

Hearing Date: 12/8/2026 10:30 AM
Location: Court Room 2302
Judge: Moreland, Caroline Kate

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

BARRY SCHAIN, *individually and on behalf of*
all others similarly situated,

Plaintiff,

v.

SERVE ROBOTICS INC.,

Defendant.

Case No. 2026CH09784

Hon. _____

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

Plaintiff Barry Schain (“Plaintiff”), individually and on behalf of all others similarly situated, brings this Class Action Complaint against Defendant Serve Robotics Inc. (“Serve” or “Defendant”), and alleges as follows.

NATURE OF THE ACTION

1. A person’s biometric information is an immutable marker of their identity, one that stays with them through their entire life. Perhaps needless to say but in the wrong hands that information can be used to effect severe hardship through impersonation and identity theft, among other things.

2. The threats range from artificial intelligence deepfakes, which impersonate individuals through mimicking their precise features and mannerisms, to unwarranted surveillance by massive databases that identify individuals solely based on biometrics like facial geometry, retina scans, or fingerprints.

3. Because harms of this kind are so difficult to undo and to remediate, many states—including Illinois—have passed laws governing the transmission and use of biometric data.

4. In Illinois, when third parties wish to collect and to use biometric data, they are required to inform the subjects of their recording that their biometric information is being taken and give these individuals the opportunity to decide whether their immutable personal characteristics should be recorded, transmitted, and/or used. *See* Biometric Information Privacy Act, 740 ILCS 14/15(a) (“BIPA”).

5. This case is about a fleet of camera- and laser-equipped delivery robots that Serve, a publicly traded company based in California, operates on the public sidewalks of Chicago. Anyone who has walked the streets of Chicago have likely seen or encountered one of these delivery robots.

6. The issue with the use of these robots for delivery purposes is that they are designed to scan the faces, hands and bodies of every person in their orbit as they navigate the streets of Chicago.

7. And Serve does not inform people that these robots are recording, collecting and using their immutable biometric information without asking.

8. Serve retains that footage, uses it to train its own artificial-intelligence models and, by its own account, is in the business of licensing that video and LiDAR data to third parties to train theirs.¹

9. Serve has operated delivery robots in Chicago since around September 2025 across fourteen neighborhoods, including Lincoln Park, Lakeview, Uptown, Logan Square, West Town, the Near North Side and the Near West Side.²

¹ Serve Robotics Inc., *Quarterly Report (Form 10-Q)* (June 30, 2026), <https://www.sec.gov/Archives/edgar/data/1832483/000183248326000035/serv-20260630.htm>.

² Serve Robotics, *Serve Robotics Expands to Chicago, Bringing Autonomous Deliveries to the Windy City with Uber Eats* (Sept. 30, 2025), <https://investors.serverobotics.com/news-releases/news-release-details/serve-robotics-expands-chicago-bringing-autonomous-deliveries>;

10. Its robots are equipped with cameras and LiDAR sensors that together perceive—in high definition and in three dimensions—every object and person within the robot’s field of view, capturing “nearly 170 billion image-LiDAR samples” each month.³

11. Serve states that its robots collect “video recordings from robot-mounted cameras,” audio recordings, location data, obstacle-detection data and “pedestrian movement patterns,” and that Serve uses robot-collected data to “share marketing and analytics data with authorized third-parties,” “train artificial intelligence agents and models,” and “report on urban planning research, traffic optimization studies, and human movement modeling for various applications[.]”⁴

12. Serve’s filings with the Securities and Exchange Commission go further. There, Serve informs investors that its business model includes “collecting, processing, and licensing large-scale video and LiDAR datasets to third parties for model training,”⁵ and that it has “experience with licensing our video and LiDAR data for use by third-party AI companies to train their models.”⁶

13. Serve fulfills food delivery orders placed through Uber Eats and Grubhub.

Restaurant Dive, *Serve Robotics comes to Chicago with Uber Eats* (Sept. 30, 2025), <https://www.restaurantdive.com/news/serve-robotics-comes-to-chicago-uber-eats/761499/> (“dozens of robots”; more than 100 participating restaurants).

³ Serve Robotics, *Powering the Future of Autonomous Delivery with NVIDIA*, Serve Robotics Blog, <https://blog.serverobotics.com/powering-the-future-of-autonomous-delivery-with-nvidia-6f05cfaf4769>.

⁴ Serve Robotics, *Privacy Notice* (updated Sept. 22, 2026), <https://www.serverobotics.com/privacy-policy/index.html>.

⁵ *See supra* n. 1.

⁶ *Id.*

14. When a Chicago consumer orders dinner on one of those apps, the platform may assign the order to a Serve robot without the consumer having chosen robot delivery.

15. If the consumer is matched with a delivery robot, a decision that depends on variables like the user's neighborhood, the restaurant's business relationship, the time of day, the availability of robots as compared to other delivery methods (and other factors), he or she will subsequently be required to walk to the robot, stand directly in front of its sensors, unlock the cargo compartment and remove the order.⁷

16. At that moment, the robot's forward-facing cameras and LiDAR sensor capture the consumer's face and hands at arm's length while Serve simultaneously holds the consumer's name, delivery address and order record, which the platform has transmitted to Serve to complete the delivery.

17. The LiDAR unit does not take a picture. Rather, it emits pulses of infrared laser light, measures the time each pulse takes to reflect from the surface it strikes and return, and from those measurements computes the precise three-dimensional position of each point on that surface.⁸

18. When a consumer stands at the robot to unlock it, the unit sweeps those pulses across the consumer's face and hands and records their contours and dimensions—the distance

⁷ See Uber, *Robot deliveries: A new way to keep your orders moving* (Oct. 21, 2025) ("Customers receive a notification when their order arrives and can unlock the robot using their Uber Eats app"; "Only the intended customer can unlock it with their phone"), <https://www.uber.com/us/en/blog/robot-deliveries-a-new-way-to-keep-your-orders-moving/>.

⁸ See NOAA Office for Coastal Management, *Lidar 101: An Introduction to Lidar Technology, Data, and Applications*, <https://coast.noaa.gov/data/digitalcoast/pdf/lidar-101.pdf> (lidar "emits intense, focused beams of light and measures the time it takes for the reflections to be detected by the sensor," and computes each target's three-dimensional coordinates from the round-trip time and the angle of the pulse); see also NOAA National Ocean Service, *Lidar*, <https://oceanservice.noaa.gov/geodesy/lidar.html>.

from the sensor to the nose, brow, cheekbones, chin and jaw, and the shape and position of the hands reaching toward the cargo compartment.

