, like Roadie, when fighting against a successful incumbent competitor.

Here, Roadie moved for judgment on both non-infringement and invalidity. In fact, while both issues strongly favored Roadie's position, the non-infringement position was likely the stronger of the two. While it is not necessary to prevail on more than one dispositive motion to be a "prevailing party," the weakness of the infringement case should have been taken into account when ruling on exceptionality. But it wasn't. This Court should guide future cases, and correct this one, so that non-infringement is taken into account, even when a ruling was not made on the issue. This should be true especially where, as here, the infringement issue was fully briefed, Markman was fully briefed, the Markman terms were not materially disputed, and the district court made a Markman ruling when deciding invalidity.

As exceptionality is a matter of cumulative evidence, adding up to a totality of circumstances, a district court should consider all factors.

As a factual clear error, the district court was also incorrect in stating that infringement should not be considered because claim construction had not been done, when in fact, the district court construed the only term the parties disputed, in BAGS favor, when granting Roadie's invalidity motion. Under BAGS' proffered construction, there is no plausible way Roadie infringed any claims of the '336 patent.

In considering litigation misconduct, the district court failed to acknowledge an obvious effort to prolong the litigation and its high costs, which would bear more heavily on the smaller, less funded newcomer Roadie over the incumbent BAGS with their $140 million in revenue per year. When

confronted with Roadie's motion for judgment on the pleadings early in the litigation, BAGS argued that the motion could not be decided until claim construction took place for "server," "processor," "transceiver," "configured," "baggage information," "relay," "passenger computing device," and "deliverer computing device." Yet in the Joint Claim Construction, BAGS identified none of those terms as needing construction, and instead only disputed one term: "selection to hold deliver."

This reversal and substantial change in Markman positions can only be explained as a desire to prolong and protract the litigation, at costs more affordable to BAGS than Roadie.

In addressing the reasonableness of the BAGS position on validity, the district court failed to appreciate the similarity between the present case and *Finnavations*, a case which the same district court had decided on very similar facts. In *Finnavations*, the district court invalidated the patent on the same grounds as in the BAGS patent: both required nothing more than known computer hardware and software to perform old functions. In *Finnavations*, the old function was the delivery of accounting data. For BAGS, the old function was picking up and delivering luggage. BAGS and Finnavations both argued that their positions were made strong because they overcame rejections by the US Patent and Trademark Office (USPTO) under 35 U.S.C. § 101. In *Finnavations*, the district court held that such rejections should have put the plaintiff on notice that it had a bad case, not a good one. The

district court here should have used the same logic when analyzing the weakness of BAGS' litigation position.

ARGUMENT

A. Standard of Review

District Courts may determine whether a case is exceptional in a case by case exercise of their discretion, considering the totality of circumstances. *Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 572 U.S. 545, 554 (2014). This Court ruled that an abuse of discretion standard should be used in reviewing all aspects of a district court's § 285 determination. *Highmark Inc. v. Allcare Health Mgmt. Sys., Inc.*, 572 U.S. 559, 564 (2014). An appellate court is not precluded by the abuse of discretion standard from correcting a district court's legal or factual errors. *Id.* at 563 n.2.

A district court would necessarily abuse its discretion if it based its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence. *Id.*, at 1748 n.2 (quoting *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 405 (1990). When a district court's determination of exceptional status is based on an incorrect legal standard, the decision must be vacated and remanded for consideration under the correct law. *Kilopass Tech., Inc. v. Sidense Corp.*, 738 F.3d 1302, 1310 (Fed. Cir. 2013) (vacating and remanding because district court's analysis was "incomplete" and "inappropriately narrow").

B. The Federal Circuit Should Have Required Infringement Analysis

Roadie does not fault the district court for not deciding the motion on non-infringement, but Roadie does assert that it was error for the district court not to fully consider non-infringement in making the "exceptional" case determination. Courts must consider the totality of circumstances which may include factors such as frivolousness, motivation, objective unreasonableness, and the need in particular circumstances to advance considerations of compensation and deterrence. *Octane Fitness*, 134 S. Ct 1749, at 1756. Failure to consider non-infringement violates the basic tenants of *Octane Fitness*.

When a smaller party like Roadie is dragged into court by a much larger entity like BAGS, and forced to defend against a patent it is not infringing at great expense, time is of the essence – time is money. Roadie tried very early in this case to have the case dismissed. It moved within days after answering the complaint to have the case dismissed on both invalidity and non-infringement grounds. That motion stood pending for nearly a year, even though Roadie's Fed. R. Civ. P. 12(c) motion is functionally equivalent to a Fed. R. Civ. P. 12(b)(6) motion for failure to state a claim. During that year of pendency, Roadie was forced to engage in extensive discovery and Markman briefing. In fact, the parties were schedule to argue their Markman hearing days before the district court ruled the patent invalid.

In declining to find the case exceptional, the district court passed on considering non-

infringement, but did so on two factual errors. In one sentence, the district court erred in stating that "significant discovery" had not been taken, and the case was resolved (on invalidity) "before any claim construction." In fact, discovery was nearly complete, and claim construction occurred when the district court construed the only, mildly, disputed term when ruling on invalidity. Thus, the premise on which the district court declined to consider non-infringement was false on both counts.[2]

The district court's failure to consider non-infringement because of a mistaken belief that claim construction had not occurred was clearly erroneous and an abuse of discretion. Moreover, the district court should have known, based on its own scheduling, that a Joint Claim Construction Brief was filed on December 14, 2018, and that a Markman hearing was scheduled for January 10, 2019 but was cancelled only three days ahead of time, on the same day the district court issued its ruling on invalidity.

Simply stated, it was erroneous to pass on considering non-infringement as one of the "totality of circumstances" when deciding if this case was exceptional.

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[2] It makes no sense for the district court to say claim construction had not taken place. The parties exchanged claim terms on March 28 2018, and the only term that the parties disputed was the "selection to hold delivery" claim limitation. BAGS proposed this construction: "sending a communication to the deliverer via the server to change delivery time." Roadie submitted that the claim limitation needed no construction. However, in ruling the patent invalid, the district court specifically construed "selection to hold deliver" language in exactly the way BAGS had proposed it. Even with their proposed construction, BAGS lost on validity, and they would have lost on infringement.

C. BAGS' Infringement Positions Were Objectively Baseless

Given the district court's adoption of BAGS' construction of "selection to hold delivery," there is no possible way that Roadie's app could infringe the '336 patent. BAGS attempted to establish infringement by having its attorney contact a Roadie driver, through an Apple messenger app, to direct a bag to be delivered to the attorney's neighbor's house.

In Roadie's motion to dismiss the infringement claims, Roadie pointed out that there can be no direct infringement because the claims require multiple parties, thus creating divided infringement. BAGS admitted the claims require "a passenger computing device," i.e., a cell phone carried by the passenger, and a deliverer computing device," i.e., a cell phone carried by the deliverer, neither of which are provided by Roadie. Roadie does not sell a server computer, a deliverer computing device or a passenger computing device, all of which are required by the claims.

Aside from the lack of selling or using (for purposes of method claims) the required hardware, Roadie pointed out that the complaint lacked any specific allegations that would support indirect infringement, such as knowledge that the patents were valid, and specific direction and control of third parties to avoid a divided infringement situation.

Even if all the hardware, and use of it was attributable to Roadie, the claim language, as reinforced by the BAGS preferred claim construction of "selection to hold delivery," make it easy to see that Roadie cannot infringe under any scenario.

While it is not Roadie's intention to second guess every determination made by the district court, non-infringement was just simply left out of the exceptional case analysis, for reasons stated above to be unfounded (lack of discovery and lack of claim construction. We therefore revisit some of the more salient points presented in the fee motion.

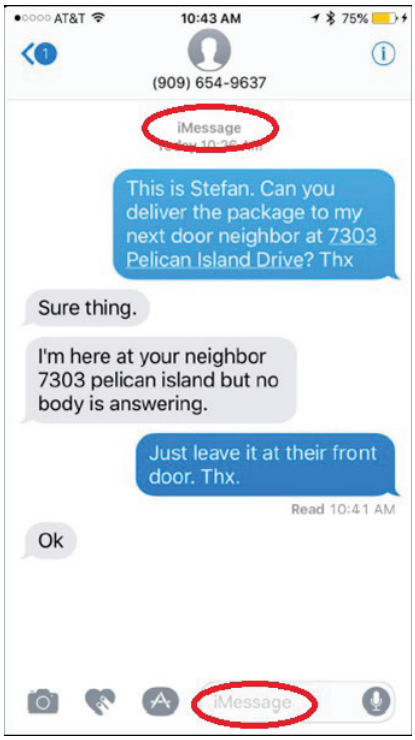
Bags served its infringement contentions on January 31, 2018, over four months after filing the complaint in the instant action and nearly seven months after filing the first complaint filed in Florida. In its infringement contentions, Bags identified the "Roadie App" as the accused product. The contentions track a Roadie delivery request, or "gig," initiated by Bags' lead trial counsel, Stefan V. Stein, on the morning of August 24, 2017, in which Mr. Stein uses the Roadie app to send a box from his law office to his home address.

Bags' infringement contentions were wholly deficient and problematic for several reasons. ***First***, although the '336 patent claims require a "selection to hold delivery," Bags' infringement evidence is directed instead to a request "to change the delivery location":

> On information and belief, a passenger can choose to hold delivery of the baggage until a delayed delivery time. As shown below, the passenger can contact the deliverer, using the Accused Device and Roadie's servers, to change the delivery location. <u>It is just as likely that a user will request a delay in delivery</u>.

Second, Bags twisted facts in an attempt to demonstrate that Roadie plays any role in this interaction between the "passenger" and the "deliverer." For example, in its infringement contentions, Bags makes the bald assertion that, "As shown below, the passenger can contact the deliverer, using the Accused Device and Roadie's servers, to change the delivery location." (*Id.*) (emphasis added).

However, as Bags was no doubt aware when it made this statement, the screenshot in Bags' infringement contentions comes not from the accused Roadie App, but instead from the Apple "Messages" application:



(*Id.*) (emphasis added in red). In other words, the user did not request a change of delivery location through the Roadie App and through Roadie's servers. Rather, the user sent an iMessage (the Apple iPhone equivalent of a text message) directly to the driver, entirely outside of the Roadie environment. Apple iMessages simply cannot and do not go through a Roadie server, as required by all the claims of the '336 patent. The reason Bags cannot show a screenshot from the Roadie App that depicts a selection to hold delivery is because the accused Roadie App does not have this functionality, which was clear and entirely known to Bags at the time it filed this case.

Third, Bags' so-called infringement "evidence" was generated by its lead trial counsel, Stefan V. Stein:

(*Id.*) (emphasis added in red). There is no evidence that Roadie directed, instructed, or forced Mr. Stein to request a change in the delivery location. Instead, Mr. Stein, of his own volition, sent an iMessage through the Apple "Messages" app directly to the delivery driver. Yet, incredibly, Mr. Stein claimed in Bags' infringement contentions – which he personally signed and served – that his personal contact with the delivery driver was made "using the Accused Device and Roadie's servers."

On March 19, 2018, shortly after serving its non-infringement contentions, Roadie, through its counsel, sent Bags' counsel a nine-page letter detailing these and other fatal infirmities in Bags' case and implored Bags to dismiss the litigation before the legal costs escalated. Yet, despite being specifically warned by Roadie that it had misrepresented the Apple "Messages" app as being the Roadie App in its initial infringement contentions, Bags ignored this critical evidence of noninfringement and, unbelievably, doubled down on the misrepresentation.

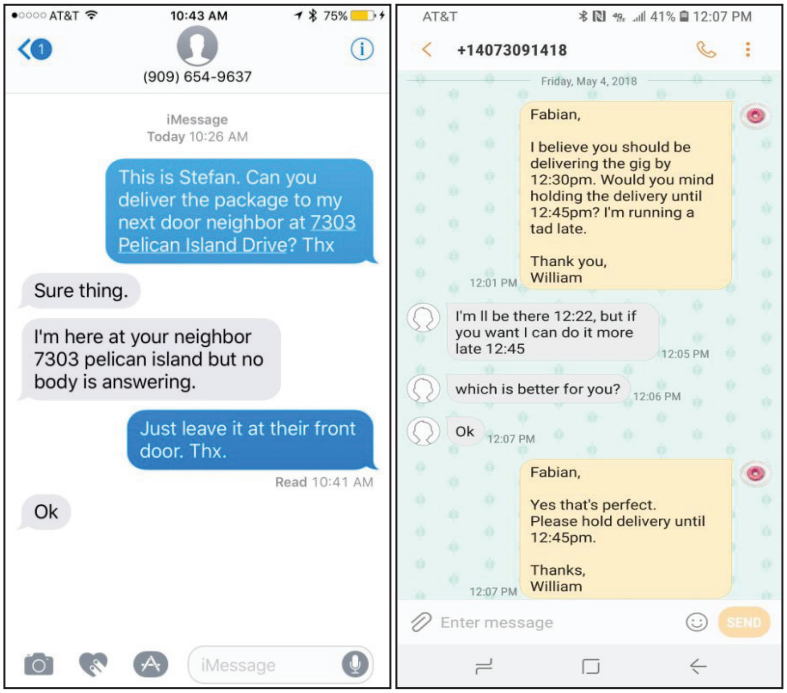
In a sworn declaration filed with the Court, Mr. William Stein stated that he personally took a flight from Atlanta to Orlando, checked in a piece of luggage, and intentionally left it at the Orlando airport baggage claim to simulate a "lost luggage" scenario. Mr. Stein then personally initiated a Roadie "gig," requesting that a driver pick up his "lost" luggage and deliver it to his office in Orlando. Thus, as with Mr. Stefan Stein and his box in the infringement contentions, Mr. William Stein was both the sender and the recipient of the "lost luggage" depicted in Bags' amended infringement contentions.

