

BEFORE THE NEVADA TAXICAB AUTHORITY

RE: JOINT APPLICATION OF DESERT CAB COMPANY AND A-CAB COMPANY TO ADJUST TAXICAB CHARGES TO INCLUDE A FIFTY CENT (\$0.50) PER TAXI RIDE PASS-THROUGH SOFTWARE LICENSE CHARGE INCURRED AS THE RESULT OF A NEGOTIATED LICENSE AGREEMENT BY KAPTYN WITH A THIRD-PARTY PATENT OWNER.

Date of Hearing: February 19, 2025
Time of Hearing: 9:30 a.m.

CURB MOBILITY, LLC’S OPPOSITION TO JOINT APPLICATIONS OF DESERT CAB CO. AND A-CAB CO. TO ADJUST TAXICAB CHARGES TO INCLUDE A PASS-THROUGH SOFTWARE LICENSE CHARGE

COME NOW Curb Mobility, LLC (“Curb” or “Petitioner”) hereby opposes the Joint Applications of Desert Cab Co. and A-Cab Co. to Adjust Taxicab Charges to Include a Pass-Through Software License Charge (“Joint Application”) scheduled for Public Hearing before the Nevada State Taxicab Authority (“Authority”) at its Board Meeting and Public Hearing scheduled for February 19, 2025, at 9:30 a.m. This Opposition is submitted pursuant to NRS 706.900 et seq. and is supported by the following:

I. The Nevada Taxicab Authority Is Not The Appropriate Venue For Assessing Whether Any Patents Are Infringed Or If The Patents Are Valid

The entire basis for the relief sought by the Joint Application – the assessment of a \$0.50/ride patent licensing fee due to the alleged infringement of five patents owned by third party IVSC – is that the software-as-a-service (“SaaS”) dispatch and data systems used by Las Vegas taxicabs infringe, and indeed are allegedly required by Nevada statute to infringe (they are not so-required, as discussed below), those patents. However, federal law requires that patent disputes like the ones raised by the Joint Application *must be adjudicated in federal courts*. See 35 U.S.C. § 1338(a) (“The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to patents . . .”). Nevertheless, Kaptyn, through the applicants, asks this Board to resolve disputes relating to alleged infringement and validity of the patents – placing the Board in the very difficult position of judging a matter with which it is

1 unfamiliar and over which it does not have statutory authority. Thus, the granting of the relief sought by
2 the Joint Application would deprive all interested parties, including Curb, the taxicab companies, and the
3 taxicab passengers burdened with paying the fee, the due process to which they are afforded under the law.

4 Further, Petitioner’s undersigned legal counsel, who has handled hundreds of patent disputes over
5 multiple decades, based on the limited information available (to Petitioner’s knowledge, neither details of
6 the alleged infringement nor the basis of the alleged settlement have been disclosed), believes that the relief
7 sought by the Joint Application is inconsistent with how financial restitution in settlement of patent
8 infringement allegations are usually established, and has no apparent basis in law or standard industry
9 practice.
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11 **II. The Joint Application Makes Several Statements That Are Either Untrue Or Gross**
12 **Mischaracterizations Of The Law And Facts**

13 **A. No Nevada Statutes Require That All SaaS Taxi Dispatch And Data Systems**
14 **Infringe The Patents At Issue**

15 There is an implication in the Joint Application – if not an express allegation – that certain statutes
16 enacted by the Nevada Legislature (e.g., NRS 706.8825(4) and 706.8836) require that any and all SaaS
17 taxi dispatch and data systems used by Las Vegas taxicabs to infringe these patents, including those SaaS
18 dispatch and data systems provided by Kaptyn and Curb. (Joint Application at 3:21-24).

19 That is not true.

20 While, as discussed above, this is not the appropriate forum in which to resolve this issue, even a
21 cursory review of the patents makes clear that none of the statutes cited in the Joint Application require the
22 use of the technology disclosed and claimed in the patents. For example, NRS 706.8836 provides the
23 requirements for the information that a taxicab meter must present to a passenger and the requirements for
24 securing the meter. NRS 706.8825(4) provides only for the collection of “technology fees . . . to implement
25 technological improvements in safety.” Neither statute requires, among other things, key elements of each
26 of the IVSC patents, such as (1) a taxicab meter which communicates with a taxicab “medallion” with
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1 “electronic data storage” as required by U.S. Patent Nos. 11,200,755 (“the ’755 patent”) and 11,615,649
2 (“the ’649 patent”); (2) a taxicab meter which compares the “current operating state” of the vehicle with
3 any “authorization rule” and prevents the “FHV from initiating a course of action” based on any
4 “authorization rule” as required by U.S. Patent No. 9,037,852 (“the ’852 patent”); (3) a system for
5 providing location based deals as required by U.S. Patent No. 12,062,069 (“the ’069 patent”); and (4) a
6 distributed system of taxi meters which can be disabled via a “kill message” as required by U.S. Patent No.
7 12,105,864 (“the ’864 patent”). And, Curb is able to provide SaaS taxi dispatch and data systems that
8 comply with those statues – and indeed does comply with those statues – without infringing any of the
9 patents.
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11 **B. Curb’s Technology Does Not Infringe The Patents At Issue**

12 The Joint Application states that “[t]he systems, devices and methods utilized by . . . Curb are
13 protected by five (5) patents issued by the U.S. Patent Office . . .” (Joint Application at 1:23-24).

