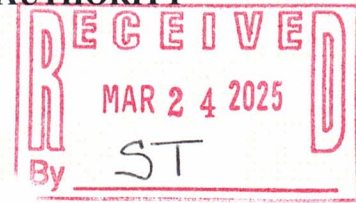


**BEFORE THE NEVADA TAXICAB AUTHORITY**

IN THE MATTER OF THE APPLICATION  
OF DESERT CAB CO. TO ADJUST  
TAXICAB CHARGES TO INCLUDE A  
PASS-THROUGH SOFTWARE LICENSE  
CHARGE



**CURB MOBILITY, LLC'S AMENDED PETITION TO INTERVENE**

COME NOW, Curb Mobility, LLC ("Petitioner"), and hereby petitions the Nevada State Taxicab Authority ("Authority") to intervene in the above-referenced matter regarding Desert Cab Co.'s ("Applicant") application to adjust taxicab charges to include a pass-through software license charge filed on March 5, 2025 ("the Application"). This Amended Petition is filed pursuant to NRS 706.881 *et seq.* and NAC 706.894, and is supported by the following:

1. Petitioner is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business located at 11-11 34th Avenue, Long Island City, New York 11106.

2. Written communications regarding this Petition should be addressed to:

Elliot Anderson, Esq.  
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**Petitioner's Background**

3. Petitioner is the leading provider of integrated software, systems, devices, and other technology used to improve taxicab service for the direct benefit of the riding public in Las Vegas, Nevada and most other major metropolitan areas in the United States. Petitioner's integrated software, systems, devices, and other technology include a so-called "smart meter" and the integrated and/or connected software and/or systems for such smart meter (collectively, "Smart Meter System"), as well as in-vehicle payment terminals, in-vehicle digital media display devices, dispatch and fleet management software and systems, and the Curb<sup>®</sup> mobile app, through which the riding public can book and/or pay for taxicab rides.

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1 4. Petitioner licenses its systems and technology to current Clark County taxicab companies,  
2 including A-Cab Co., Checker Cab Co., Deluxe Cab Co., Lucky Cab Co., Nellis Cab Co., NewCab, Star  
3 Cab Co., Western Cab Co., and Yellow Cab Co. These taxicab companies operate most of Clark County’s  
4 taxicabs.

5 **Not All Clark County Taxicab Companies Use Kaptyn’s Allegedly Infringing Systems**

6 5. In its Application, the Applicant claims that “Kaptyn Nevada, LLC (‘Kaptyn’) ... licenses its  
7 systems to ... 100% of the [Clark County taxicab] industry.” While Petitioner does not have sufficient  
8 information to speak to the accuracy of this claim, Petitioner does believe this claim to be misleading, as it  
9 wrongly implies that “100% of the industry” uses the portions of Kaptyn’s systems that allegedly infringe  
10 the third-party patents and patent applications referenced in the Application (the “Subject Patents”).

11 6. To Petitioner’s information and belief:

12 (A) while many (but not all) Clark County taxicab companies may use a driver cashiering  
13 system provided by Kaptyn, this cashiering system has been used by those taxicab companies for decades  
14 (including prior to Kaptyn’s acquisition of its cashiering system) and is not alleged to infringe the Subject  
15 Patents<sup>1</sup>;

16 (B) while several Clark County taxicab companies use Kaptyn’s Smart Meter Systems (the  
17 “Allegedly Infringing Systems”), and their use of the Allegedly Infringing Systems allegedly infringe the  
18 Subject Patents,<sup>2</sup> the other Clark County taxicab companies do not use the Allegedly Infringing Systems  
19 and instead use Petitioner’s Smart Meter Systems, which does not infringe the Subject Patents, and the  
20 holder of the Subject Patents has not accused Petitioner’s systems of doing so; and

21 \_\_\_\_\_  
22 <sup>1</sup>See Joint Application of Desert Cab Co. and A-Cab Co. to Adjust Taxicab Charges to Include a  
23 Pass-Through Software License Charge (December 18, 2024), in which the Applicant identifies Smart  
24 Meter Systems provided by each of Kaptyn and Petitioner as allegedly infringing the Subject Patents.  
25 Petitioner does not provide a driver cashiering system.