This second Roadie "gig" initiated by Bags' litigation counsel was incorporated in Bags' amended infringement contentions, which were served on June 8, 2018, over nine months after the filing of the complaint in this action and over eleven months after Bags first accused Roadie of infringement in the first Florida case.

With respect to the "selection to hold delivery" limitation, Bags added the italicized passage below,

along with the second screenshot, which is of the Android messaging app and not the Roadie App, in its amended infringement contentions:

> On information and belief, a passenger can choose to hold delivery of the baggage until a delayed delivery time. As shown below, the passenger can contact the deliverer, using the Accused Device and Roadie's servers, to change the delivery location. It is just as likely that a user will request a delay in delivery.
>
> *Furthermore, on information and belief, the mobile number associated with the deliverer may in fact be provided by the Accused Product. When the passenger contacts the deliverer via the Accused Product, the dialogue is between the passenger's mobile number and the mobile number provided by the Accused Product to the deliverer. As such, each message sent between the passenger and deliverer may in fact pass within the Accused Product's server. Thus, each input that is exchanged among the Accused Product, deliverer and/or passenger may be (1) received by the processor via the transceiver and (2) transmitted by the processor via the transceiver.*



Putting aside for the moment whether the text messages depicted in the screenshots above can fairly be considered a "selection to hold delivery," it is plainly obvious that these screenshots are not of the accused Roadie app. Instead, they are taken from the default messaging apps for an iPhone and an Android smartphone. Even if Roadie did provide telephone numbers to its delivery drivers, which it does not, Bags has zero basis for claiming that a text message drafted by the smartphone user and sent through the smartphone's default messaging app would pass through a Roadie server.

Moreover, it was only after the district court had ruled in Roadie's favor and after Bags had filed its appeal of the invalidity ruling to the Federal Circuit did Bags admit that it had committed an

ethical violation in preparing its amended infringement contentions. Specifically, Bags revealed – for the first time – that Mr. William Stein initiated a discussion with a Roadie delivery driver, outside the presence of counsel, on May 4, 2018, approximately ten months after Bags had commenced litigation against Roadie, concerning Bags' infringement theory:

> Moreover, Bags' counsel asked the Roadie driver whether the +14073091418 mobile number as shown was his number or a number supplied by Roadie. *See* William Stein Declaration, ¶¶ 4-5, concurrently filed herewith. The Roadie driver said half of the time it was his mobile number and the other half the mobile number was supplied by Roadie. *Id*. This response wholly contradicts Roadie's statement that "Roadie does not provide phone numbers to Roadie drivers." (D.I. 120 at 16).

Roadie was completely unaware of this conversation between counsel for Bags and a Roadie delivery driver. Indeed, Bags made no mention of this conversation in its infringement contentions or in its interrogatory responses, nor did Bags update its initial disclosures to identify the Roadie delivery driver.

Bags' misconduct here bears a striking resemblance to the misconduct encountered by Judge Robinson in *Microsoft Corp. v. Alcatel Bus. Sys.*, No. 07-090-SLR, 2007 WL 4480632 (D. Del. Dec. 18, 2007). In that case, litigation counsel for the plaintiff

patent holder, Microsoft, purchased an allegedly infringing Alcatel telecommunications system four months after Microsoft had filed its complaint for patent infringement. *Id.* at *1. Plaintiff's counsel then arranged for installation of the accused Alcatel system at its offices in Washington, D.C. *Id.* One of the technicians responsible for the installation, Mr. Po Ching Lin, identified himself as an employee of Alcatel-Lucent, a company affiliated with one of the named defendants in the litigation. *Id.* Mr. Lin was then directed by plaintiff's counsel to provide training to two lawyers representing the plaintiff on the operation of the accused Alcatel system, and these two lawyers further questioned Mr. Lin regarding the administration, use, and configuration of the accused Alcatel system. *Id.* Plaintiff's counsel then used this information to prepare its expert report on infringement. *Id.*

Judge Robinson determined that plaintiff's counsel had violated Model Rule 4.2, which prohibits a lawyer from communicating directly with a party represented by another lawyer in the matter about the subject of the representation. *Id.* at *1. Alternatively, Judge Robinson held that, if Mr. Lin were deemed to be an unrepresented party (since he was an employee of Alcatel-Lucent, not Alcatel Business Systems), the actions of plaintiff's counsel nevertheless violated Model Rules 4.1(a), 4.3, and 8.4(c):

> In the alternative, [plaintiff's counsel] was neither forthright nor disinterested when it consciously put Mr. Lin, without the benefit of legal representation, in the unwitting position of being directed to

> engage in conduct that has direct consequences vis a vis his employer and the subject matter of this litigation, conduct that violates Model Rules 4.1(a), 4.3 and 8.4(c).

Id. at *1 n.5. Judge Robinson accordingly sanctioned plaintiff by disqualifying the two lawyers involved in the misconduct from the litigation, disqualifying plaintiff's expert witness on infringement, precluding plaintiff from using the fruits of the misconduct, and imposing a monetary sanction on plaintiff for the motions practice resulting from the violation. *Id.* at *2.

A similar situation exists here. Counsel for Bags consciously put a Roadie delivery driver, without the benefit of counsel, in the unwitting position of being directed to engage in conduct that has direct consequences vis a vis Roadie and the subject matter of this litigation. The only meaningful distinction between the situation at hand and the one encountered by Judge Robinson is that Mr. Lin was an employee of Alcatel-Lucent, a company affiliated with the defendant, whereas Roadie delivery drivers are independent contractors, not employees of Roadie. Since the Roadie delivery driver is not a Roadie employee, Model Rule 4.2 may not apply here. However, as Judge Robinson found, Bags' conduct nevertheless violates Model Rule 4.3, which concerns conduct toward unrepresented parties, and Rules 4.1(a) and 8.4(c), which deal with deceptive and dishonest conduct.

Bags should have looked at the discovery Roadie made available to it, instead of violating

multiple rules of professional conduct with its surreptitious behavior. Yet, after aggressively pursuing production of Roadie app source code during discovery, Bags never bothered to review it, even though it had been available for Bags' inspection for months. In a September 25, 2018 e-mail, counsel for Bags acknowledged the availability of the source code for review and informed Roadie that it would identify an expert to conduct the source code review pursuant to the Protective Order:

> We will provide the Confidentiality Statement of our chosen expert witness to review Roadie's source code per the Protective Order shortly. Can you confirm the location of this source code? Is it in your office or in Atlanta, GA?

Bags never followed up. Bags' failure to review the Roadie source code was entirely consistent with its conduct in maintaining this case. After Roadie sent its March 19, 2018 letter detailing the infirmities in Bags' infringement theory, Roadie repeatedly implored Bags to either dismiss its case or to provide any justification for its decision to proceed, including through e-mail correspondence on March 29, 2018, April 16, 2018, April 30, 2018, and June 5, 2018.

"[I]t is clear that the aim of § 285 is to compensate a defendant for attorneys' fees it should not have been forced to incur. *Kilopass Tech., Inc. v. Sidense Corp.*, 738 F.3d 1302, 1313 (Fed. Cir. 2013). Where a prevailing party "has obtained excellent results, his attorney should recover a fully compensatory fee." *Mathis v. Spears*, 857 F.2d 749, 755 (Fed. Cir. 1988) (*quoting Hensley v. Eckerhart*,

461 U.S. 424, 435 (1983)) (internal quotations omitted). Moreover, the district court has the discretion to award fees and costs incurred during any appeals. *Therasense, Inc. v. Becton, Dickinson & Co.*, 745 F.3d 513, 517 (Fed. Cir. 2014).

Here, Roadie prevailed on every single motion of significance – its motion to dismiss the first Florida case, its motion to transfer the second Florida case to this Court, its motion for judgment on the pleadings, and its motion to strike Bags' reply appeal brief. There is no question that Roadie "has obtained excellent results" in its litigation with Bags. Also, while Roadie prevailed on the invalidity motion, it need not have "prevailed" on the non-infringement motion by having a court ruling. However, once made a prevailing party, Roadie should have had the benefit of the court's consideration of whether it should have been brought into court in the first place, by looking at the soundness of the infringement charge. The infringement claim is what brought Roadie into this Court, not the validity of the patent. Roadie did not seek to declare the patent invalid *sua sponte*. It did so to defend the infringement claim. Justice demands that Roadie's non-infringement be put on the scales of justice for an award of fees.

D. BAGS' Position on Invalidity Was Objectively Baseless

In denying Roadie's fee motion, the district court said that BAGS litigation position with respect to validity was not baseless and did not rise to the level of "nefarious intent." The district court noted Roadie's reliance of the *Finnavations* which Roadie argued had involved a patent similar to the BAGS

patent. However, the district court said *Finnavations* was more like the cases that followed the *Alice Corp. Pty. v. CLS Bank Int'l*, 134 S. Ct. 2347, 2354 (2014). And because Finnavations and the present case were not analogous, the district court said that BAGS' position on validity was not objectionably basis. (App. 8a)

In the brief discussion given by the district court, it cannot be seen how *Alice* and *Finnavations* are similar, but *Finnavations* and BAGS are not. In reading the *Finnavations* decision, which came out of the same district court as the present case, the bulk of the decision addressed the fact that the USPTO had rejected the claims as not being patent eligible, and the applicant overcame those objections. This, the patent owner contended, proved that the case was not weak. The district court had an opposite view: the USPTO rejections put the patent owner on notice of the weakness of his patent claims.

This is exactly the same argument made by BAGS in the present case. Like the bookkeeping patent in *Finnavations*, the '336 patent had been rejected by the USPTO on Section 101 grounds multiple times during prosecution. While Bags claims that overcoming two Section 101 rejections made it more advantageous to assert the '336 patent, Roadie submits that having to endure repeated rejections on eligibility grounds during prosecution should have put Bags on notice of the vulnerability of the '336 patent, just like the district court in *Finnavations* did. *Finnavations*, 2019 WL 1236358 at *2 n.4 ("Additionally, the four Section 101 rejections put Plaintiff on notice that its claims were of dubious patentability.").

BAGS did not have a reasonable basis for asserting a clearly invalid patent. It should also be noted that, even though *Finnavations* involved accounting software, the claims required the same hardware (e.g., servers) as in the '336 patent. Both patents involved organizing and managing data, with standard computer hardware run by unremarkable software.

The fact that BAGS had no reasonable argument regarding validity, and was put on notice of the patent's vulnerability to an attack under 35 U.S.C. § 101 by the USPTO, BAGS weak position on validity should weigh in favor of granting exceptional status.

E. BAGS Abandonment of Claim Construction Positions Demonstrates Ill Intent

When Roadie filed its Fed. R. Civ. P. 12(c) motion, it was clear that Roadie should prevail on both invalidity and non-infringement. As everyone familiar with patent litigation knows, if claim construction is required to determine either validity or infringement, the parties will have to wait until Markman rulings are made before the merits of the case can be decided. When the case was filed in Florida on August 24, 2017, the district court entered Case Management Report that docketed a Markman hearing of August 16, 2018. Since the invalidity and non-infringement issues were so clear, Roadie moved to dismiss on February 6, 2018.

In opposing Roadie's dispositive motions, BAGS argued that factual issues needed resolving, including whether the claimed elements were not well-known, not routine and unconventional. BAGS

even argued that the intrinsic evidence supports a finding that the claimed elements were not "well-understood, routine, [and] conventional activity previously engaged in by researchers in the field. In deciding the '336 patent was invalid, the district court found all claimed features to be the opposite of what BAGS had argued in its opposing brief. In fact, the district court held that BAGS' position was "contrary to law" since all BAGS was claiming was applying an abstract idea, and using generic computer components to perform generic computer functions.

BAGS also argued in opposition to Roadie's Rule 12(c) motion that it was "clear from the face of the '336 patent that claim construction is necessary." Appx157. BAGS didn't stop with just a general statement. It then recited the following terms that needed to be construed: server, processor, transceiver, configured, baggage information, relay, passenger computing device, and deliverer computing device. These claim term assertions were made on March 3, 2018.

By May 9, 2018, BAGS had abandoned every one of the eight claim terms noted above, when it jointly filed with Roadie a Joint Claim Construction Chart where the only term that the parties dispute, and thus needed construction for purposes of deciding infringement, was the term "selection to hold delivery." From these facts, and the timing, it appears that BAGS said what it needed to say in hopes of having the Fed. R. Civ. P. 12(c) motion either denied, or delayed until after a formal Markman hearing. That hearing would have been on January 10, 2019, at which time Roadie would have been

required to spend substantial resources for discovery and claim construction briefing.

When the district court ultimately decided the invalidity half of the motion, BAGS was given its proposed construction of "selection to hold delivery" for purposes of deciding validity. But with that being the only term requiring construction, and with the term being construed by the court, a non-infringement ruling would have been easily made. The hold deliver selection has to be made "via the server," and the server is part of the accused apparatus. As noted above, when preparing infringement contentions, BAGS used an Apple server to send a message using Apple software and interfaces. The claims required that Roadie's server would have been used to infringe, and it clearly and unequivocally was not.

Switching positions on claim construction like this is clear evidence of bad intent and wrongful motivations. Without recognizing the obvious bad intent, the district court did not properly apply the applicable law for determining exceptional status.

