

# Haynes Boone Secures Complete Victory for Instacart in Patent Challenges

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March 7, 2024 Scott Jarratt, Angela Oliver, Lyric Stephenson

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**PRACTICES** Intellectual Property Litigation, Patent Litigation, Patent Office Trials, Patents

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Haynes Boone invalidated four patents that challenged [Instacart's](#) business and position as a pioneer in online grocery delivery. The firm's Patent Office Trials Practice Group won four separate *inter partes* review (IPR) proceedings before the Patent Trial and Appeal Board (PTAB) against Consumeron, LLC.

Instacart is the leading grocery technology company in North America. The company partners with more than 1,500 national, regional, and local retail banners to facilitate online shopping, delivery, and pickup services from more than 85,000 stores across North America on the Instacart Marketplace.

Consumeron, LLC claimed Instacart infringed on patents related to various aspects of online shopping and delivery, including systems for remotely buying and delivering goods, real-time video transmission, and mobile agent communication.

In every case, the PTAB ruled in favor of Instacart, finding the challenged patent claims unpatentable due to obviousness in light of prior art. The decisions mean the PTAB determined the claimed inventions would have been apparent to someone with skill in the art at the time of creation.

Patent Trials Partners [Scott Jarratt](#) and Raghav Bajaj led the IPR team with support from associates [Angela Oliver](#), [Lyric Stephenson](#) and Eric Horsley.

"These IPR victories represent a significant win for Instacart, validating their innovative approach to online grocery delivery," Jarratt said. "We were able to leverage our skill and experience in patent office trials to help protect Instacart's right to innovate."

Haynes Boone is a top-10 law firm filing IPRs on behalf of Petitioners, with an institution rate of 81% and a final decision rate of 84% where at least some of the challenged claims were found unpatentable, both are far above industry averages. (Lex Machina, 2024).

## **About Instacart**

Instacart is the leading grocery technology company in North America, working with grocers and retailers to transform how people shop. Instacart partners with more than 1,500 national, regional, and local retail banners to facilitate online shopping, delivery, and pickup services from more than 85,000 stores across North America on the Instacart Marketplace. Instacart makes it possible for millions of people to get the groceries they need from the retailers they love, and for approximately 600,000 Instacart shoppers to earn by picking, packing, and delivering orders on their own flexible schedule.

## **About Haynes Boone**

Founded in 1970, Haynes Boone provides a full spectrum of legal services across multiple sectors,

including energy, financial services, private equity and technology. The firm's nearly 700 lawyers practice in 19 offices in California, Colorado, Illinois, New York, North Carolina, Texas, Virginia and Washington, D.C., as well as London, Mexico City and Shanghai. Haynes Boone was recognized in the 2022 BTI Consulting Group's A-Team report, which identified firms commended by in-house counsel for superior client service, and it was ranked 21st in The American Lawyer's 2023 Diversity Scorecard, which evaluated 228 participating firms by the diversity of their attorney populations. For more information, visit [haynesboone.com](https://haynesboone.com).