19. That measurement is a scan of face and hand geometry, and it is taken of every consumer who retrieves an order, whether or not the consumer chose robot delivery.

20. BIPA proscribes a private entity from collecting a person's scan of face or hand geometry unless it first informs the person in writing, discloses the purpose and duration of the collection, and obtains a written release, requires entities in possession of biometric identifiers to publish a schedule for the retention and destruction of this data, and forbids disclosure to third parties without consent, and it forbids profiting from biometric identifiers at all. *See generally* 740 ILCS 14/15, *et seq.*

21. Serve does none of this. It gives no notice before a robot records a person, identifies no specific purpose or retention period for the data, obtains no written release, and has published no retention or destruction schedule.

22. Nor do its delivery partners disclose Serve's recording or storing of biometric data to their customers.

23. Serve therefore violates BIPA. Plaintiff and the class he seeks to represent—other Illinois residents whose facial geometry has been recorded and stored by Serve robots while they picked up orders from one of Serve's delivery partners in Illinois—have all been scanned and recorded by Serve's robots without their knowledge or consent and, on information and belief, have had this information transmitted to unknown third parties, also without their knowledge or consent.⁹

⁹ See, e.g., Serve Robotics, *Serve Robotics Acquires Vayu Robotics to Pioneer AI Foundation Model-Based Autonomy for Last-Mile Delivery* (Aug. 18, 2025), <https://investors.serverobotics.com/news-releases/news-release-details/serve-robotics-acquires->

24. Plaintiff brings this action on behalf of himself and this proposed class and seeks liquidated damages and injunctive relief requiring Serve to comply with BIPA.

PARTIES

25. Plaintiff Barry Schain is a natural person and a citizen of Illinois who resides in the Lincoln Park neighborhood of Chicago, in Cook County, one of the neighborhoods in which Serve operates its robots. Plaintiff Schain is an Uber Eats customer who has received three deliveries from Serve robots, most recently on October 4, 2026.

26. Defendant Serve Robotics Inc. is a Delaware corporation with its principal place of business at 1360 Bayport Avenue in San Carlos, California 94070. Serve designs, owns and operates a fleet of sidewalk delivery robots and the software, remote-supervision infrastructure and data systems that control them. Serve's common stock is publicly traded on the Nasdaq Capital Market under the symbol "SERV."

27. At all relevant times Serve acted through its officers, employees, remote operators, contractors and agents, each acting within the scope of that relationship.

JURISDICTION AND VENUE

28. This Court has subject-matter jurisdiction under Article VI, Section 9 of the Illinois Constitution. BIPA provides a private right of action to any person aggrieved by a violation. *See* 740 ILCS 14/20.

[vayu-robotics-pioneer-ai-foundation](#) (touting the combination of Serve's "unrivalled real-world sidewalk dataset with Vayu's expertise in AI foundation models" as grounds for Serve to "train more capable models"); NVIDIA, *Serve Robotics Autonomous Sidewalk Delivery*, <https://www.nvidia.com/en-us/case-studies/serve-robotics/> (reporting that Serve's fleet "logs about 1 million miles of data monthly—nearly 170 billion image-LiDAR samples—to continuously improve robot learning, HD maps, and navigation.").

29. This Court has personal jurisdiction over Serve under 735 ILCS 5/2-209 because it transacts business in Illinois, operates a fleet of robots on Chicago's public sidewalks, employs or contracts with personnel who deploy, charge, repair and remotely supervise those robots in Chicago, and committed the acts complained of in Illinois. The capture of Plaintiff's and Class members' biometric identifiers occurred physically in Chicago.

30. Venue is proper in Cook County under 735 ILCS 5/2-101 because the transactions out of which this action arose occurred in Cook County and Serve does business in Cook County. BIPA applies because the conduct at issue occurred primarily and substantially in Illinois: the robots operate in Chicago, and the sensors captured Plaintiff and the Class members on Chicago sidewalks, in Illinois.

FACTUAL BACKGROUND

A. THE ILLINOIS BIOMETRIC INFORMATION PRIVACY ACT.

31. The Illinois General Assembly enacted BIPA in 2008 out of concern that biometrics are unlike other unique identifiers: a compromised social security number, for example, can be changed but biometrics are biologically unique so that once compromised the individual has no recourse and is at heightened risk of identity theft and other harms. *See* 740 ILCS 14/5(a), (c).

32. The legislature further found that the full ramifications of biometric technology are not fully known and that the public welfare, security and safety are served by regulating the collection, use, safeguarding, handling, storage, retention and destruction of biometric identifiers and information. *See* 740 ILCS 14/5(d), (e), (g).

33. BIPA defines a "biometric identifier" as a retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry. 740 ILCS 14/10. The definition of "biometric identifier" does not require that the identifier be used, or intended to be used, to identify a particular person; that

limitation appears only in the separate definition of “biometric information,” which means any information, regardless of how it is captured, converted, stored, or shared, based on an individual’s biometric identifier used to identify an individual. *Id.*

34. Courts applying BIPA have consistently held that a scan of face geometry derived from or captured alongside a photograph or video image is itself a biometric identifier and is not excluded. *See, e.g., Rivera v. Google Inc.*, 238 F. Supp. 3d 1088 (N.D. Ill. 2017); *Monroy v. Shutterfly, Inc.*, 2017 WL 4099846 (N.D. Ill. Sept. 15, 2017); *Sosa v. Onfido, Inc.*, 2022 WL 1211506 (N.D. Ill. Apr. 25, 2022).

35. Camera systems that capture scans of face and hand geometry of non-customers who merely walk into the camera’s field of view are likewise implicated. *See, e.g., Tibbs v. Arlo Technologies, Inc.*, 2024 WL 3218650 (N.D. Cal. June 27, 2024).

36. BIPA imposes duties relevant here on private entities that handle biometric identifiers or biometric information, namely:

- a. Section 15(a) requires a private entity in possession of biometric identifiers or biometric information to develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual’s last interaction with the private entity, whichever occurs first, and to comply with that schedule. 740 ILCS 14/15(a).
- b. Section 15(b) prohibits a private entity from collecting, capturing, purchasing, receiving through trade, or otherwise obtaining a person’s or a customer’s biometric identifier or biometric information unless it first (1) informs the subject in writing that a biometric identifier or biometric information is being collected or stored; (2) informs the subject in writing of the specific purpose and length of term for which the biometric identifier or biometric information is being collected, stored, and used; and (3) receives a written release executed by the subject. 740 ILCS 14/15(b).