Startup companies like Roadie cannot be sued by companies who fail to make an adequate prefiling investigation. A charge of patent infringement is a serious thing. It calls into question your corporate integrity, and requires substantial resources to defend. The district courts have tools at their disposal to discourage the filing of baseless suits. One of the most powerful tools is to make the plaintiff pay the defendant's fees, through the statutory process of 35 U.S.C. § 285, when a baseless suit is filed.

Roadie was the accused infringer in this case, and when the accused infringer prevails, factors to consider when determining exceptional status include the closeness of the question, prefiling investigation and discussions with defendant, and litigation behavior. *Computer Docking Station Corp. v. Dell, Inc.*, 519 F.3d 1366, 1379 (Fed. Cir. 2008). Where a patentee prolongs litigation in bad faith, an exceptional finding may be warranted. *Id*.

When Roadie pointed out the flaws in BAGS' infringement contentions, the district court seemed to dismiss prefiling and post-filing investigation, and gave encouragement to plaintiffs who "fail[ed] to grasp meaningful technological and operational distinctions in the accused product's functionality" even where such "evidence…may not have been supportive of Plaintiff's infringement contentions." Appx7. This cannot be. It is incumbent upon plaintiffs and their counsels to have a basis for bringing suit. Fed. R. Civ. P. 11. "Failing to grasp meaningful technological and operational distinctions" should be cited as a reason to grant exceptional status. The district court's "failure to grasp" finding should have weighed in Roadie's favor in determining exceptional status.

F. Summary of Factors Favoring Exceptionality

First and foremost, the invalidity case was not close. The patent covered merely doing that which you could do by hand, with a computer, and gaining the expected improvement in speed.

Second, the district court should have considered the strength of Roadie's non-infringement position.

Third, BAGS asserted claim construction was needed, then withdrew every term it said needed construction, all in an effort to avoid having the dispositive motions decided.

Fourth, BAGS used its own attorneys to concoct a bogus infringement case, one that the attorneys said used the Roadie app to contact a driver when in fact the contact was made through a separate messaging app.

Fifth, those same attorneys violated ethics rules when they contacted a Roadie driver to find out how the Roadie app worked. And further, BAGS' attorneys placed themselves into the position of being fact witnesses, since their testimony was the only evidence of infringement, albeit their evidence disproved infringement.

Sixth, the district court did not even attempt to consider the financial situations of the two parties, and how deterrence requires such a consideration. Roadie, being the much smaller party, was severely impacted by the expense of defending this case, whereas for BAGS, they appeared to be on strong financial footing when selling themselves for $275 million.

Seventh, the district court failed to acknowledge both the violation of Rule 7 of the Federal Rules of Civil Procedure, in not updating the BAGS corporate disclosure, and the fact that the

failure had the effect of hiding a motive – keeping the case alive was not based on merits, but based on keeping an allusion that a company that was up for sale, had a patent based monopoly on its business model, thus enhancing its value, or at least justifying its negotiated price.

CONCLUSION

For all the foregoing reasons, Roadie respectfully requests that the Petition for Certiorari be granted.

Date: April 5, 2021

/s/ Edward A. Pennington
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Attorney for Petitioner

APPENDIX

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ENTERED NOVEMBER 4, 2020

NOTE: This disposition is nonprecedential.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

BAGGAGE AIRLINE GUEST SERVICES, INC.,
Plaintiff-Appellee

v.

ROADIE, INC.,
Defendant-Appellant

2020-1540

Appeal from the United States District Court for the District of Delaware in No. 1:18-cv-00707-RGA, Judge Richard G. Andrews.

JUDGMENT

STEFAN V. STEIN, Gray Robinson, PA, Tampa, FL, argued for plaintiff-appellee. Also represented by COLE CARLSON; WILLIAM STEIN, Fort Lauderdale, FL.

EDWARD A. PENNINGTON, Smith, Gambrell & Russell, LLP, Washington, DC, argued for defendant-appellant. Also represented by JOHN P. MOY.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (MOORE, O'MALLEY, and TARANTO, *Circuit Judges*).

AFFIRMED.
See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

November 4, 2020
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

ENTERED FEBRUARY 14, 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAGGAGE AIRLINE GUEST SERVICES, INC., Civil Action No.

Plaintiff, 18-707-RGA

v.

ROADIE, INC.,

Defendant.

ORDER

For the reasons stated in the accompanying memorandum opinion, **IT IS HEREBY ORDERED** that Defendant's Renewed Motion to Declare This Case Exceptional and Award Attorneys' Fees Under 35 U.S.C. § 285 (D.I. 133) is **DENIED**.

Entered this 14 day of February, 2020.

Richard G. Andrews

United States District Judge

ENTERED FEBRUARY 14, 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAGGAGE AIRLINE GUEST SERVICES, INC., Civil Action No.

Plaintiff, 18-707-RGA

v.

ROADIE, INC.,

Defendant.

MEMORANDUM OPINION

Neal C. Belgam and Eve H. Ormerod, SMITH, KATZENSTEIN & JENKINS, LLP, Wilmington, DE, and Stefan V. Stein and Cole Carlson, GRA YROBINSON, P.A., Tampa, FL, attorneys for Plaintiff.

Pilar G. Kraman, YOUNG CONAWAY STARGATT & TAYLOR, LLP, Wilmington, DE, and Edward A. Pennington, John P. Moy, John P. Pennington, and Darlene K. Tzou, SMITH, GAMBRELL & RUSSELL LLP, Washington, D.C., attorneys for Defendant.

February 14, 2020.

Richard G. Andrews

Before me is Defendant's Renewed Motion to Declare This Case Exceptional and Award Attorneys' Fees Under 35 U.S.C. § 285. (D.I. 133). I have reviewed the parties' briefing. (D.I. 134, 136, 138). Because I do not find this to be an exceptional case, I will deny Defendant's motion.

I. BACKGROUND

On August 24, 2017, Plaintiff Baggage Airlines, Inc. filed suit against Defendant Roadie, Inc. alleging infringement of U.S. Patent No. 9,659,336 ("the '336 patent") in the United States District Court for the Middle District of Florida. (D.I. 1). Defendant's motion to transfer the action for improper venue (D.I. 8) was granted and the case was transferred to the District Court for the District of Delaware, where it was docketed as the present action. (D.I. 67).

Defendant moved for judgment on the pleadings on the basis of invalidity under 35 U.S.C. § 101, or, alternatively, that the complaint failed to state a claim of infringement. (D.I. 39). On January 7, 2019, I granted the motion and found the '336 patent to be invalid under § 101. (D.I. 115). Defendant filed its first Motion for Attorneys' Fees on January 22, 2019 (D.I. 119), which I dismissed without prejudice pending Plaintiff's appeal of the case. (D.I. 125). After the Federal Circuit affirmed this court's ruling, Defendant filed its renewed motion. (D.I. 133). Defendant seeks approximately $800,000 in attorneys' fees. (D.I. 134 at 20).

II. STANDARD OF REVIEW

The Patent Act provides that the court "in exceptional cases may award reasonable attorney fees to the prevailing party." 35 U.S.C. § 285. The Supreme Court has defined an "exceptional" case as "simply one that stands out from others with respect to the substantive strength of a party's litigating position (considering both the governing law and the facts of thedge: case) or the unreasonable manner in which the case was litigated." *Octane Fitness, LLC v. ICON Health & Fitness, Inc.,* 572 U.S. 545, 554 (2014). When considering whether a case is exceptional, district courts are to exercise their discretion on a case-by-case basis, considering the totality of the circumstances. *Id.* Relevant factors for consideration include "frivolousness, motivation, objective unreasonableness (both in the factual and legal components of the case) and the need in particular circumstances to advance considerations of compensation and deterrence." *Id.* at 554 n.6 (internal quotation marks omitted). A movant must establish its entitlement to attorneys' fees under Section 285 by a preponderance of the evidence. *Id.* at 557.

III. DISCUSSION

It is undisputed that Defendant is the prevailing party. Thus, the only issue is whether the case is exceptional.

i. "The Substantive Strength of a Party's Litigating Position"

In *Octane Fitness,* the Supreme Court rejected as "overly rigid" and "too restrictive" the Federal Circuit's previous § 285 case law requiring *"both* that the litigation is objectively baseless *and* that the plaintiff brought it in subjective bad faith." 572 U.S. at 555. Instead, it held that "a case presenting either subjective bad faith or exceptionally meritless claims may sufficiently set itself apart from mine-run cases to warrant a fee award." *Id.*

Defendant relies heavily upon this Court's opinion in *Finnavations LLC v. Payoneer, Inc.,* 2019 WL 1236358 (D. Del. Mar. 18, 2019) to argue that Plaintiff had no reasonable justification for bringing its claim for infringement because the patent claims are directed to an abstract idea and lack an inventive concept. (D.I. 134 at 8). Defendant states that patents directed to coordinating and monitoring shipments, such as the patent-in-suit, "have been routinely and uniformly invalidated." *(Id.)* . Defendant argues that, "under controlling Federal Circuit precedent, [Plaintiffs] 'specially configured system' that led to purported efficiency gains could not serve as an inventive concept." *(Id.* at 5).

Here, the use of generic and non-specific hardware to communicate information between different computing devices to coordinate a task was not sufficient to make the patent claims directed at a non-abstract idea. *Baggage Airline Guest Servs, Inc. v. Roadie, Inc.,* 351 F. Supp. 3d 753, 759-60 (D. Del.

2019). Nor was there satisfaction of the inventive concept requirement where Plaintiff pointed to the specification, and not the claims, to describe an improvement offered by the invention, and could not identify anything in the patent to support an inference that further claimed limitations were more than a conventional idea implemented using generic computer technology. *Id.* at 761-62.

In *Finnavations,* I granted motions for exceptional case and attorneys' fees based on patent claims that were "plainly directed at a patent ineligible concept." 2019 WL 1236358 at *2. In that case, the patent was similar to those invalidated in the immediate wake of *Alice. Id.* at 1. Although I ultimately found the claims of the '336 patent to be directed to the abstract idea of coordinating and monitoring baggage delivery, and containing no inventive concept, the case was not "exceptionally meritless." *Octane Fitness,* 572 U.S. at 555. Nor do I find that Plaintiffs case was brought in bad faith. Therefore, I will not grant attorneys' fees on the basis of the lack of substantive strength of Plaintiffs litigating position.

ii. "The Unreasonable Manner in Which the Case was Litigated"

In *Octane Fitness,* the Supreme Court clarified that a party's litigation conduct need not be independently sanctionable in order to justify an award of attorney fees under§ 285. 572 U.S. at 546 ("[A] district court may award fees in the rare case in which a party's unreasonable conduct-while not necessarily independently sanctionable is nonetheless so 'exceptional' as to justify an award of

fees."). The Federal Circuit has held that *Octane Fitness* "gave no indication that [the Federal Circuit] should rethink [its] litigation misconduct line of § 285 cases" and stated that "district courts can turn to [] *pre-Octane Fitness* case law for guidance" regarding such arguments. *SFA Sys., LLC v. Newegg Inc.* 793 F.3d 1344, 1349 (Fed. Cir. 2015). "[L]itigation misconduct and unprofessional behavior may suffice, by themselves, to make a case exceptional under § 285." *Monolithic Power Sys. Inc. v. 02 Micro Int'! Ltd.,* 726 F.3d 1359, 1366 (Fed. Cir. 2013) (internal quotation marks omitted).

"[M]any forms of misconduct can support a district court's exceptional case finding, including ... litigation misconduct; vexatious, unjustified, and otherwise bad faith litigation; a frivolous suit; or willful infringement." *Id.* In *Monolithic Power,* the Federal Circuit upheld a district court's exceptional case finding based on "an overall vexatious litigation strategy and numerous instances of litigation misconduct. ... " *Id.* at 1367. The plaintiff in *Monolithic Power* offered false testimony, attempted to cover up its false testimony, and engaged in a litigation strategy--over the course of a decade--of suing the same accused infringer's customers "to prompt" a declaratory judgment action from the supplier, only to move to dismiss the cases "after substantial litigation had taken place." *Id.* Likewise, in *Eon-Net LP v. Flagstar Bancorp,* the Federal Circuit upheld a district court's exceptional case determination based upon " [plaintiff's] pursuit of baseless infringement claims, [] improper purpose of bringing the lawsuit against [defendant] to obtain a nuisance value settlement, [] destruction of evidence,

and []offensive litigation tactics." 653 F.3d 1314, 1320, 1324-26 (Fed. Cir. 2011).

Defendant puts forth various arguments in support of its claim that this case was litigated in an unreasonable matter. First, on appeal to the Federal Circuit after Defendant's motion for judgment on the pleadings was granted, Plaintiff made several new arguments not previously raised before this court. (D.J. 134 at 2, 6). Defendant states that Plaintiff violated the Federal Rules of Appellate Procedure by inserting forty-five pages of presentation slides–not originally part of the record–into the joint appendix presented at the appeal and referencing these slides in Plaintiffs reply appeal brief. *(Id.* at 7). Defendant alleges that Plaintiff "refused to withdraw the offending material," and when Defendant filed a motion to strike the material, Plaintiff failed to file an opposition to the motion, thereby escalating legal expenses incurred by the Defendant. *(Id.).*

Defendant also asserts that litigation misconduct was present in this case because Plaintiffs infringement evidence was directed to a request "to change the delivery location" even though the '336 patent claims require a "selection to hold delivery." *(Id.* at 10). Defendant contends that Plaintiff misrepresented facts in an attempt to align the operation of the accused product with its infringement contentions. *(Id.* at 11-12). Defendant states that Plaintiffs infringement evidence was moreover improperly generated by its lead trial counsel, who stated that he had used the accused device and Defendant's servers to make personal contact with a delivery driver, when a separate chat messaging system was in fact used. *(Id.* at 13).