14 That is not true.

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16 As a preliminary matter, IVSC – the apparent owner of the five patents at issue – has never asserted
17 to Curb that Curb is infringing any of its patents. In fact, IVSC has never communicated to Curb about
18 these patents at all. As a result, Curb has no knowledge about which patents are allegedly being infringed,
19 what claims of those patents are allegedly being infringed, and the basis for any allegations of infringement.
20 Nevertheless, Curb has reviewed the patents and has determined that none of them are relevant to Curb’s
21 products and services. While again, as discussed above, this is not the appropriate forum in which to resolve
22 this dispute, even a cursory review of the patents makes clear that none of them are infringed.
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24 For example, and without limitation, the ’755 and ’649 patents each requires a “medallion” with
25 “electronic data storage,” and the medallion must communicate with a “for-hire vehicle meter.” (*See, e.g.*,
26 ’755 patent at claim 1; ’649 patent at claim 1). However, Curb does not provide meters which communicate
27 with a taxicab medallion, and a taxicab medallion in Nevada is simply a “metal plate.” Specifically, NAC
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1 706.450(4) defines a medallion as “the metal plate issued by the authority which is affixed to a taxicab
2 authorizing it to be operated within the jurisdiction of the authority.”
3 (https://taxi.nv.gov/about_us/all/medallions/). And the patents themselves disclose and claim a medallion
4 comprising that same metal plate: “For example, in some jurisdictions, such as Nevada, a medallion is a
5 metal plate affixed to the exterior of the FHV.” (’755 patent at 2:4-6).
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7 In addition, the ’069 patent requires a “deal manager system” and a “deal presenter system that is
8 disposed in the FHV” and presents a “deal” regarding the “current fare fee accumulated by the occupant
9 of the FHV” based on the “location of the FHV.” (’069 patent at claim 1). But Curb does not provide either
10 deal system required by the claims, nor does it provide deals on the “current fare fee accumulated” based
11 on the location of the vehicle.
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13 In the interests of brevity, and to avoid an extended technical discussion, Curb will not go through
14 the remaining patents at issue herein but, rest assured, these patents are not infringed by any of Curb’s
15 products/services.

16 **C. The Patents At Issue Are Invalid**

17 In addition to not being infringed by Curb – and not being required by any Nevada statute – if the
18 patents at issue in the Joint Application were asserted in a district court litigation, they would very likely
19 be found to be invalid. While, once again, the validity of the patents must be adjudicated by a federal
20 district court, examples of why the patents are invalid are included below.
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22 For example, and without limitation, the patents are invalid under 35 U.S.C. § 101 as claiming
23 inventions to abstract ideas that are simply not patentable. *See AI Visualize, Inc. v. Nuance*
24 *Communications, Inc.*, 97 F.4th 1371, 1378 (Fed. Cir. 2024) (“In the realm of computer-related technology,
25 such as in this case, patent claims may be non-abstract at *Alice* step one [only] if the focus of the claimed
26 advance is on an improvement in computer technologies, rather than the mere use of computers.”). *Beteiro,*
27 *LLC v. DraftKings Inc.*, 104 F.4th 1350, 1357 (Fed. Cir. 2024) (“Content regulation and checking legal
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1 compliance are rooted in the abstract – they are legal problems, not technical problems – and the claims
2 here do not provide ‘a specific improvement to the way computers operate.’”); *Intellectual Ventures I LLC*
3 *v. Capital One Bank (USA)*, 792 F.3d 1363, 1370 (Fed. Cir. 2015) (finding that sending “a location-specific
4 advertisement insert does not confer patent eligibility.”).

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6 In addition, the patents would likely be found invalid in view of prior art. For example, the ’852
7 patent – which relates to authorization rules – was filed in 2011. But using rules to control a vehicle was
8 well known before 2011. For example, U.S. Patent No. 6,225,890 was filed in 1998 and describes a system
9 for restricting a vehicle by limiting its hours of operation or limiting the vehicle’s speed based on the speed
10 limit. (’890 patent at 5:17-28). It was also well known to enforce compliance with an authorization rule
11 using a taxi meter. For example, Japanese patent JP2008293175A was published in 2008, and it described
12 a taxi meter which enforces overtime rules by disabling itself when a driver attempts to operate the taxi
13 outside of the allowable hours. And the same is true for the rest of the patents at issue – their alleged
14 inventions were all disclosed well before their filing dates.

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16 Thus, whether or not the patents are infringed on their face – which, again, is not the case – the
17 patents are irrelevant since they would not survive a challenge to their validity.

18 **III. Conclusion**

19 For these reasons, among others, Curb opposes the relief sought by the Joint Application. Taxicab
20 passengers and taxicab companies (and possibly Curb) should not be penalized as the result of an alleged
21 private settlement reached between Kaptyn and IVSC over patents that are not infringed either by the
22 referenced Nevada statutes or by Curb, and which patents are invalid. While an analysis has not been
23 conducted as to whether the products and services offered by Kaptyn infringe any of IVSC’s patents,
24 whether they do or not is irrelevant. As discussed above, there is no requirement – by the Nevada
25 Legislature or otherwise – that taxicabs be equipped with technology that must infringe those patents. And,
26 as also discussed above, those patents are not infringed by Curb (indeed no accusations of infringement
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1 have even been made by IVSC against Curb), and the patents are invalid. Thus, forcing riders to pay for
2 Kaptyn's alleged private settlement is unfair and unwarranted, and inappropriate under the law.

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