37. BIPA’s duties run to every “person” whose biometric identifiers an entity collects, not only to the entity’s own customers. 740 ILCS 14/15(b) (“a person’s or a customer’s biometric identifier”). The statute does *not* exempt an entity from compliance because it lacks a direct

relationship with the people it records, and it does not permit an entity to rely on a third party's contract with the subject as a substitute for the entity's own written notice and release.

38. BIPA provides a private right of action to any person aggrieved by a violation and authorizes recovery of liquidated damages of \$1,000 or actual damages, whichever is greater, to any person who suffers a negligent violation and \$5,000 or actual damages, whichever is greater, to any person who suffers an intentional or reckless violation, together with reasonable attorneys' fees and costs, and injunctive or other relief. 740 ILCS 14/20.¹⁰

39. Claims under BIPA are subject to a five-year limitations period. *See, e.g., Tims v. Black Horse Carriers, Inc.*, 2023 IL 127801.

¹⁰ *See* Pub. Act 103-769 (eff. Aug. 2, 2024), amending 740 ILCS 14/20.

B. SERVE ROBOTICS AND ITS CHICAGO OPERATIONS.

40. Serve began as the robotics division of the delivery platform Postmates and was spun out as an independent company in 2021. It operates a fleet of small, four-wheeled delivery robots that travel on public sidewalks to carry restaurant orders from merchants to consumers.



41. As of December 31, 2025, Serve's fleet consisted of more than 2,000 sidewalk delivery robots deployed across multiple metropolitan markets, including Chicago.¹¹

¹¹ See *supra* n. 2.

42. Serve operates primarily as a fulfillment provider to third-party delivery providers, “maintain[ing] platform-level integrations with food delivery platforms, such as Uber Eats and DoorDash.”¹²

43. Serve launched operations in Chicago on September 30, 2025 as a delivery provider for Uber Eats, with more than 100 participating restaurants.

44. In August 2026, Serve began fulfilling Grubhub orders in Chicago as well, again with more than 100 participating merchants.¹³

45. When a consumer in a Serve service area places an order with a participating merchant, the platform may assign the order to a Serve robot in place of a human courier and transmits to Serve the information needed to reach the customer and hand off the order including, on information and belief, the customer’s delivery address, the customer’s name or first name, and a means of contacting the customer to deliver an unlock code or trigger an in-app unlock.

46. Serve therefore holds, for every robot delivery, a record linking a specific human being to a specific time and place at which that person stood in front of a Serve robot.

47. Serve’s current-generation robot—introduced in October 2024—carries an Ouster REV7-generation digital LiDAR unit—on information and belief, a 128-channel OS1 or OS0 model—and an NVIDIA Jetson Orin module that Serve describes as providing “5x more on-board

¹² *Serve Robotics Inc., Definitive Proxy Statement (Schedule 14A) (Apr. 24, 2026)*, https://www.sec.gov/Archives/edgar/data/1832483/000114036126016694/ny20064047x1_def14a.htm.

¹³ *See Serve Robotics, Serve Launches Robot Delivery with Wonder, Adding Grubhub to Its Growing Delivery Network*, <https://investors.serverobotics.com/news-releases/news-release-details/serve-launches-robot-delivery-wonder-adding-grubhub-its-growing>

computing power” than its predecessor.¹⁴ Serve describes its sensor suite to investors as “active sensors (such as LiDAR and ultrasonics) and passive sensors (such as cameras)[.]”¹⁵

48. Serve’s privacy notice expressly states that its autonomous delivery robots collect environmental data during their operations and identifies the categories collected as “video recordings from robot-mounted cameras,” audio recordings, location and navigation data, environmental-sensor information, and “obstacle detection and avoidance data.”¹⁶

49. Serve separately identifies “pedestrian movement patterns” among the urban-environment information collected by its robots.¹⁷

50. The robots record continuously whenever they are in operation and are remotely supervised by human operators who can view the robots’ camera feeds and take control. Serve has stated that, across its fleet, its robots log “roughly 1 million miles” and capture “nearly 170 billion image-LiDAR samples” every month.¹⁸

51. Serve’s robots operate primarily in pedestrian environments: on sidewalks, at crosswalks, outside restaurants and at the doorsteps of residences. The ordinary operation of the

¹⁴ Serve Robotics, *Serve Robotics Rolls Out Third-Generation Autonomous Delivery Robot; Platform Upgrade Will Support National Scaling* (Oct. 16, 2024), <https://www.globenewswire.com/news-release/2024/10/16/2963910/0/en/Serve-Robotics-Rolls-Out-Third-Generation-Autonomous-Delivery-Robot-Platform-Upgrade-Will-Support-National-Scaling.html> (“5x more on-board computing power”).

¹⁵ *Serve Robotics Inc., Annual Report (Form 10-K) for the fiscal year ended Dec. 31, 2025*, <https://www.sec.gov/Archives/edgar/data/1832483/000183248326000010/patr-20251231.htm>.

¹⁶ *See supra* n. 4.

¹⁷ *Id.*

¹⁸ *See supra* n. 3.

robots therefore predictably places pedestrians, restaurant personnel and delivery customers within close range of robot-mounted cameras and LiDAR.

C. THE SERVE ROBOTS CAPTURE FACIAL BIOMETRICS VIA LiDAR.

52. Serve's robots do not merely record video. They run machine-vision software that detects, isolates and classifies every person in the robot's field of view.

53. Serve has told investors that its artificial-intelligence models are used for the "identification of . . . obstacles, pedestrians and vehicles" and for "projecting the trajectory of other dynamic agents," including pedestrians.¹⁹

54. Serve's privacy notice likewise identifies "pedestrian movement patterns" as a category of data its robots collect.²⁰

55. To identify a pedestrian and predict where that pedestrian will move, the robot's perception software must locate the person in each frame, delineate the person's body, head and limbs, and track that person across successive frames and across the camera and LiDAR modalities.