Without facts to suggest nefarious intent, I will not impute it where I do not see it. The facts Defendant puts forth in its briefing are not inconsistent with the possibility that Plaintiffs counsel, while investigating its case, failed to grasp meaningful technological and operational distinctions in the accused product's functionality, such that the "evidence" that was collected may not have been supportive of Plaintiffs infringement contentions. I do not find these acts self-evidently to go as far as qualifying as part of a vexatious litigation strategy or pattern of offensive litigation tactics. *See Monolithic Power,* 726 F.3d at 1367; *Eon-Net,* 653 F.3d at 1320. Due to the resolution of the case before any claim construction, and before the taking of significant discovery, I cannot say what Plaintiff might have been able to prove with regards to infringement. *See SFA Systems, LLC v. Newegg Inc.,* 793 F.3d 1344 (Fed. Cir. 2015) (rejecting the argument that the district court erred when it stated that "evidence of the frivolity of the claims must be reasonably clear without requiring a 'mini-trial' on the merits for attorneys' fees purposes.").

Defendant also alleges misconduct on the basis that Plaintiff's counsel Mr. William Stein initiated a discussion with one of Defendant's delivery drivers outside of the presence of counsel. (D.I. 134 at 16). The facts Defendant presents regarding this discussion are highly distinguishable from those of the case involving misconduct which it argues bears "striking resemblance" to the case at hand. *(Id.).* In *Microsoft Corp. v. Alcatel Bus. Sys.,* two of the plaintiffs lawyers directed an employee of a company affiliated with one of the named defendants in the litigation to provide them with training on the operation of the accused

system. 2007 WL 4480632, at *1 (D. Del. Dec. 18, 2007). The lawyers in that case questioned the employee regarding the administration, use, and configuration of the accused system. *Id.* Plaintiff's counsel then used the information it gathered during this discussion to prepare its expert report on infringement. *Id.*

Here, according to Defendant, Plaintiff's counsel asked a delivery driver whether the mobile number shown on the Defendant's product belonged to him or was a number supplied by Defendant. (D.I. 134 at 16). I do not agree that this conduct rises to the level of that observed by the court in *Alcatel.* Defendant posits that the "only meaningful distinction" between the cases is that the employee questioned in *Alcatel* was a company employee and not an independent contractor, as is the case of the delivery driver here. *(Id.* at 17).[1] There are numerous other distinctions, however, including that the delivery driver was not directed to train Plaintiffs lawyers as to the operation of the accused product. Nor is there any indication that he was subject to any further questioning about the product. I do not consider asking the delivery driver about the phone number display on the accused product to be equivalent in its seriousness to obtaining a tutorial on the product's administration, use, and configuration, such that it can be said that Plaintiff's counsel litigated this case in an offensive or reasonable manner. *See Eon-Net,* F.3d at 1320.

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[1] As Defendant seems to acknowledge, counsel interviewing the other side's employees without the consent of opposing counsel raises ethical issues not present with a non-employee. (D.I. 134 at 17-18).

I do not find that the recited examples of conduct taking place over the course of the litigation support the existence of "an overall vexatious litigation strategy." *See Monolithic Power,* 726 F.3d at 1367. Unlike in *Monolithic Power* and *Eon-Net,* Defendant does not point to any recurring patterns in Plaintiff's litigation conduct, nor to any other aggravating factors-such as false testimony, destruction of evidence, or offensive conduct-that led those courts to find litigation misconduct. *See Monolithic Power,* 726 F.3d at 1366-67; *Eon-Net,* 653 F.3d at 1320.

In sum, Defendant has not demonstrated by a preponderance of the evidence that this case "stands out from others with respect to the substantive strength of [Plaintiff's] litigating position . . . or the unreasonable manner in which the case was litigated." *Octane Fitness,* 572 U.S. at 554. Accordingly, I conclude that this case is not exceptional under§ 285, and I will therefore deny Defendant's motion for attorneys' fees..

a. Motion for Costs

To the extent that Defendant seeks $12,700 in costs on the basis of a determination that this case is exceptional, I will deny this request. I do not reach the issue of costs that may be granted under the local rules.

IV. CONCLUSION

For the reasons set forth above, I will **DENY** Defendant's renewed motion for attorneys' fees. A separate order, consistent with this Memorandum Opinion, will be entered.

35 U.S. Code § 285. Attorney fees

The court in exceptional cases may award reasonable attorney fees to the prevailing party.

(July 19, 1952, ch. 950, 66 Stat. 813.)

(12) **United States Patent**
Mateer
(10) **Patent No.: US 9,659,336 B2**
(45) **Date of Patent: May 23, 2017**

(54) **MOBLE BAGGAGE DISPATCH SYSTEM AND METHOD**

(75) Inventor: **Craig Mateer**, Orlando, FL (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **13/443,640**

(22) Filed: **Apr. 10, 2012**

(65) **Prior Publication Data**

US 2013/0268454 A1 Oct. 10, 2013

(51) **Int. Cl.**
G06Q 50/28 (2012.01)
G06Q 10/08 (2012.01)

(52) **U.S. Cl.**
CPC ***G06Q 50/28*** (2013.01); ***G06Q 10/08*** (2013.01); ***G06Q 10/083*** (2013.01)

(58) **Field of Classification Search**
CPC G06Q 10/0833
USPC 705/33, 26.62; 340/539.13; 455/422.1
See application file for complete search history.

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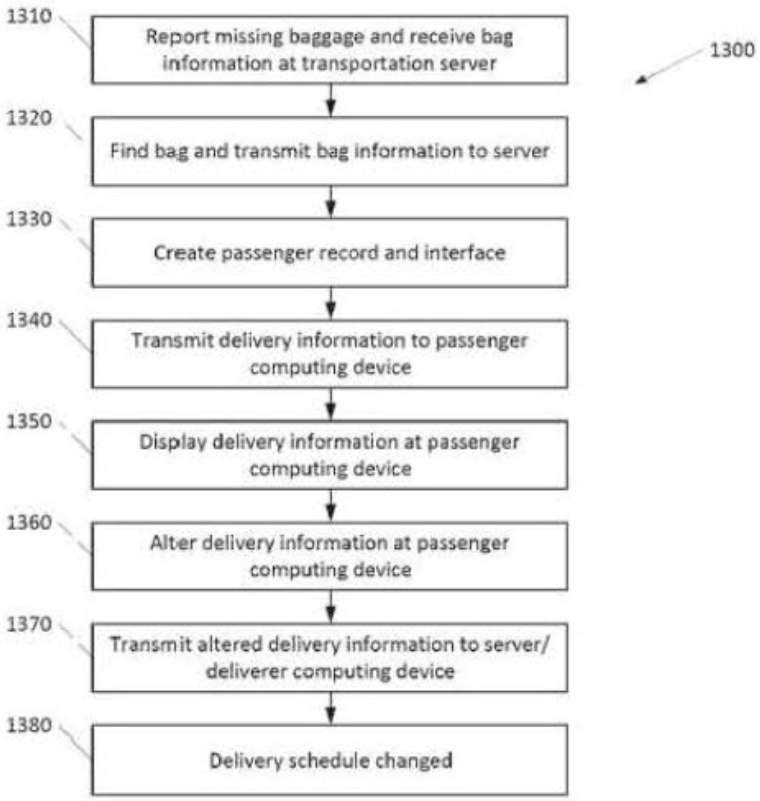
Primary Examiner – Akiba Allen

(74) *Attorney, Agent, or Firm* – Terry M. Sanks, Esq.; Beusse Wolter Sanks & Maire, PLLC

(57) **ABSTRACT**

The disclosure relates to an apparatus, method and system for dispatching baggage. The apparatus includes a processor configured to receive baggage information associated with a passenger; associate the baggage information with a delivery person, where the delivery person is associated with delivery person information; and transmit at least apportion of the baggage information and the delivery person in formation to a passenger computing device associated with the passenger.

20 Claims, 9 Drawing Sheets



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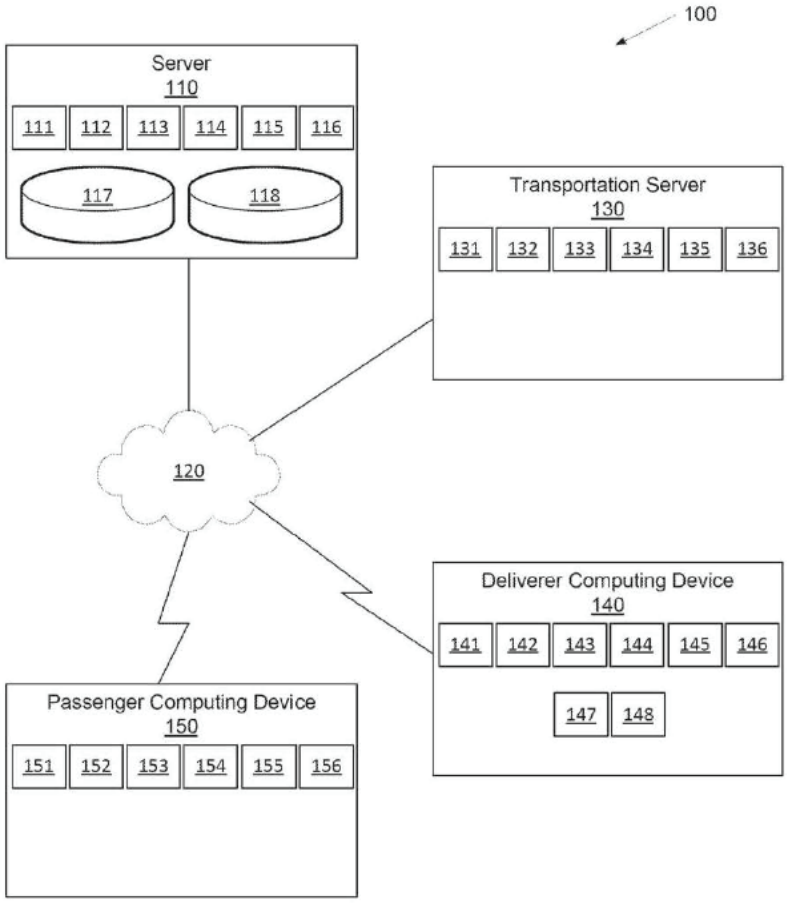
100
Server
110
111
112
113
114
115
116
117
118
Transportation Server
130
131
132
133
134
135
136
120
Deliverer Computing Device
140
141
142
143
144
145
146
147
148
Passenger Computing Device
150
151
152
153
154
155
156

FIG. 1

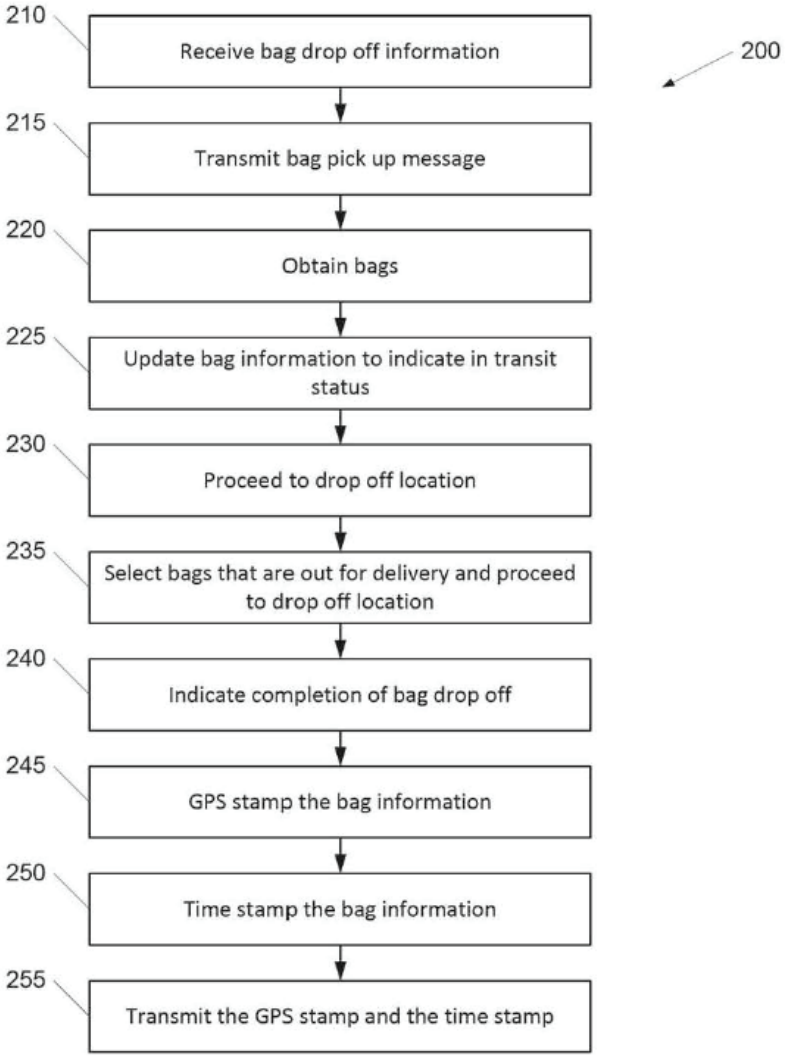
210
Receive bag drop off information
200
215
Transmit bag pick up message
220
Obtain bags
225
Update bag information to indicate in transit status
230
Proceed to drop off location
235
Select bags that are out for delivery and proceed to drop off location
240
Indicate completion of bag drop off
245
GPS stamp the bag information
250
Time stamp the bag information
255
Transmit the GPS stamp and the time stamp

