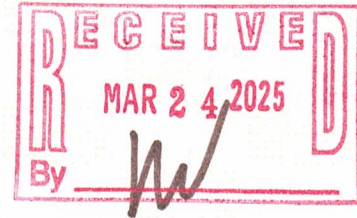


BEFORE THE NEVADA TAXICAB AUTHORITY

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 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 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.
GREENBERG TRAUERIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
andersonel@gtlaw.com

Las Vegas Litigation Docketing
GREENBERG TRAUERIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
lvlitdock@gtlaw.com

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 Petitioner® 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 Patents¹;

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,² the other Clark County taxicab companies do not use the Allegedly Infringing Systems
19 and instead use Petitioner’s Smart Meter Systems, and the holder of the Subject Patents has not accused
20 Petitioner’s systems of doing so; and

21 _____
22 ¹See 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 ²On 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

Elliot Anderson, Esq.
GREENBERG TRAUIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: 702.792.3773
andersonel@gtlaw.com

Attorney for Petitioner Curb Mobility, LLC

1 **CERTIFICATE OF SERVICE**

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

4 Mark Trafton, Esq.
5 Whittlesea/Henderson
6 1900 Industrial Road
7 Las Vegas, NV 89102
8 Fax: 382-4604
9 mark@belltransportation.com

Esther C. Rodriguez, Esq.
Rodriguez Law Offices, PC
10161 Park Run Dr., #150
Las Vegas, NV 89145
Fax: 320-8401
susan@rodriguezlaw.com

8 Brent Bell
9 Whittlesea Bell
10 1900 Industrial Road
11 Las Vegas, NV 89102
12 Fax: 382-4604
13 brent@belltransportation.com

Richard Flaven
Deluxe Taxicab
257 Elliot Road, Ste #A
Henderson, NV 89015
Fax: 568-6668
deluxetaxicab@aol.com

11 George Balaban
12 Desert Cab Co.
13 4675 S. Wynn Road
14 Las Vegas, NV 89103
15 Fax: 386-6859
16 gtbalaban@aol.com

Jason Awad, Esq.
Lucky Cab Company
4195 W. Diablo Drive
Las Vegas, NV 89118
Fax: 732-8449
jason@jasonawad.com

15 United Steelworkers Local 711-A
16 1800 S. Industrial Road #206
17 Las Vegas, NV 89109
18 Fax: 477-7626
19 Usw711alynv@gmail.com

Desiree Dante
4195 W. Diablo Drive
Las Vegas, NV 89118
Fax: 732-8449
ddnte@lucklimolv.com

18 Robert Winner, Esq.
19 WINNER & CARSON, P.C.
20 4675 Wynn Road
21 Las Vegas, NV 89117
22 Fax: 471-0110
23 raw@whclvlaw.com
24 raw@winnerlawltd.com

John T. Moran, Jr., Esq.
Western Cab Company
630 S. 4th Street
Las Vegas, NV 89102
Fax: 384-6568
m.schubert@moranlawfirm.com
westerncab@hotmail.com

22 ITPEU
23 3271 S. Highland Drive, Ste #716
24 Las Vegas, NV 89109
25 Fax: 384-4939
26 lasvegasitpe@aol.com

Elliot Anderson, Esq.
GREENBERG TRAUIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
andersonel@gtlaw.com

25 C.J. Nady
26 A-Cab LLC
27 1500 Searles Avenue
28 Las Vegas, NV 89101
Fax: 365-9994
jongathright@acablv.com

Las Vegas Litigation Docketing
GREENBERG TRAUIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
lvlitdock@gtlaw.com

1 Jamie Pino
2 Nellis Cab Co.
3 5490 South Cameron Street
4 Las Vegas, NV 89118
5 jpino@nelliscab.net

6 Kimberly Maxson-Rushton
7 Cooper Levenson
8 3016 W. Charles Blvd., Ste 195
9 Las Vegas, NV 89102
10 krushton@cooperlevenson.com

11 Puoy Prensirut, Esq.
12 Brown Brown & Prensirut
13 520 S. 4th St
14 Las Vegas, NV 89101
15 Puoy@brownlawlv.com

16 Nevada Yellow, Checker, Star Corporations,
17 NewCab, and Taxi Management
18 Attn: Michael Bailin, General Manager
19 5225 West Post Road
20 Las Vegas, NV 89118
21 mbailin@taximanagement.vegas
22 legal@taximanagement.vegas

23 Nevada Taxicab Authority
24 2090 E. Flamingo Rd., Ste 200
25 Las Vegas, NV 89119
26 drickert@taxi.state.nv.us

27 Jim Morgan
28 Kaptyn
4675 S. Wynn Road
Las Vegas, NV 89103
jmorgan@kaptyn.com

29 _____
30 */s/ Andrea Flintz*
31 An employee of Greenberg Traurig, LLP