56. Serve thus does not describe its system as merely processing transient camera input for immediate obstacle avoidance. Its own privacy disclosures contemplate the collection and retention of video recordings and the subsequent use of robot-generated data for artificial-intelligence training.²¹

¹⁹ *Serve Robotics Inc., Registration Statement (Form S-1/A)* (describing AI models used for identification of obstacles, pedestrians and vehicles and prediction of dynamic-object trajectories), https://www.sec.gov/Archives/edgar/data/1832483/000121390024032580/ea0203588-s1a2_serverob.htm.

²⁰ *See supra* n. 4.

²¹ *Id.*

57. LiDAR (light detection and ranging) is not a camera.

58. A LiDAR unit emits pulses of infrared laser light and measures the time each pulse takes to reflect from a surface and return. From that measurement it computes the precise three-dimensional position of the point on the surface that reflected the pulse.

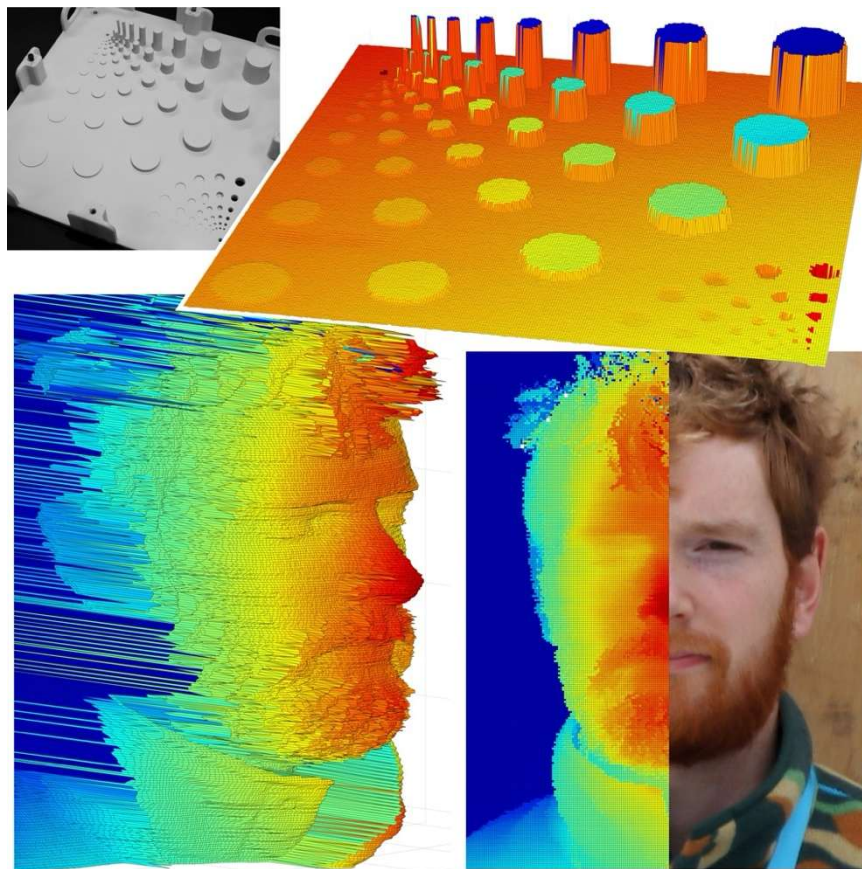


Figure 1: Illustration of LiDAR time-of-flight image capture

59. Sweeping thousands of pulses across its field of view many times per second, the unit produces a “point cloud”: a set of measured three-dimensional coordinates describing the shape of every surface in front of it.

60. When a person stands within a meter or two of a Serve robot—as every delivery customer must in order to unlock it—the robot’s LiDAR measures the three-dimensional geometry of that person’s face and hands: the distance from the sensor to the tip of the nose, the bridge of

the nose, the cheekbones, the brow, the chin and jaw, and the shape and position of the hands reaching toward the robot. Unlike a photograph, which records only the brightness of light at each pixel, a LiDAR point cloud is a direct measurement of geometry.

61. The sensor Serve has chosen is built to resolve exactly such detail. According to Ouster’s published specifications, its REV7 128-channel sensors sample 0.35 degrees apart vertically and 0.18 degrees apart horizontally, measure range to a resolution of 0.1 centimeter with a precision of approximately ± 0.5 centimeter, record each point’s range, reflectivity and near-infrared signal, and can be configured to measure objects as close as 0.3 meter from the sensor, at up to twenty complete sweeps per second.²²

62. At a distance of one meter, those beams strike the surface of a face roughly three to six millimeters apart—finer than the spacing between the features a face-recognition system measures, such as the width of the nose, the distance between the eyes and the depth of the eye sockets—and record the position of each point to within half a centimeter.

²² See Ouster, Inc., *OS1 Mid-Range High-Resolution Imaging Lidar Datasheet* (Firmware 3.1.x, Hardware REV7), <https://data.ouster.io/downloads/datasheets/datasheet-rev7-v3p1-os1.pdf> (listing vertical resolution of 32, 64 or 128 channels; horizontal resolution of 512, 1024 or 2048; range resolution of 0.1 cm; range precision of ± 0.5 cm to ± 3 cm; configurable minimum range of 0.0 m, 0.3 m or 0.5 m; rotation rate of 10 or 20 Hz; and per-point output of range, signal, reflectivity and near-infrared); Ouster, Inc., *OS0 Ultra-Wide Field-of-View Lidar Datasheet* (Hardware REV7), <https://data.ouster.io/downloads/datasheets/datasheet-rev7-v3p0-os0.pdf>. Ouster states that its REV7 sensors “represent the true range of each point to the sub-centimeter level.” Ouster, *Digital Lidar: Realizing the Power of Moore’s Law*, <https://ouster.com/insights/blog/digital-lidar-realizing-the-power-of-moores-law>.

63. Serve records and retains LiDAR data. Serve describes the data its fleet captures as “image-LiDAR samples,”²³ and describes the product it licenses to third parties as “video and LiDAR datasets[.]”²⁴

64. The hand-off itself is a prolonged, close-range, face-forward encounter. To retrieve an order the customer must approach the robot, stand at its cargo compartment within roughly half a meter to one meter of the forward-facing sensor housing, look down toward the lid to enter or confirm an unlock code, and reach into the compartment with both hands.