FIG. 2

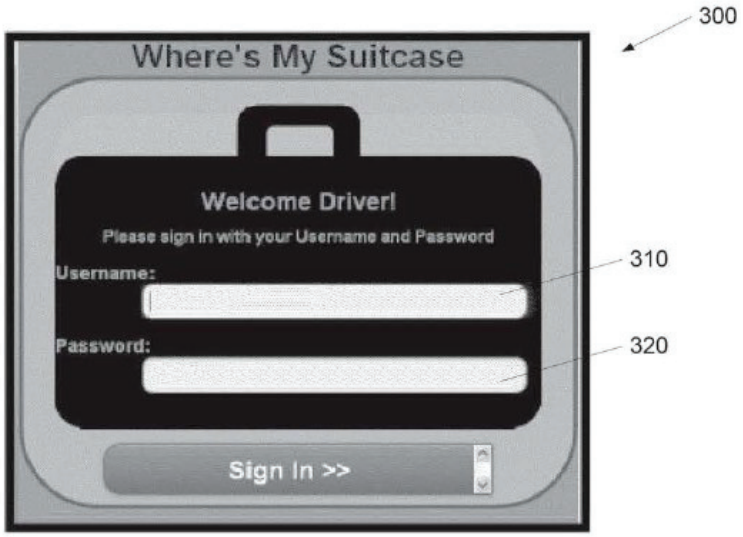
300
Where's My Suitcase
Welcome Driver!
Please sign in with your Username and Password
Username:
310
Password:
320
Sign In >>

FIG. 3

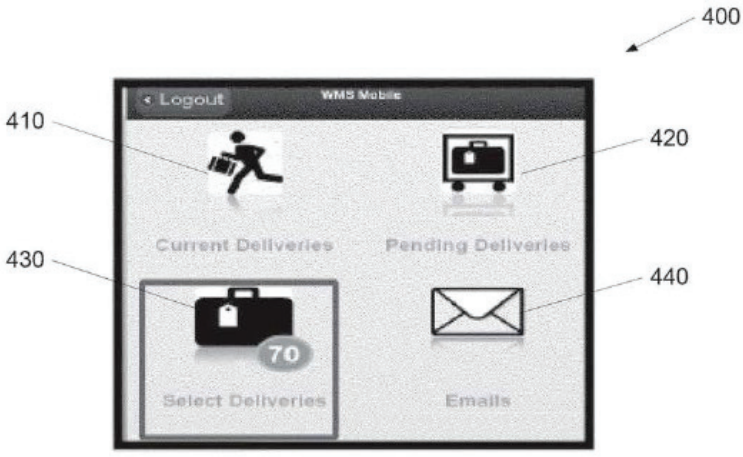
400
410
420
430
440
Logout
WMS Mobile
Current Deliveries
Pending Deliveries
70
Select Deliveries
Emails

FIG. 4

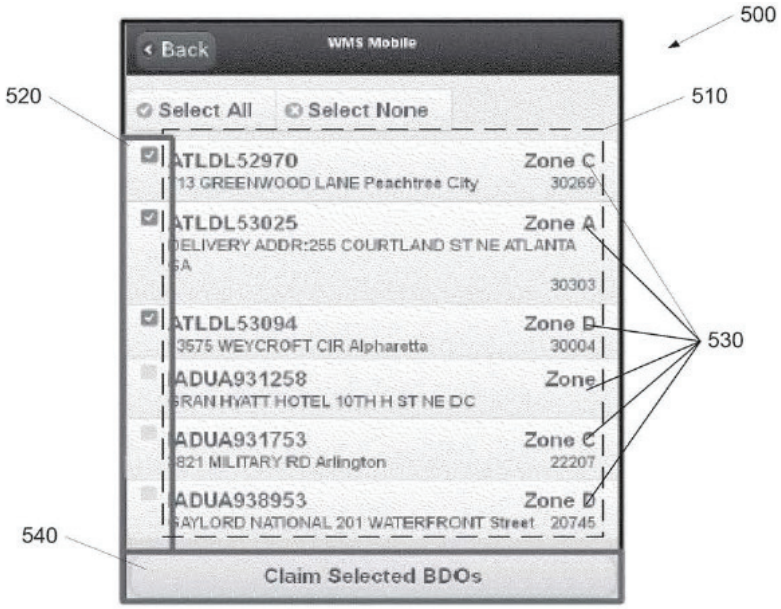
500
Back
WMS Mobile
520
510
Select All
Select None
ATLDL52970
Zone C
713 GREENWOOD LANE Peachtree City
30269
ATLDL53025
Zone A
DELIVERY ADDR:255 COURTLAND ST NE ATLANTA
GA
30303
ATLDL53094
Zone D
3575 WEYCROFT CIR Alpharetta
30004
530
ADUA931258
Zone
GRAN HYATT HOTEL 10TH H ST NE DC
ADUA931753
Zone C
3821 MILITARY RD Arlington
22207
ADUA938953
Zone D
GAYLORD NATIONAL 201 WATERFRONT Street
20745
540
Claim Selected BDOs

FIG. 5


600
Logout
WMS Mobile
410
420
3
Current Deliveries
Pending Deliveries
430
440
66
Select Deliveries
Emails

FIG. 6

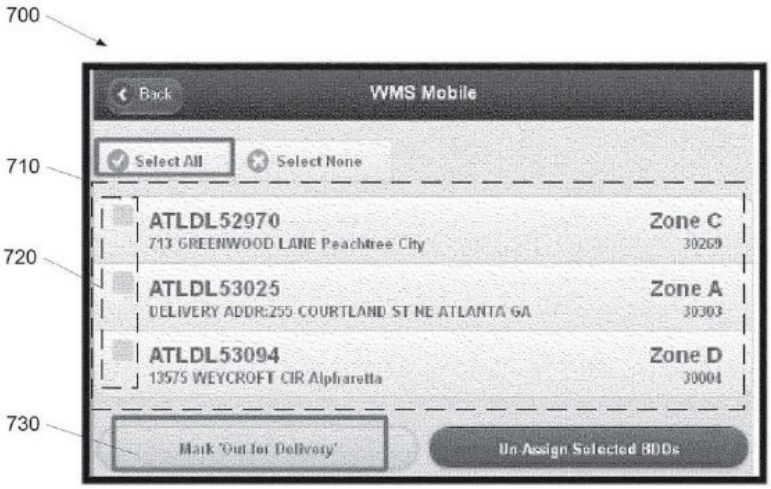
700
Back
WMS Mobile
710
Select All
Select None
ATLDL52970
713 GREENWOOD LANE Peachtree City
Zone C
30269
720
ATLDL53025
DELIVERY ADDR:255 COURTLAND ST NE ATLANTA GA
Zone A
30303
ATLDL53094
13575 WEYCROFT CIR Alpharetta
Zone D
30004
730
Mark 'Out for Delivery'
Un-Assign Selected BDDs

FIG. 7


800
WMS Mobile
410
420
3
Current Deliveries
Pending Deliveries
430
440
66
Select Deliveries
Emails

FIG. 8

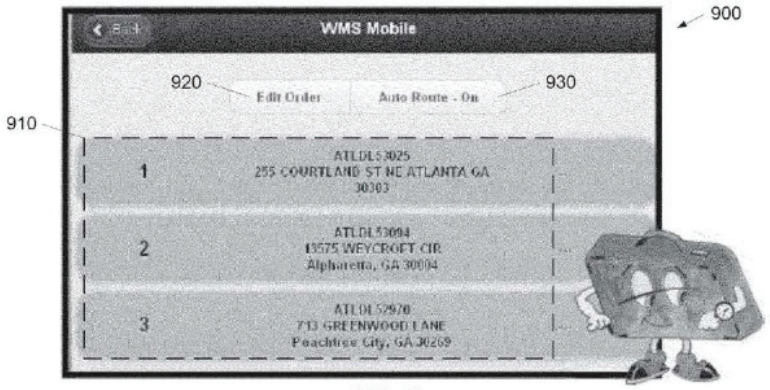
900
Back
WMS Mobile
920
Edit Order
930
Auto Route - On
910
1
ATLDL53025
255 COURTLAND ST NE ATLANTA GA
30303
2
ATLDL53094
13575 WEYCROFT CIR
Alpharetta, GA 30004
3
ATLDL52970
713 GREENWOOD LANE
Peachtree City, GA 30269

FIG. 9

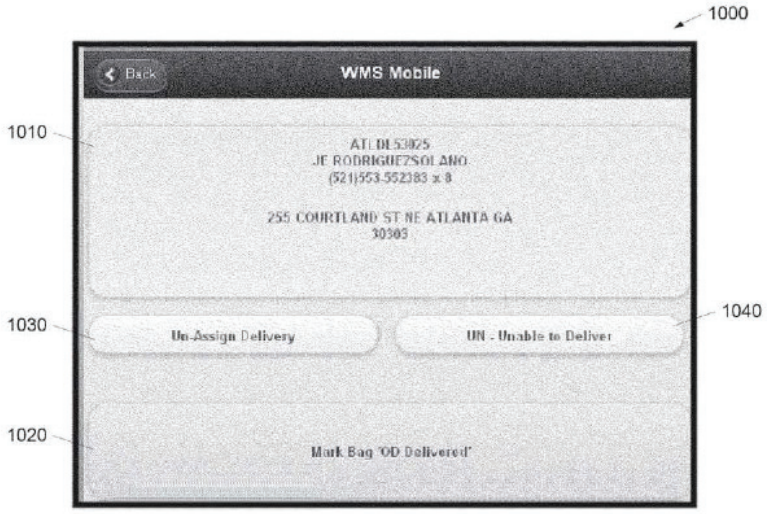
1000
Back
WMS Mobile
1010
ATLDL53025
JE RODRIGUEZSOLANO
(521)553-552383 x 8
255 COURTLAND ST NE ATLANTA GA
30303
1030
Un-Assign Delivery
UN - Unable to Deliver
1040
1020
Mark Bag 'OD Delivered'

FIG. 10

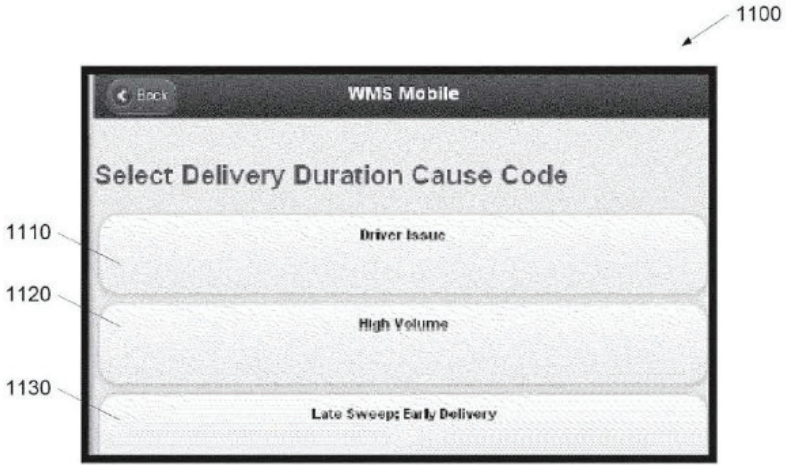
1100
Back
WMS Mobile
Select Delivery Duration Cause Code
1110
Driver Issue
1120
High Volume
1130
Late Sweep; Early Delivery

FIG. 11


1200
Back
WMS Mobile
1210
Signed By:
RODRIGUEZSOLANO
Submit
1220

FIG. 12

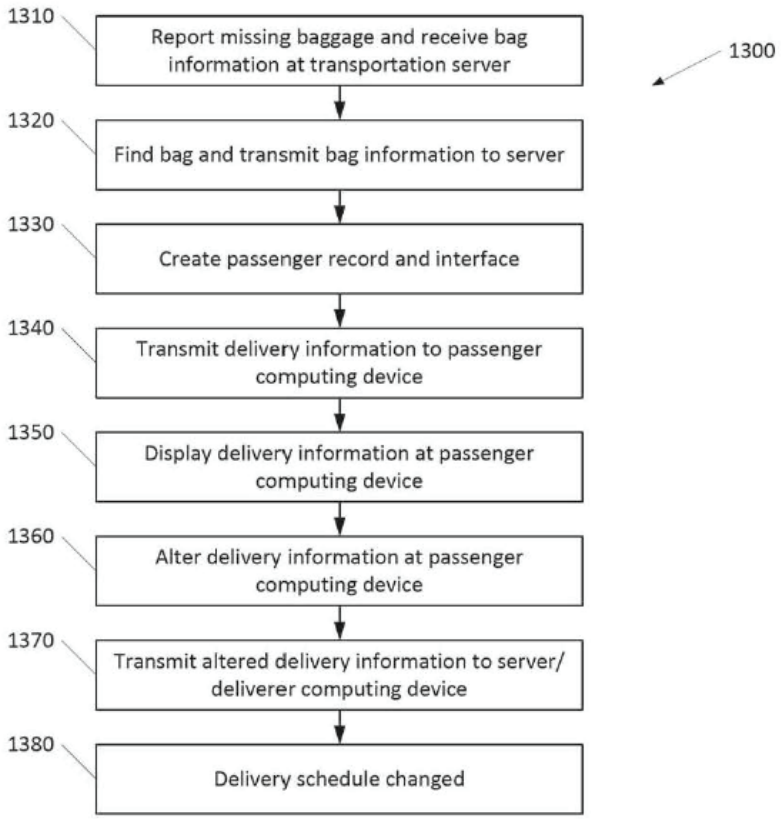
1310
Report missing baggage and receive bag information at transportation server
1300
1320
Find bag and transmit bag information to server
1330
Create passenger record and interface
1340
Transmit delivery information to passenger computing device
1350
Display delivery information at passenger computing device
1360
Alter delivery information at passenger computing device
1370
Transmit altered delivery information to server/ deliverer computing device
1380
Delivery schedule changed