26 <sup>2</sup>On Petitioner’s information and belief, the Applicant has not presented a notice of claim, demand  
27 letter, legal opinion, or other documentation evidencing its claims that: (1) any taxicab company’s use of  
28 the Allegedly Infringing Systems infringes the Subject Patents; (2) the owner of the Subject Patents has  
29 accused the taxicab companies of doing so; (3) the taxicab companies have asked Kaptyn to license, or  
30 agreed to Kaptyn licensing, the Subject Patents on their behalf; or (4) the taxicab companies, as licensees  
31 of the Allegedly Infringing Systems, are responsible and liable for patent infringement claims regarding  
32 the Allegedly Infringing Systems as opposed to Kaptyn, as licensor of the Allegedly Infringing Systems,  
33 being responsible and liable for such claims, which arrangement, in Petitioner’s experience, would be highly  
34 unusual.

1 (C) those Clark County taxicab companies that currently use the Allegedly Infringing  
2 Systems can switch to non-infringing systems in the future and, if and when any of them do, such taxicab  
3 companies would no longer have any need for the license of the Subject Patents that Kaptyn allegedly  
4 intends to obtain on their behalf.

5 **Impact on Petitioner**

6 7. Petitioner seeks to intervene in this matter because the relief requested by the Applicant in its  
7 Application, if granted by the Authority, would directly and substantially affect Petitioner and its customers  
8 and end users, including, but not limited to, the taxicab companies that use Petitioner's Smart Meter  
9 System, payment systems, dispatch systems, and/or other technologies, and the consumers who use  
10 Petitioner's technology platform to hire and/or pay for Clark County taxicab trips. For example, and  
11 without limitation, if the relief sought by Applicant is granted, Petitioner would need to reconfigure its  
12 systems to facilitate the charging, collection, and remittance of the requested pass-through software license  
13 charge. In addition, the requested pass-through software license charge will reduce rider demand and/or  
14 increase the relative cost for consumers who use Petitioner's technology platform for Clark Country taxicab  
15 trips, as compared to rides provided by other transportation providers such as Uber or Lyft, which impacts  
16 the revenue of both Petitioner and its customers.

17 8. To the extent a pass-through software license charge is approved, Petitioner opposes any  
18 arrangement in which the charge is only payable to the owner of the Subject Patents and/or Kaptyn because,  
19 as explained above: (1) not all Clark County taxicab companies use the Allegedly Infringing Systems, and  
20 those that do not use the Allegedly Infringing Systems would be forced to impose additional costs on their  
21 customers while receiving no benefit therefrom; and (2) any such taxicab companies that currently use the  
22 Allegedly Infringing Systems can switch to non-infringing systems in the future. Instead, each pass-  
23 through software license charge, if imposed, should pass through to the provider of the Smart Meter System  
24 used in the applicable ride. For these reasons, the arrangement in which the charge is collected and paid  
25 would directly and substantially affect Petitioner and its customers and end users.

26 9. Petitioner seeks intervention to ensure that its attorneys or other representatives can speak at  
27 any future hearing regarding the Application and present evidence responsive to the facts alleged in the  
28 Application, as well any other evidence or argument presented during the pendency of this matter. For

1 example, Petitioner intends to present evidence relating to the points addressed in this petition, such as  
2 testimony as to the dynamics of the market, the taxicab companies that use Petitioner's Smart Meter  
3 Systems instead of the Allegedly Infringing Systems, the availability of non-infringing systems, and the  
4 impact the pass-through software license charge would have on Petitioner and the market.

5 10. Petitioner therefore requests that it be permitted to intervene and join in this proceeding and  
6 that it be served with copies of any and all pleadings, notices, papers and exhibits that have been or may  
7 be filed in this matter.

8 **Prayer for Relief**

9 WHEREFORE, Petitioner respectfully requests that this Authority enter an appropriate order that:

10 1. Grants Petitioner permission to intervene and participate fully in any public hearing with  
11 respect to this matter, including the right to offer evidence of any kind, to examine and cross-examine  
12 witnesses, and to make arguments and file briefs, as well as participate in all other aspects of this matter;  
13 and

14 2. For such other relief as appears just and proper.

15 DATED: March 24, 2025

**GREENBERG TRAUIG, LLP**

*/s/ Elliot Anderson*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of March, 2025, I served via electronic mail, a true and accurate copy of the foregoing to the following persons:

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