65. The interaction lasts several seconds at a minimum, during which the LiDAR unit completes ten to twenty sweeps per second. Serve’s robot therefore captures not a single depth measurement but dozens or hundreds of successive three-dimensional measurements of the same face and hands from slightly different angles as the customer moves—the same type of multi-frame depth capture used to construct a three-dimensional model of a face.

66. Three-dimensional facial geometry is an established means of identifying a person. Consumer face-authentication systems such as Apple’s Face ID operate by projecting invisible infrared light onto the face, building a depth map of the face from the reflected light, and converting that depth map into a mathematical representation that is matched against the enrolled face; Apple states that Face ID “always requires depth information, which isn’t found in print or 2D digital photographs.”²⁵

²³ See *supra* n. 3.

²⁴ See *supra* n. 1.

²⁵ Apple Inc., *About Face ID advanced technology*, <https://support.apple.com/en-us/102381> (describing the TrueDepth camera as “project[ing] and analyz[ing] thousands of invisible dots to create a depth map of your face,” which is “transform[ed] . . . into a mathematical representation” for matching).

67. A depth map of the face is a measurement of face geometry that is stable across changes in lighting, hairstyle, makeup and expression, which is precisely why it is used to recognize people. The LiDAR point cloud of a face that Serve's robots capture is the same kind of data at comparable or finer resolution.

68. Serve, moreover, does not capture that geometry anonymously. For every robot delivery Serve holds the customer's name, delivery address, contact information and order record, and the time and location at which that customer stood at the robot. Each face and hand scan captured at hand-off is therefore associated, in Serve's own records, with an identified individual.

69. A LiDAR scan of a person's face is a "scan of face geometry" within the plain meaning of BIPA, and a LiDAR scan of a person's hand is a "scan of hand geometry." It is a scan, performed by a laser scanner, of the geometry of the face and hand. It is not a photograph and is not excluded from BIPA's definition of biometric identifier.

70. A LiDAR point cloud is computed from the measured return time of laser pulses, not from any image. The exclusion therefore has no application to the face and hand geometry Serve's robots measure.

71. Nor has Serve ever stated—in its privacy notice, its securities filings or its public statements—that it blurs, downsamples, removes or otherwise strips human faces or hands from the LiDAR data before that data is stored, used to train models or licensed to third parties.

72. To the contrary, the commercial value of the "real-world sidewalk dataset" Serve markets depends on its fidelity in capturing the pedestrians and customers its robots encounter.²⁶

²⁶ See Serve Robotics, *Serve Robotics Acquires Vayu Robotics to Pioneer AI Foundation Model-Based Autonomy for Last-Mile Delivery* (Aug. 18, 2025), <https://investors.serverobotics.com/news-releases/news-release-details/serve-robotics-acquires-vayu-robotics-pioneer-ai-foundation> (touting Serve's "unrivalled real-world sidewalk dataset").

73. Independently of LiDAR, Serve’s cameras capture the face of every person who approaches or passes a robot at a resolution and distance sufficient to generate a scan of face geometry, and Serve’s perception software processes those images to locate and delineate each person’s head, face and hands.

74. The presence of identifiable faces in Serve’s raw footage is not incidental; it is a predictable consequence of Serve’s delivery model. Customers retrieving deliveries must physically approach the robot, interact with it at close range, unlock the cargo compartment and remove their order.²⁷ At least some captured frames of every such interaction contains recognizable faces including, but not necessarily limited to, comparatively close frontal or near-frontal views of the customer’s face and hands.

75. A person’s face is itself an identifier. Unlike a password or an account number, it cannot be changed, and it is exposed to every camera the person passes. That is why the Illinois General Assembly singled out face geometry for protection: it is “biologically unique to the individual,” and once compromised “the individual has no recourse.” 740 ILCS 14/5(c).

76. Given nothing more than an ordinary image of a face, modern identity-resolution databases and software can derive a numerical representation of a face’s geometry and compare it against stored representations to confirm or discover who the person is.²⁸

²⁷ See *supra* n. 7.

²⁸ See Nat’l Inst. of Standards & Tech., *Face Recognition Vendor Test (FRVT) Part 2: Identification*, NISTIR 8271 (Sept. 2019) (algorithms evaluated “implement one-to-many identification of faces appearing in two-dimensional images” against a “gallery of 12 million subjects and 26.1 million photos”), available at <https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8271.pdf>; See Fed. Trade Comm’n, *Policy Statement on Biometric Information and Section 5 of the Federal Trade Commission Act*, at 1 (May 18, 2023) (“both a photograph of a person’s face and a facial recognition template, embedding, faceprint, or other data that encode measurements or characteristics of the face depicted in the photograph constitute biometric information”; “facial, iris, or fingerprint

77. That is how identity-verification platforms confirm that the person holding a phone is the person on a driver's license,²⁹ how law-enforcement and commercial search tools put names to unknown faces in candid photographs and surveillance video,³⁰ and how any entity holding a library of face images and associated names can recognize the same people in new footage.

78. The images Serve captures and retains contain exactly that facial information. An ordinary video frame of a face, like those that Serve's robots capture in the normal course of a run, is all such software requires: it locates the face within the image, extracts the geometry of its features (the relative positions and proportions of the eyes, nose, mouth, cheekbones and jaw) into a numerical template commonly called a faceprint, and compares that faceprint against a reference image or a gallery of known faces.

79. The National Institute of Standards and Technology's ongoing evaluation of commercial face-recognition algorithms documents that leading systems verify and identify

recognition technologies collect and process biometric information to identify individuals"), https://www.ftc.gov/system/files/ftc_gov/pdf/p225402biometricpolicystatement.pdf.

²⁹ See, e.g., *ID.me, Consent for ID.me to Collect Biometric Information and Sensitive Personal Information*, v3.3.0 (updated Apr. 10, 2026) ("We use these images to create or derive facial geometry or faceprint for identity proofing" and "compare your facial geometry derived from the image on your identity document to your facial geometry derived from the photograph or video image that you provide"), <https://www.id.me/biometric>; Uber, Privacy Notice: Riders and Order Recipients (last updated Sept. 17, 2026) (Uber collects "a real-time selfie that we compare against the photo on your ID or your profile photo to confirm that the photos are of the same person"), <https://www.uber.com/us/en/privacy-notice-riders-order-recipients/>.