FIG. 13

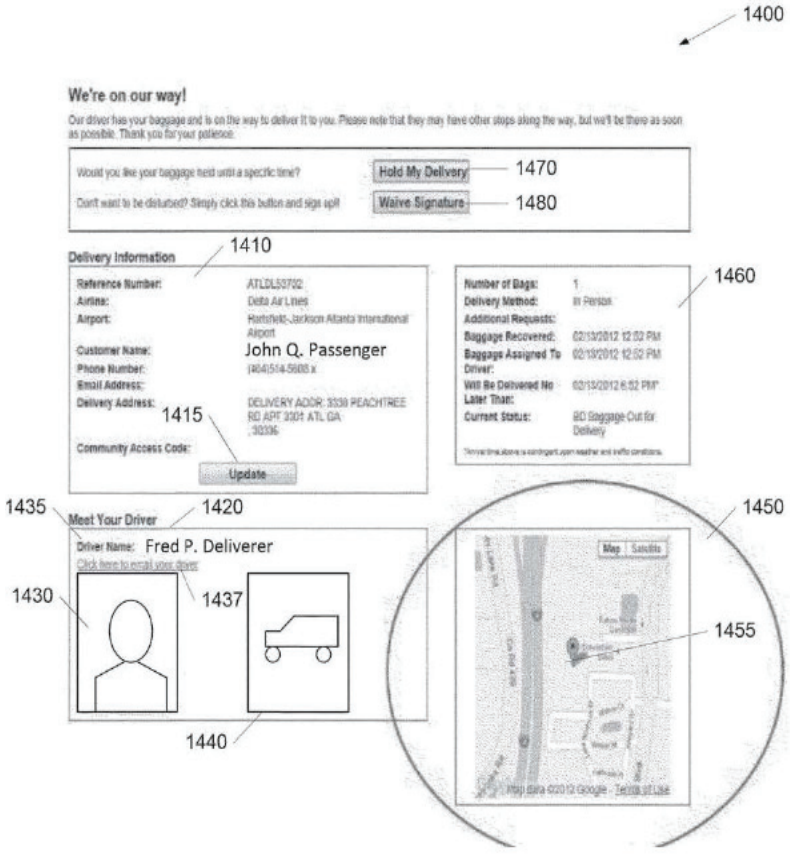

FIG. 14

1
MOBILE BAGGAGE DISPATCH SYSTEM AND METHOD

BACKGROUND

The present disclosure relates generally to the field of baggage management. In particular, the

present disclosure relates to a system and a method of coordinating and monitoring baggage delivery.

When baggage is lost during an airline flight, a passenger usually reports the bag missing and leaves an address and phone number where the baggage can be dropped off. The passenger continues to his destination, for example, to a hotel, his home, or a resort, without his baggage. The airline or airport then commences a search for the baggage, for example, by parsing unclaimed baggage in the system. After the baggage is located by the airline or airport, the airline can then deliver the baggage to the passenger. It can be a number of days before baggage is located and forwarded to the correct destination. Typically, the baggage is actually delivered to the passenger by a sub-contractor, such as a taxi service.

Often, the sub-contractor will call the passenger at the address to confirm the drop-off location, to determine if the passenger is home, and to let the passenger know that the baggage will be dropped off. A typical sub-contractor will drop the baggage off at the front door, ring the doorbell, and leave; where the baggage could then be stolen. Further, the sub-contractor could simply keep the baggage and merely report the baggage as delivered. Thus, improved systems and methods for coordinating and monitoring baggage delivery are needed.

SUMMARY

One embodiment relates to an apparatus for dispatching baggage. The apparatus includes a processor configured to receive baggage information

associated with a passenger; associate the baggage information with a delivery person, where the delivery person is associated with delivery person information; and transmit at least apportion of the baggage information and the delivery person information to a passenger computing device associated with the passenger.

Another embodiment relates to a method of dispatching baggage including receiving baggage information associated with a passenger; associating the baggage information with a delivery person, wherein the delivery person is associated with delivery person information; and transmitting at least a portion of the baggage information and the delivery person information to a passenger computing device associated with the passenger.

Another embodiment relates to a non-transitory computer-readable storage medium having instructions stored thereon that, if executed by a computing device, cause the computing device to perform operations including receiving baggage information associated with a passenger: associating the baggage information with a delivery person, wherein the delivery person is associated with delivery person information; and transmitting at least a portion of the baggage information and the delivery person information to a passenger computing device associated with the passenger.

BRIEF DESCRIPTION OF THE DRAWINGS

The foregoing and other features of the present disclosure will become more fully apparent from the following description and appended claims, taken in

conjunction with the accompanying drawings. Understanding that these drawings depict only several embodiments in accordance with the disclosure and are, therefore, not to be considered limiting of its scope, the disclosure will be described with additional specificity and detail through use of the accompanying drawings.

FIG. **1** is a schematic of a mobile baggage dispatch system in accordance with an illustrative embodiment.

FIG. **2** is a flow diagram of a method of baggage delivery in accordance with an illustrative embodiment.

FIG. **3** is a diagram of a login interface of the delivery software in accordance with an illustrative embodiment.

FIG. **4** is a diagram of a menu interface of the delivery software in accordance with an illustrative embodiment.

FIG. **5** is a diagram of a select deliveries interface of the delivery software in accordance with an illustrative embodiment.

FIG. **6** is a diagram of the menu interface of FIG. **4** with pending deliveries of the delivery software in accordance with an illustrative embodiment.

FIG. **7** is a diagram of a pending deliveries interface of the delivery software in accordance with an illustrative embodiment.

FIG. **8** is a diagram of the menu interface of FIG. **4** with current deliveries of the delivery software in accordance with an illustrative embodiment.

FIG. **9** is a diagram of a current deliveries interface of the delivery software in accordance with an illustrative embodiment.

FIG. **10** is a diagram of an individual delivery interface of the delivery software in accordance with an illustrative embodiment.

FIG. **11** is a diagram of a duration cause interface of the delivery software in accordance with an illustrative embodiment.

FIG. **12** is a diagram of a signature interface of the delivery software in accordance with an illustrative embodiment.

FIG. **13** is a flow diagram of a method of passenger-side baggage delivery in accordance with an illustrative embodiment is shown

FIG. **14** is a diagram of a passenger interface of the passenger software in accordance with an illustrative embodiment.

DETAILED DESCRIPTION OF THE ILLUSTRATIVE EMBODIMENTS

In the following detailed description, reference is made to the accompanying drawings, which form a part hereof. In the drawings, similar symbols typically identify similar components, unless context dictates otherwise. The illustrative embodiments described in the detailed description, drawings, and

claims are not meant to be limiting. Other embodiments may be utilized, and other changes may be made, without departing from the spirit or scope of the subject matter presented here. It will be readily understood that the aspects of the present disclosure, as generally described herein, and illustrated in the figures, can be arranged, substituted, combined, and designed in a wide variety of different configurations, all of which are explicitly contemplated and make part of this disclosure.

The present disclosure is directed to a mobile baggage dispatch system, method, and computer-readable medium. Referring to FIG. **1**, a schematic of a mobile baggage dispatch system **100** in accordance with an illustrative embodiment is shown. The mobile baggage dispatch system **100** can include a server **110**, a transportation server **130**, a deliverer computing device **140**, and a passenger computing device **150**. The server **110**, the transportation server **130**, the deliverer computing device **140**, and the passenger computing device **150** can be communicatively coupled via network **120**. The network **120** can be the Internet, an Ethernet, a Wi-Fi network, a wired or wireless phone network, a dedicated line, a wireless connection, or any other network.

The server **110** can be a personal computer or any other computer. A user can interface with the server **110** via a terminal or a computing device communicatively coupled to server **110**. For example, the server **110** can serve a webpage to the deliverer computing device **140** or the passenger computing device **150**, which enables a user to query information and submit commands. The webpage can be, for

example, a hypertext markup language document. Alternatively, an application can be used to interface with the server **110**.

The server **110** can receive baggage information, transmit baggage information, manage bag drop offs, and log bag drop offs. The server **110** can be a personal computer, a circuit, a cell phone, a smart phone, a tablet, a personal data assistant, or any other computing device. The server **110** can include one or more of, a processor **111**, a memory **112**, server software **113**, a task database **117**, a records database **118**, a display **114**, a user interface **115**, and a transceiver **116**. In alternative embodiments, the server **110** may include fewer, additional, and/or different components. The memory **112**, which can be any type of permanent or removable computer memory known to those of skill in the art, can be a computer-readable storage medium. The memory **112** can be configured to store one or more of the server software **113**, an application configured to run the server software **113**, captured data, and/or other information and applications as known to those of skill in the art. The transceiver **116** of the server **110** can be used to receive and/or transmit information through a wired or wireless network as known to those of skill in the art. The transceiver **116**, which can include a receiver and/or a transmitter, can be a modem or other communication component known to those of skill in the art. The baggage information can be stored in the records database **118**. Information associated with the bag drop offs can be stored in the task database **117**.

The server software **113** can be configured to receive baggage information, transmit baggage information, manage bag drop offs, and log bag drop offs. For example, the server software **113** can maintain information associated with bags waiting for delivery and information associated with bags that have been delivered. In one embodiment, the server software **113** can include a computer program (for example, script query language (SQL), PHP, Python, html code, an applet, and/or a script) and/or an application configured to execute the program (for example, Microsoft™ Access, Oracle™ Database, Microsoft Internet Explorer™ or Google Chrome™). Alternatively, other programming languages and/or applications known to those of skill in the art can be used. In one embodiment, the server software **113** can be a dedicated standalone application. The processor 111I, which can be in electrical communication with each of the components of the server IIO, can be used to run the application and to execute the instructions of the server software **113**. Any type of computer processor(s) known to those of skill in the art may be used.

The transportation server **130** can provide baggage information to the server **110** and vice versa. For example, the baggage information can include information describing bags that need to be delivered, bags that have been picked up from a terminal, and bags that have been delivered. The transportation server **130** can be associated with an airport, a rail terminal, a hotel, or any other organization or place that can be associated with baggage, missing baggage or packages. The transportation server **130** can be a personal computer, a circuit, a cell phone, a smart phone, a tablet, a personal data assistant, or any

other computing device. The transportation server **130** can include one or more of, a processor **131**, a memory **132**, transportation server software **133**, a display **134**, a user interface **135**, and a transceiver **136**. In alternative embodiments, the transportation server **130** may include fewer, additional, and/or different components. The memory **132**, which can be any type of permanent or removable computer memory known to those of skill in the art, can be a computer-readable storage medium. The memory **132** can be configured to store one or more of the transportation server software **133**, an application configured to run the transportation server software **133**, captured data, and/or other information and applications as known to those of skill in the art. The transceiver **136** of the transportation server **130** can be used to receive and/or transmit information through a wired or wireless network as known to those of skill in the art. The transceiver **136**, which can include a receiver and/or a transmitter, can be a modem or other communication component known to those of skill in the art.

The transportation server software **133** can be configured to notify the server **110** of needed bag drop offs and receive indications of completed bag drop offs. For example, the transportation server software **133** can maintain information associated with bags waiting for delivery and information associated with bags that have been delivered. In one embodiment, the transportation server software **133** can include a computer program (for example, script query language (SQL), PHP, Python, html code, an applet, and/or a script) and/or an application configured to execute the program (for example, ARNIC MUSE™, Microsoft™ Access, Oracle™ Database, Microsoft

Internet Explorer™ or Google Chrome™). Alternatively, other programming languages and/or applications known to those of skill in the art can be used. In one embodiment, the transportation server software **133** can be a dedicated standalone application. The processor **131**, which can be in electrical communication with each of the components of the transportation server **130**, can be used to run the application and to execute the instructions of the transportation server software **133**. Any type of computer processor(s) known to those of skill in the art may be used.

The deliverer computing device **140** can receive and transmit baggage information to enable delivery personnel. For example, the baggage information can include information describing bags that need to be picked up from a terminal, bags that need to be delivered, and a record of bags that have been delivered. The deliverer computing device **140** can be associated with a delivery person such as a subcontractor. The deliverer computing device **140** can be a cell phone, a smart phone, a tablet, a personal data assistant, a personal computer, a circuit, or any other computing device. The deliverer computing device **140** can include one or more of, a processor **141**, a memory **142**, transportation server software **143**, a display **144**, a user interface **145**, a transceiver **146**, a scanner **147**, and a global positioning system (GPS) device **148**. In alternative embodiments, the deliverer computing device **140** may include fewer, additional, and/or different components. The memory **142**, which can be any type of permanent or removable computer memory known to those of skill in the art, can be a computer-readable storage medium. The memory **142** can be configured to store one or more of the delivery

software **143**, an application configured to run the delivery software **143**, captured data, and/or other information and applications as known to those of skill in the art. The transceiver **146** of the deliverer computing device **140** can be used to receive and/or transmit information through a wired or wireless network as known to those of skill in the art. The transceiver, which can include a receiver and/or a transmitter, can be a modem or other communication component known to those of skill in the art.

The delivery software **143** can be configured to notify the server **110** of completed bag drop offs and to receive bag drop off information from the server **110** and/or passenger computing device **150**. For example, the delivery software **143** can collect information associated with bags that a delivery person has picked up and information regarding the location of the deliverer computing device **140** at an indicated delivery time. In one embodiment, the delivery software **143** can include a computer program (for example, script query language (SQL), PHP, Python, html code, an applet, and/or a script) and/or an application configured to execute the program (for example, Microsoft™ Access, Oracle™ Database, Microsoft Internet Explorer™ or Google Chrome™). Alternatively, other programming languages and/or applications known to those of skill in the art can be used. In one embodiment, the delivery software **143** can be a dedicated standalone application. The processor **141**, which can be in electrical communication with each of the components of the deliverer computing device **140**, can be used to run the application and to execute the instructions of the delivery software **143**. Any type of computer

processor(s) known to those of skill in the art may be used.

The passenger computing device **150** can receive and transmit baggage information to enable a passenger to interact remotely with delivery personnel. For example, the baggage information can include information describing bags that need to be picked up from a terminal, bags that need to be delivered, and a record of bags that have been delivered. The passenger computing device **150** can be associated with a passenger associated with lost baggage. The passenger computing device **150** can be a cell phone, a smart phone, a tablet, a personal data assistant, a personal computer, a circuit, or any other computing device. The passenger computing device **150** can include one or more of, a processor **151**, a memory **152**, passenger software **153**, a display **154**, a user interface **155**, and a transceiver **156**. In alternative embodiments, the passenger computing device **150** may include fewer, additional, and/or different components. The memory **152**, which can be any type of permanent or removable computer memory known to those of skill in the art, can be a computer-readable storage medium. The memory **152** can be configured to store one or more of the passenger server software **153**, an application configured to run the passenger software **153**, captured data, and/or other information and applications as known to those of skill in the art. The transceiver **156** of the passenger computing device **150** can be used to receive and/or transmit information through a wired or wireless network as known to those of skill in the art. The transceiver **156**, which can include a receiver and/or a transmitter, can

be a modem or other communication component known to those of skill in the art.

The passenger software **153** can be configured to transmit and receive bag drop off information to the server **110** and/or deliverer computing device **140**. For example, the passenger software **153** can collect information associated with a bag drop off and submit it to server and display information associated with a bag drop off such as a proposed delivery time. In one embodiment, the passenger software **153** can include a computer program (for example, script query language (SQL), PHP, Python, html code, an applet, and/or a script) and/or an application configured to execute the program (for example, Microsoft™ Access, Oracle™ Database, Microsoft Internet Explorer™ or Google Chrome™). Alternatively, other programming languages and/or applications known to those of skill in the art can be used. In one embodiment, the passenger software **153** can be a dedicated standalone application. The processor **151**, which can be in electrical communication with each of the components of the deliverer computing device **150**, can be used to run the application and to execute the instructions of the passenger software **153**. Any type of computer processor(s) known to those of skill in the art may be used.

Advantageously, the server **110**, the transportation server **130**, the deliverer computing device **140**, and the passenger computing device **150** can communicate baggage information amongst each other to increase the efficiency of missing baggage delivery, enhance passenger experience, and provide a record of baggage delivery.

Referring now to FIG. 2, a flow diagram of a method of baggage delivery **200** in accordance with an illustrative embodiment is shown. Additional, fewer, or different operations may be performed depending on the particular implementation. The operations for baggage delivery **200** can be executed, for example, in least in part by a system for mobile baggage dispatch, such as the system described above.

In an operation **210**, a server can receive information associated with needed bag drop offs from a transportation server. For example, the transportation server can send a list of bags that need to be dropped off to passengers. The list can include bag information such as a proposed drop off address, a passenger name, passenger contact information, a bag description, a current bag location, delivery status, and a tracking code.

In an operation **215**, the server can transmit a pick up bags message to a deliverer computing device associated with a delivery person. The pick up bags message can include the proposed drop off address, the passenger name, the bag description, the current bag location, and the tracking code. The delivery person can proceed to the current bag location to obtain the bags that need to be dropped off.

In an operation **220**, the delivery person can obtain the bags that need to be dropped off. The delivery person can enter information into the deliverer computing device indicating that the bags that need to be dropped off are now in the possession of the delivery person. The deliverer computing device can include delivery software as described above. In one embodiment, the deliverer computing device can

include a scanner to scan the tracking code of the bags picked up by the delivery person.

In an operation **225**, the delivery software can update the bag information and transmit the updated bag information to the server. The delivery software can update the bag information such as current bag location and delivery status. For example, the delivery status can be updated to "in transit." In another embodiment, the deliverer computing device can include an interface for the delivery person to indicate which bags he has picked up, as described below.

FIG. **3** is a diagram of a login interface **300** of the delivery software in accordance with an illustrative embodiment. The delivery person can enter a username in the username text box **310** and a password in the password text box **320** in order to gain access to the delivery software.

FIG. **4** is a diagram of a menu interface **400** of the delivery software in accordance with an illustrative embodiment. The delivery person can select one of a current deliveries component **410**, a pending deliveries component **420**, a select deliveries component **430**, and an email component **440**, described further below. For example, the delivery person can select the select deliveries component **430**. FIG. **4** shows that the select deliveries component **430** has information regarding 70 bags that need to be dropped off.

FIG. **5** is a diagram of a select deliveries interface **500** of the delivery software in accordance with an illustrative embodiment. The select deliveries

interface **500** can include a display **510** with a list of bag drop offs **530**. The list of bag drop offs **530** can be received from the server. The list of bag drop offs **530** can include information describing the bags that need to be dropped off such as the proposed drop off address, the passenger name, the bag description, the current bag location, and the tracking code. Each bag in the list of bag drop offs **530** can be associated with a selection field **520**. The delivery person can check the selection field **520** for each bag in the list of bag drop offs **530** that he picks up. In FIG. 5, the first three bags of the list of bag drop offs **530** are selected. The list of bag drop offs **530** can also include zone information **530**. For example, the delivery person may be assigned a certain zone or zones, such as "Zone A." The delivery person would pick up all bags labeled "Zone A." After the delivery person has selected the desired bag(s), he can select a claim button **540**, which indicates his receipt of the selected bags from the list of bag drop offs **530**. The claimed bag(s) the delivery person has selected can be classified as pending deliveries. The deliverer computing device can transmit information to the server describing the pending deliveries, i.e., the desired bag(s) the delivery person has selected and claimed. Alternatively, a dispatcher can assign bags for the delivery person to take. In one embodiment, the list of bag drop offs **530** can be limited to bags assigned by the dispatcher.

FIG. **6** is a diagram of the menu interface of FIG. **4** with pending deliveries **600** of the delivery software in accordance with an illustrative embodiment. After the delivery person has selected and claimed the desired bag(s), the pending deliveries component **420** can indicate the number of pending

deliveries. FIG. **6** shows that there are three pending deliveries.

FIG. **7** is a diagram of a pending deliveries interface **700** of the delivery software in accordance with an illustrative embodiment. The pending deliveries interface **700** can include a list of pending bag drop offs **710** which can be all or some of the pending deliveries, The list of pending bag drop offs **710** can include information describing the bags that need to be dropped off such as the proposed drop off address, the passenger name, the bag description, the current bag location, and the tracking code. Each bag in the list of pending bag drop offs **710** can be associated with a selection field **720**. The delivery person can check the selection field **720** for each bag in the list of pending bag drop offs **710** that he intends to presently deliver, i.e., the bags that are "out for delivery." Once the selection field **720** is checked, the delivery person submits the information by clicking a button **730**. The bag(s) the delivery person has selected can be classified as current deliveries. The deliverer computing device can transmit information to the server describing the current deliveries.

Referring again to FIG. **2**, in an operation **230**, the delivery person can proceed to a drop off location associated with a bag he has selected and picked up. The delivery person can use the deliverer computing device to determine where to take a bag and optimize his delivery route. FIG. **8** is a diagram of the menu interface of FIG. **4** with current deliveries **800** of the delivery software in accordance with an illustrative embodiment. After the delivery person has selected the bags that are "out for delivery" (operation **235** in FIG. **2**) the current deliveries component **410** can

indicate the number of bags out for delivery. FIG. 8 shows that there are three current deliveries.

FIG. **9** is a diagram of a current deliveries interface **900** of the delivery software in accordance with an illustrative embodiment. The current deliveries interface **900** can include a list of current bag drop offs **910** which can be all or some of the current deliveries. The list of current bag drop offs **910** can include information describing the bags that need to be dropped off such as the proposed drop off address, the passenger name, the bag description, the current bag location, and the tracking code. Each bag in the list of current bag drop offs **910** can be selected to provide further information. The list of current bag drop offs **910** can be ordered. For example, the bags can be ordered in terms of most efficient travel path, oldest in the queue, or a combination of both. Button **920** can be selected to edit an entry in the list of current bag drop offs **910**. Button **930** can be selected to change the ordering of list of current bag drop offs **910**.

Referring again to FIG. **2**, in an operation **240**, after the delivery person has delivered the baggage, the delivery person can indicate completion of the baggage with the deliverer computing device. For example, the delivery person can indicate that the baggage was delivered or have a passenger sign for the baggage. At the time of completion of the baggage delivery, in an operation **245**, the bag information can be global position system (GPS) stamped, indicating the location of the deliverer computing device (and thus the baggage) at the time of delivery. At the time of completion of the baggage delivery, in an operation **250**, the bag information can be time stamped. In an

operation **255**, the GPS stamp information, the time stamp information, and other bag information can be transmitted to the server. The other information can include, for example, a duration cause and an electronic signature.

FIG. **10** is a diagram of an individual delivery interface **1000** of the delivery software in accordance with an illustrative embodiment. The individual delivery interface **1000** can include an individual delivery description **1010**, a delivered button **1020**, an un-assign delivery button **1030**, and an unable to deliver button **1040**. The individual delivery description **1010** can include a display of the proposed drop off address, the passenger name, the passenger contact information, the bag description, the tracking code, and a map associated with the proposed drop off address. After the delivery person drops off the baggage, the delivery person can select the delivered button **1020** to GPS stamp the delivery, time stamp the delivery, and update the status of the delivery to "delivered." The deliverer computing device can transmit the GPS stamp, the time stamp, and the status update to the server. If the delivery person is unable to deliver the baggage, the delivery person can select the unable to deliver button **1040** to re-queue the baggage delivery for later. If the delivery person gives the baggage to another delivery person, the delivery person can select the un-assign delivery button **1030** to re-queue the baggage delivery so that the other delivery person can add the baggage to his pending deliveries.

FIG. **11** is a diagram of a duration cause interface **1100** of the delivery software in accordance with an illustrative embodiment. If baggage is not

delivered within a predetermined period, the delivery software can display the duration cause interface **1100** to prompt the delivery person to indicate the cause of the delay. If the delivery person had a vehicle problem or personal incident, he can select a driver issue button **1110**. If the delivery person had to process an inordinate amount of baggage, he can select a high volume button **1120**. If the delivery person picked up the baggage in the evening and delivered the next morning, he can select a late sweep/early delivery button **1130**.

FIG. **12** is a diagram of a signature interface **1200** of the delivery software in accordance with an illustrative embodiment. The signature interface **1200** can be used to record a passenger's acceptance of the baggage delivery. The signature interface **1200** can include a signature block **1210** and a submit button **1220**. The passenger can electronically sign the signature block **1210** and select the submit button **1220** to indicate acceptance of the baggage.

Referring now to FIG. **13**, a flow diagram of a method of passenger-side baggage delivery **1300** in accordance with an illustrative embodiment is shown. Additional, fewer, or different operations may be performed depending on the particular implementation. The operations for passenger-side baggage delivery **1300** can be executed, for example, in least in part by a system for mobile baggage dispatch, such as the system described above.

In an operation **1310**, a passenger can report missing baggage to a common carrier, such as an airline. The passenger can provide information such as a proposed drop off address, a passenger name,

passenger contact information, and a bag description. Alternatively, the common carrier can identify a bag as unclaimed. A transportation server can receive bag information such as the proposed drop off address, the passenger name, the passenger contact information, and the bag description.

In an operation **1320**, after the bag is found, the transportation server can assign the bag the proposed drop off address, the passenger name, the passenger contact information, the bag description, a current bag location, delivery status, and a tracking code. The transportation server can send the bag information to a server.

In an operation **1330**, the server can create a passenger record and an interface for the passenger. The interface can enable the passenger to obtain and change information regarding a prospective delivery of his missing baggage. In an operation **1340**, the server can transmit delivery information to a passenger computing device. The server can also transmit delivery information to a deliverer computing device, as described above.

In an operation **1350**, the passenger computing device can display the delivery information. In one embodiment, the passenger can obtain information describing the delivery person such as a picture of the delivery person, a picture of the delivery person's vehicle, an estimated time of delivery, the proposed drop off address, the delivery status, and a map showing the current location of the baggage. The interface can be, for example, a webpage or an application such as an iPhone app. The interface can

be accessed, for example, using a passenger computing device, as described above.

In an operation **1360**, the passenger can alter the delivery information. In an operation **1370**, the passenger computing device can transmit the changes to the delivery information to the server. The server can then transmit the changes to the deliverer computing device. The deliverer computing device can display a notification that changes to a baggage delivery have occurred.

In an operation **1380**, the server or deliverer computing device can change the delivery schedule of the delivery person. The delivery person can adapt to the changes in the delivery information. For example, if the passenger changes a proposed delivery time using the passenger computing device, the delivery person can be informed of the desired changed via the deliverer computing device.