³⁰ See, e.g., *Fed. Trade Comm'n, Rite Aid Banned from Using AI Facial Recognition After FTC Says Retailer Deployed Technology without Reasonable Safeguards* (Dec. 19, 2023) (from 2012 to 2020 Rite Aid matched store-camera images of shoppers against a database of "tens of thousands of images," many "low-quality," drawn from "security cameras, employee phone cameras and even news stories"), <https://www.ftc.gov/news-events/news/press-releases/2023/12/rite-aid-banned-using-ai-facial-recognition-after-ftc-says-retailer-deployed-technology-without>.

individuals from such images with high accuracy, including images captured in uncontrolled settings.³¹

80. Serve's robot video is therefore not merely "footage" as the facial images and face geometry Serve captures are capable of identifying Plaintiff and each Class member. Each close-range frame of a delivery customer's face captured at the robot's cargo lid contains the face-geometry information that an identity-verification platform, a facial-recognition system, or any third-party licensee of Serve's video datasets would need to generate a faceprint and identify that person, and Serve already holds, for every such frame, the name and delivery address of the person depicted. Whether or not Serve itself runs facial recognition, the video it retains and licenses is identification-ready.

81. Serve does not blur, mask or otherwise anonymize the faces or bodies of the people its robots record before storing, using or licensing the footage. Nothing in Serve's privacy notice, its SEC filings or its investor materials states that Serve blurs faces before retaining robot video; blurs faces before using robot video for artificial-intelligence training; anonymizes or de-identifies individuals appearing in its footage; masks or removes pedestrians from licensed datasets; excludes close-range customer imagery from training datasets; strips identifiable visual information before licensing video to third parties; or limits third-party licensing to derived, non-image data.³²

³¹ Nat'l Inst. of Standards & Tech., *Face Recognition Technology Evaluation (FRTE): 1:1 Verification*, <https://pages.nist.gov/frvt/html/frvt11.html>

³² See *supra* n. 4.

82. That omission is notable because Serve’s disclosures are otherwise detailed about both the nature of its video collection and the commercial purposes for which the resulting datasets are used.

83. Serve’s privacy notice describes the collected material simply as “video/audio recordings, location data, environmental sensor data[.]”³³ Serve’s SEC filings likewise describe the commercial product as “video and LiDAR datasets,” and nowhere as anonymized metadata, embeddings, aggregate statistics or other derived information.³⁴ On information and good-faith belief, Serve’s stored training corpus and the datasets it has licensed to third parties contain the unaltered faces and hands of the people its robots recorded, including people recorded in Illinois.

84. Serve retains footage at scale. Serve has stated publicly that the data captured by its fleet “trains and validates our autonomy stack, improving our mapping, localization, and decision-making with every delivery,”³⁵ and its privacy notice identifies the training of “artificial intelligence agents and models” as a purpose for which robot-collected data is used.³⁶

85. Serve has not published any retention period for the video or LiDAR data its robots capture. Its privacy notice states only that the length of time Serve retains data is determined by considerations such as “the need to defend claims and similar records management requirements,” “legal and regulatory requirements,” and “contractual obligations with our delivery partners.”³⁷

³³ *Id.*

³⁴ *See supra* n. 1.

³⁵ *See supra* n. 3.

³⁶ *See supra* n. 4.

³⁷ *Id.*

None of those is a retention schedule, and none is a guideline for permanently destroying biometric identifiers.

D. SERVE USES ITS RECORDED DATA FOR AI MODEL TRAINING.

86. Serve's business model depends on the footage. Serve has publicly described the data captured by its fleet as the foundation of its autonomy software, which it states improves "with every delivery."³⁸ The video and LiDAR its robots capture, including the faces, hands and bodies of Illinois residents, are the raw material from which Serve trains the models that it markets to investors as the basis of its valuation and its national expansion.

87. Serve has also disclosed a commercial market for the data generated by its fleet. As set out in paragraph 12, Serve told investors in its quarterly report for the period ended June 30, 2026 that its business model includes licensing large-scale video and LiDAR datasets to third parties for model training.³⁹

88. On information and belief, the datasets Serve has licensed include video and LiDAR captured by its robots in Illinois and therefore include scans of the face and hand geometry of Illinois residents, transferred without the knowledge or consent of the persons recorded.

89. Serve's privacy notice does not disclose this licensing business to the people its robots record. The notice does not state that robot video or LiDAR data is sold or licensed to third-party artificial-intelligence companies or brokers for their own model training, does not identify any such recipient, and does not offer any means by which a pedestrian or delivery customer could decline to have their likeness included in a licensed dataset.⁴⁰

³⁸ See *supra* n. 3.

³⁹ See *supra* n. 1.

⁴⁰ See *supra* n. 4.

90. Serve has not stated that it limits its licensing of robot data to derived, non-image data, and the data-licensing business, the training of Serve's own models and the transfer of data to Serve's platform partners each represent a use of the recorded data for Serve's commercial benefit.

91. Neither Uber's privacy notice for order recipients nor Grubhub's privacy policy discloses that a robot may record the customer, that a robot may scan the customer's face or hands, or that footage of the customer will be retained by Serve, used to train artificial-intelligence models or licensed to third parties. Uber's notice discloses biometric collection only for identity-verification selfies and discloses autonomous-vehicle camera recording only for riders in the cabin of an autonomous car; it states that Uber shares customer data with "autonomous vehicle partners that provide rides or delivery services on Uber apps."⁴¹

92. Neither platform obtains a written release for Serve's benefit, and neither could: Serve is not a party to the platforms' consumer agreements.

E. REPRESENTATIVE PLAINTIFF'S EXPERIENCE.

93. Plaintiff Barry Schain has received deliveries from Serve robots on multiple occasions. Most recently, on October 4, 2026, he placed an order from Mild 2 Spicy, a restaurant in Lincoln Park, through the Uber Eats mobile application, for delivery to his residence, also in the Lincoln Park neighborhood of Chicago, IL.

⁴¹ See Uber, *Privacy Notice: Riders and Order Recipients*, <https://tb-static.uber.com/prod/udam-assets/c512312b-ba26-4d4e-8be2-8031d105205f.pdf>.

94. After the order was placed, the Uber Eats application notified Plaintiff that the order would be delivered by a robot, displayed the robot's progress on a map, and instructed him to meet the robot outside upon arrival.