FIG. **14** is a diagram of a passenger interface **1400** of the passenger software in accordance with an illustrative embodiment. The passenger interface **1400** can be used to display delivery information and receive selections from a passenger. The passenger interface **1400** can include delivery information **1410**, driver information **1420**, a baggage map **1450**, baggage information **1460**, a hold button **1470**, and a waive signature button **1480**.

The delivery information **1410** can include a reference (serial) number, airline information, airport information, a passenger (customer) name, a passenger phone number, a passenger email address, a passenger delivery address, and a community access

code. The delivery information **1410** can be received from a server. The delivery information **1410** can include an update button **1415**, for altering and updating the delivery information. For example, the passenger can change his passenger phone number and select the update button **1415** to transmit the change to the server.

The driver information **1420** can include a driver picture **1430**, a driver name **1435**, a driver email **1437**, and a driver vehicle picture **1440**. The driver information **1420** can be any information that can be used to identify the delivery person (driver). When a delivery person arrives at a passenger location to drop off baggage, the passenger can use the driver information **1420** to assure that the delivery person is who he represents himself to be.

The baggage map **1450** can display a current location of the passenger's baggage. Alternatively, the baggage map **1450** can display an approximate location of the passenger's baggage. A signpost **1455** can be used to mark the location of the passenger's baggage on the baggage map **1450**.

The baggage information **1460** can include a number of bags in the delivery, a delivery method, additional requests, a time of baggage recovery, a time of baggage assignment to a delivery person (driver), a latest delivery time, and a current status of the baggage. The baggage information **1460** can also include information about the type of baggage, such as a size, shape, and design of the baggage. The information can include a photo of the actual baggage or of a generic baggage of the same type. The baggage photo or description can be presented on the display

along with other baggage information. The passenger interface **1400** can update the baggage information **1460** as a delivery person completes other deliveries.

The passenger can select the hold button **1470** to indicate that he would like to delay delivery until a later time. For example, if the passenger will not be home until 6:00 p.m., passenger can select the hold button **1470** to delay the delivery time until after 6:00 p.m. For example, the delivery time change can be transmitted to the server, which can then relay the change to the deliverer computing device. The server or deliverer computing device can reorder the deliveries to improve efficiency given the change to the delivery time.

The passenger can select the waive signature button **1480** to indicate that the delivery person does not need to obtain a passenger signature in order to complete the delivery, i.e., the delivery person can leave the bags at the door. When the passenger selects the waive signature button **1480**, a signature waiver can be transmitted to the server, which can then relay the signature waiver to the deliverer computing device.

Advantageously, a passenger can control delivery parameter, such as the delivery time, and obtain information to assure that the delivery person is who he represents himself to be.

One or more flow diagrams may have been used herein. The use of flow diagrams is not meant to be limiting with respect to the order of operations performed. The herein described subject matter sometimes illustrates different components contained

within, or connected with, different other components. It is to be understood that such depicted architectures are merely exemplary, and that in fact many other architectures can be implemented which achieve the same functionality. In a conceptual sense, any arrangement of components to achieve the same functionality is effectively "associated" such that the desired functionality is achieved. Hence, any two components herein combined to achieve a particular functionality can be seen as "associated with" each other such that the desired functionality is achieved, irrespective of architectures or intermedial components. Likewise, any two components so associated can also be viewed as being "operably connected", or "operably coupled", to each other to achieve the desired functionality, and any two components capable of being so associated can also be viewed as being "operably couplable", to each other to achieve the desired functionality. Specific examples of operably couplable include but are not limited to physically mateable and/or physically interacting components and/or wirelessly interactable and/or wirelessly interacting components and/or logically interacting and/or logically interactable components.

With respect to the use of substantially any plural and/or singular terms herein, those having skill in the art can translate from the plural to the singular and/or from the singular to the plural as is appropriate to the context and/or application. The various singular/plural permutations may be expressly set forth herein for sake of clarity.

It will be understood by those within the art that, in general, terms used herein, and especially in the appended claims (e.g., bodies of the appended

claims) are generally intended as "open" terms (e.g., the term "including" should be interpreted as "including but not limited to," the term "having" should be interpreted as "having at least," the term "includes" should be interpreted as "includes but is not limited to," etc.). It will be further understood by those within the art that if a specific number of an introduced claim recitation is intended, such an intent will be explicitly recited in the claim, and in the absence of such recitation no such intent is present. For example, as an aid to understanding, the following appended claims may contain usage of the introductory phrases "at least one" and "one or more" to introduce claim recitations. However, the use of such phrases should not be construed to imply that the introduction of a claim recitation by the indefinite articles "a" or "an" limits any particular claim containing such introduced claim recitation to inventions containing only one such recitation, even when the same claim includes the introductory phrases "one or more" or "at least one" and indefinite articles such as "a" or "an" (e.g., "a" and/or "an" should typically be interpreted to mean "at least one" or "one or more"); the same holds true for the use of definite articles used to introduce claim recitations. In addition, even if a specific number of an introduced claim recitation is explicitly recited, those skilled in the art will recognize that such recitation should typically be interpreted to mean at least the recited number (e.g., the bare recitation of "two recitations," without other modifiers, typically means at least two recitations, or two or more recitations). Furthermore, in those instances where a convention analogous to "at least one of A, B, and C, etc." is used, in general such a construction is intended in the sense one

having skill in the art would understand the convention (e.g., "a system having at least one of A, B, and C" would include but not be limited to systems that have A alone, B alone, C alone, A and B together, A and C together, B and C together, and/or A, B, and C together, etc.). In those instances where a convention analogous to "at least one of A, B, or C, etc." is used, in general such a construction is intended in the sense one having skill in the art would understand the convention (e.g., "a system having at least one of A, B, or C" would include but not be limited to systems that have A alone, B alone, C alone, A and B together, A and C together, B and C together, and/or A, B, and C together, etc.). It will be further understood by those within the art that virtually any disjunctive word and/or phrase presenting two or more alternative terms, whether in the description, claims, or drawings, should be understood to contemplate the possibilities of including one of the terms, either of the terms, or both terms. For example, the phrase "A or B" will be understood to include the possibilities of "A" or "B" or "A and B."

The foregoing description of illustrative embodiments has been presented for purposes of illustration and of description. It is not intended to be exhaustive or limiting with respect to the precise form disclosed, and modifications and variations are possible in light of the above teachings or may be acquired from practice of the disclosed embodiments. It is intended that the scope of the invention be defined by the claims appended hereto and their equivalents.

What is claimed is:

l. An apparatus for dispatching baggage, comprising:

a server having a processor and a transceiver configured to transmit and receive communications to and from a passenger computing device associated with a passenger and a deliverer computing device associated with a delivery person wherein the passenger computing device includes a passenger interface to communicate with the server; and

the processor configured to:

receive, via the transceiver, after a piece of baggage has been transported to a destination. baggage information relating to the piece of baggage to be delivered to the passenger, the baggage information including a drop off address. wherein the passenger is at a location different than the destination;

associate the baggage information with the delivery person, wherein the delivery person is associated with delivery person information;

transmit, via the transceiver, a pick up bags message to the deliverer computing device associated with the delivery person; and

transmit, via the transceiver, at least a portion of the baggage information and the

delivery person information to the passenger computing device associated with the passenger;

receive, via the transceiver, from the passenger computing device a selection to hold delivery of the piece of baggage using the passenger interface until a delayed delivery time wherein the passenger interface displays travel information of the passenger including at least one of an airline name and an airport name and a baggage map configured to display on the passenger computing device an approximate location or current location of the piece of baggage associated with the travel information wherein the passenger interface is updated with changes in the approximate location or the current location of the piece of baggage during transport;

relay, via the transceiver, a delivery change to the deliverer computing device responsive to the selection to hold delivery of the piece of baggage using the passenger interface; and

reorder other deliveries associated with deliverer computing device given the delivery change.

2. The apparatus of claim **1,** wherein the baggage information further comprises at least one of a picture of the delivery person, a picture of a vehicle of the delivery person, delivery person, a picture of a

vehicle of the delivery person, contact information, a bag description, a current bag location, a delivery status, and a tracking code.

3. The apparatus of claim **l,** wherein the processor is further configured to receive, via the transceiver, updated information entered via the user interface of the passenger computing device.

4. The apparatus of claim **3,** wherein updated information comprises a selection to waive a signature using the passenger interface.

5. The apparatus of claim **3,** wherein the processor is further configured to transmit, via the transceiver, the updated information to the deliverer computing device.

6. The apparatus of claim **l,** wherein the processor is further configured to receive, via the transceiver, delivery information from the deliverer computing device, wherein the delivery information comprises at least one of a deliverer computing device location and a delivery time stamp.

7. A method of dispatching baggage. comprising:

receiving, through a transceiver of a server and after a piece of baggage has been transported to **a** destination, baggage information relating to the piece of baggage to be delivered to a passenger, the baggage information including a drop off address, wherein the passenger

is at a location different than the destination;

associating, by the processor of the server, the baggage information with a delivery person, wherein the delivery person is associated with delivery person information:

transmitting, through the transceiver, a pick up bags message to a deliverer computing device associated with the delivery persona;

transmitting. through the transceiver, at least a portion of the baggage information and the delivery person information to a passenger computing device associated with the passenger;

receiving, through the transceiver, from the passenger computing device a selection to hold delivery of the piece of baggage using a passenger interface until a delayed delivery time wherein the passenger interface displays travel information of the passenger including at least one of an airline name and an airport name and a baggage map configured to display on the passenger computing device an approximate location or current location of the piece of baggage associated with the travel information wherein the passenger· interface is updated with changes in the approximate location or the current

location of the piece of baggage during transport;

relaying, through the transceiver, a delivery change to the deliverer computing device responsive to the selection to hold delivery of the piece of baggage using the passenger interface; and

reordering, by the processor of the server, other deliveries associated with the deliverer computing device given the delivery change.

8. The method of claim 7, wherein the baggage information farther comprises at least one of a picture of the delivery person, a picture of a vehicle of the delivery person, a name of the delivery person, a passenger name, passenger contact information, a bag description, a current bag location, a delivery status, and a tracking code.

9. The method of claim **7,** further comprising receiving, by the transceiver, updated information entered via the passenger interface of the passenger computing device.

10. The method of claim **9,** wherein updated information comprises a selection to waive a signature using the passenger interface.

11. The method of claim **9,** further comprising transmitting, via the transceiver, the updated information to the deliverer computing device.

12. The method of claim **7,** further comprising receiving, via the transceiver, delivery information

from the deliverer computing device, wherein the delivery information comprises at least one of a deliverer computing device location and a delivery time stamp.

13. A non-transitory, tangible computer-readable storage medium having instructions stored thereon that, if executed by a server processor, cause the server processor to perform operations comprising:

transmitting and receiving communications, by the server processor via a transceiver, to and from a passenger computing device associated with a passenger and a deliverer computing device associated with a delivery person wherein the passenger computing device includes a passenger interface to communicate with a server having the server processor;

receiving baggage information, by the server processor via the transceiver, after a piece of baggage has been transported to a destination, relating the piece of baggage to be delivered to a passenger, the baggage information including a drop off address, wherein the passenger is at a location different than the destination;

associating, by the server processor, the baggage information with a delivery person, wherein the delivery person is

associated with delivery person information;

transmitting, by the server processor via the transceiver, a pick up message to a deliverer computing device associated with the delivery person;

transmitting, by the server processor via the transceiver, at least a portion of the baggage information and the delivery person information to a passenger computing device associated with the passenger;

receiving, by the server processor via the transceiver, from the passenger computing device a selection to hold delivery of the piece of baggage using the passenger interface until a delayed delivery time wherein the passenger interface displays travel information of the passenger including at least one of an airline name and an airport name and a baggage map configured to display on the passenger computing device an approximate location or current location of the piece of baggage associated with the travel information wherein the passenger interface is updated with changes in the approximate location or the current location of the piece of baggage during transport;

relaying, by the server processor via the transceiver, a delivery change to the

deliverer computing device responsive to the selection to bold delivery of the piece of baggage using the passenger interface; and

reordering, by the server processor. other deliveries associated with the deliverer computing device given the delivery change.

14. The computer-readable storage medium of claim **13,** wherein the baggage information comprises at least one of a picture of the delivery person, a picture of a vehicle of the delivery person, a name of the delivery person, a passenger name, passenger contact information, a bag description, a current bag location, a delivery status, and a tracking code.

15. The computer-readable storage medium of claim **13,** further comprising receiving, by the server processor via the transceiver, updated information from the passenger computing device.

16. The computer-readable storage medium of claim **15,** wherein updated information comprises a selection to waive a signature waiver by the passenger interface.

17. The computer-readable storage medium of claim **15,** further comprising transmitting, by the server processor via the transceiver, the updated information to the deliverer computing device.

18. The computer-readable storage medium of claim **13,** further comprising receiving, by the server processor via the transceiver, delivery information

from the deliverer computing device. wherein the delivery information comprises at least one of a deliverer computing device location and a delivery time stamp.

19. The apparatus of claim **1,** wherein the piece of baggage is one of a plurality of pieces of baggage to be delivered to a plurality of passengers, and wherein the processor is further configured to determine a most efficient travel path for the delivery person.

20. The apparatus of claim **1,** wherein the piece of baggage is one of a plurality of pieces of baggage to be delivered to a plurality of passengers, and wherein the processor is further configured to order the plurality of pieces of baggage in a queue based on an amount of time for which each of the plurality of pieces of baggage is in the queue.

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