95. A Serve robot arrived at Mr. Schain's residence that evening. To retrieve the order, Mr. Schain was required to walk down the front steps of his home to the robot on the public sidewalk, stand directly in front of it, and unlock the cargo compartment by tapping a control in the Uber Eats application; the application did not ask him for a selfie, identification or PIN. Mr. Schain faced the robot directly, within approximately one meter of its forward-facing cameras and LiDAR sensor, with his face and hands squarely in their field of view, throughout the time it took to unlock the compartment, open the lid, remove the order and close the lid.

96. During that interaction the robot's cameras recorded Mr. Schain's face, head and hands at close range, and its LiDAR sensor measured the three-dimensional geometry of his face and hands.

97. Serve's perception software processed those recordings to locate and delineate Mr. Schain's body, head and hands. On information and belief, Serve retained the resulting biometric images and scans in its data systems and training corpus, where they remain, together with the delivery record that Uber transmitted to Serve identifying Mr. Schain by name and address as the recipient of the order at that time and place. Uber's privacy notice discloses that Uber shares customer data with "autonomous vehicle partners that provide rides or delivery services on Uber apps."⁴²

98. On information and belief, Serve has disclosed and disseminated the biometric images and scans of Mr. Schain, or the datasets containing them, to third parties, including the

⁴² See *supra* n. 1.

artificial-intelligence companies and brokers to which Serve licenses video and LiDAR datasets for model training and the vendors that process footage in Serve's training pipeline, and those third parties have processed Mr. Schain's biometric identifiers for their own purposes. Mr. Schain never consented to any of this.

99. At no time before, during or after the delivery did Serve inform Mr. Schain in writing that it was collecting or storing a scan of his face or hand geometry, inform him of the purpose or length of term of that collection, or obtain a written release from him. Mr. Schain has never seen Serve's privacy notice, never created a Serve account, and never agreed to any term with Serve. Nothing in the Uber Eats application, the Uber terms of use or the Uber privacy notice that Mr. Schain accepted disclosed that a robot would record him or scan his face or hands. The same was true of each of Mr. Schain's earlier robot deliveries.

100. Had Mr. Schain known that accepting an Uber Eats delivery would result in Serve capturing and retaining a scan of his face and hand geometry for use in training artificial-intelligence systems and for licensing to third parties, he would not have accepted the robot delivery or would have declined the order. Mr. Schain has retained the Uber Eats receipt for the October 4, 2026 order.

F. SERVE'S KNOWLEDGE THAT ITS ROBOTS RECORD BIOMETRIC DATA.

101. Serve engineers built and deployed models whose function is to identify every pedestrian in the robot's field of view. And Serve has told its investors, in its own words, that evolving laws relating to "biometric identifiers, geolocation, in-vehicle or bystander recordings, profiling, and automated decision-making" could affect its data-collection and data-licensing activities, and that such laws may require changes to its data-collection and processing practices and may impose requirements involving notice, consent, purpose limitation and data

minimization.⁴³ Serve's Form 10-K names BIPA specifically among the privacy laws to which it is subject.⁴⁴

102. Serve thus expressly recognized that bystander recordings and biometric identifiers within its robot-generated datasets present legal and regulatory concerns. It responded to those concerns not by blurring, anonymizing or de-identifying the people in its footage, and not by providing notice or obtaining releases, but by building a business of licensing that footage to third parties. Serve operated in Illinois, a state whose biometric privacy statute has generated thousands of lawsuits and hundreds of millions of dollars in settlements and verdicts, and Serve is a public company represented by sophisticated counsel. Serve's failure to comply with BIPA was, at a minimum, negligent, and was intentional or reckless.

CLASS ALLEGATIONS

103. Plaintiff brings this action under 735 ILCS 5/2-801 on behalf of himself and the following class (the "Class"):

All persons who, at any time through the date of class certification, received an order placed through Uber Eats, Grubhub or any other third-party platform that was delivered by a Serve robot in Illinois and who were recorded by that robot's cameras or LiDAR sensor while in Illinois.

104. Excluded from the Class are Serve, its officers, directors and employees; any entity in which Serve has a controlling interest; Serve's legal representatives, successors and assigns; and the judge to whom this case is assigned and the judge's immediate family and staff. Plaintiff reserves the right to amend the class definition following discovery.

⁴³ See *supra* n. 13.

⁴⁴ See *supra* n. 2.

105. *Numerosity.* The Class is so numerous that joinder is impracticable. Serve has operated dozens of robots continuously across fourteen Chicago neighborhoods since September 2025, completing deliveries for more than 100 Uber Eats restaurants and more than 100 Grubhub merchants, and each robot records the recipient of every order it delivers. The Class includes many thousands of persons. The exact number and identities of Class members are ascertainable from Serve's records, including the delivery records transmitted to it by Uber and Grubhub, its robot route logs and timestamps, and its retained footage.

106. *Commonality.* Common questions of law and fact predominate over any questions affecting individual members, including:

- (a) whether the video and LiDAR data Serve's robots capture of a person's face and hands constitutes a scan of face or hand geometry under 740 ILCS 14/10;
- (b) whether Serve collected, captured or otherwise obtained Class members' biometric identifiers;
- (c) whether Serve informed Class members in writing of that collection, its purpose and its duration, and obtained written releases;
- (d) whether Serve developed, published and complied with a retention and destruction schedule for biometric identifiers;
- (e) whether Serve disclosed Class members' biometric identifiers to third parties, including third-party artificial-intelligence companies and data brokers, without consent;
- (f) whether Serve disclosed or disseminated Class members' biometric identifiers to third parties, including through its video and LiDAR data-licensing business, without their consent;
- (g) whether Serve's violations were negligent, reckless or intentional; and
- (h) the appropriate measure of liquidated damages and the scope of injunctive relief.

107. *Adequacy.* Plaintiff will fairly and adequately protect the interests of the Class. Plaintiff's interests are aligned with those of the other members, Plaintiff has no conflicts with them, and Plaintiff has retained counsel experienced in privacy class actions and in BIPA litigation in particular.

108. *Appropriateness.* A class action is an appropriate method for the fair and efficient adjudication of this controversy. Serve's conduct is uniform across the Class: the same robots, the same sensors, the same software, the same data pipeline, the same absence of notice and consent. Individual damages under BIPA's liquidated-damages provision are modest relative to the cost of individual litigation, and most class members do not know they were recorded. Class treatment will avoid inconsistent adjudications and permit the Court to enter uniform injunctive relief.

109. Plaintiff is a member of the Class. Plaintiff anticipates that Serve will seek to enforce arbitration provisions contained in Uber's and Grubhub's consumer agreements against the Class. Serve is not a party to those agreements, is not a third-party beneficiary of them, did not act as either platform's agent with respect to the collection at issue, and cannot invoke them. *See Washington v. Persona Identities, Inc.*, 2024 IL App (3d) 240210.

CAUSES OF ACTION

COUNT I

**VIOLATION OF 740 ILCS 14/15(A):
FAILURE TO DEVELOP, PUBLISH AND COMPLY WITH A RETENTION AND DESTRUCTION POLICY
(*On behalf of Plaintiff and the Class*)**

110. Plaintiff incorporates the preceding paragraphs.

111. Serve is a private entity within the meaning of 740 ILCS 14/10.

112. Serve is in possession of biometric identifiers of Plaintiff and Class members, namely scans of face and hand geometry captured by its robots' cameras and LiDAR sensors and processed and retained in its data systems.

113. Section 15(a) required Serve, upon coming into possession of those identifiers, to develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying them when the initial purpose for collection has been satisfied or within three years of the individual's last interaction with Serve, whichever occurs first, and to comply with that policy.

114. Serve has never developed or published any such policy. Serve's only public privacy document states no retention period for robot video or LiDAR data or for any biometric data, contains no destruction guidelines, and describes retention only by reference to open-ended considerations such as the need to defend claims and Serve's contractual obligations to its delivery partners.⁴⁵ Serve instead retains robot footage indefinitely as a training corpus and as inventory for its data-licensing business.

115. Serve's violation of Section 15(a) was negligent and, in the alternative, intentional or reckless. As alleged in §F *supra*, Serve is a publicly traded company that has acknowledged to

⁴⁵ See *supra* n. 4.

its investors that bystander recordings and biometric identifiers within its datasets present legal and regulatory risk, that publishes a privacy notice addressing other privacy regimes, and that nonetheless launched and has operated a fleet in Chicago without adopting any retention or destruction policy for the biometric identifiers it knew its robots capture.

116. Plaintiff and Class members are aggrieved by Serve's violation and are entitled to liquidated damages for each Class member of \$1,000 for Serve's negligent violation or \$5,000 for its intentional or reckless violation, injunctive relief requiring Serve to develop, publish and comply with a compliant policy, and reasonable attorneys' fees and costs. 740 ILCS 14/20.

COUNT II

VIOLATION OF 740 ILCS 14/15(B): COLLECTION OF BIOMETRIC IDENTIFIERS WITHOUT NOTICE OR CONSENT (On behalf of Plaintiff and the Class)

117. Plaintiff incorporates the preceding paragraphs.

118. Serve collected, captured and otherwise obtained Plaintiff's and Class members' biometric identifiers, namely scans of face and hand geometry, while they were physically present in Illinois, by (a) recording their faces and hands at close range with its robots' cameras and processing those recordings through machine-vision software that locates, delineates and measures each person's head, face and hands; and (b) measuring the three-dimensional geometry of their faces and hands with LiDAR.

119. Serve did not inform Plaintiff or any Class member in writing that their biometric identifiers would be collected or stored; did not inform them in writing of the specific purpose and length of term for which they were being collected, stored and used; and did not receive a written release executed by any of them.

120. Serve's website privacy notice does not satisfy Section 15(b). It is not provided to pedestrians or delivery customers before a robot records them; it does not inform them that a scan of face or hand geometry is being collected or stored; it does not state the specific purpose and length of term of that collection; and it is not accompanied by any written release.⁴⁶

121. No third party's contract with Plaintiff or Class members satisfies Serve's obligations. Serve is not a party to the Uber or Grubhub consumer agreements; those agreements do not disclose Serve's collection; and BIPA requires the written release to run to the collecting entity.

122. Serve's collection from Plaintiff and each Class member occurred at arm's length while Serve simultaneously held that person's name, delivery address and order record. Serve therefore collected biometric identifiers that were, at the moment of collection, linked to the identity of a specific individual.

123. Serve's violation of Section 15(b) was negligent and, in the alternative, intentional or reckless. As alleged in §F *supra*, Serve built and deployed models whose function is to identify every person in its robots' field of view, acknowledged to investors the legal and regulatory risk that biometric identifiers in its datasets present, and launched in Chicago without providing any notice or obtaining any release, despite having at hand an application through which a release could have been obtained from every customer.

124. Plaintiff and Class members are aggrieved and are entitled to liquidated damages for each Class member of \$1,000 for Serve's negligent violation or \$5,000 for its intentional or reckless violation, injunctive relief prohibiting further collection absent compliance with Section 15(b), and reasonable attorneys' fees and costs.

⁴⁶ See *supra* n. 4.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the Class, respectfully requests that the Court enter judgment in his favor and against Serve and award the following relief:

- A. An order certifying the Class under 735 ILCS 5/2-801, appointing Plaintiff as class representative and his counsel as class counsel;
- B. A declaration that Serve's conduct described herein violates 740 ILCS 14/15(a) and (b);
- C. An injunction requiring Serve to (i) cease collecting biometric identifiers of persons in Illinois until it has complied with Section 15(b); (ii) develop, publish and comply with a retention and destruction policy under Section 15(a); (iii) identify every third party to which it has licensed, sold or disclosed footage or sensor data captured in Illinois and recall or destroy that data; and (iv) permanently destroy all biometric identifiers of Class members in its possession, including within any dataset, licensed data product or model-training corpus, subject to appropriate preservation for this litigation;
- D. Liquidated damages of \$5,000 for each intentional or reckless violation of BIPA, or in the alternative \$1,000 for each negligent violation, for each Class member, consistent with 740 ILCS 14/20;
- E. Reasonable attorneys' fees, costs and expenses under 740 ILCS 14/20(3);
- F. Pre- and post-judgment interest as permitted by law; and
- G. Such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

Dated: October 9, 2026

Respectfully submitted,

/s/ David S. Almeida

David S. Almeida (ARDC 6285557)

Lucas Coughlin (ARDC 6347601)

ALMEIDA LAW GROUP LLC

Firm ID 100530

849 W. Webster Avenue

Chicago, Illinois 60614

(708) 437-6476 (phone)

david@almeidalawgroup.com

luke@almeidalawgroup.com

Attorneys for Plaintiff & the Putative Class