

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RIDESHARE DISPLAYS, INC., :  
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 Plaintiff, :  
 :  
 v. : Civil Action No. 20-1629-RGA  
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 LYFT, INC., :  
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 :  
 Defendant. :

**MEMORANDUM ORDER**

The Magistrate Judge issued a report and recommendation. (D.I. 46). The subject of the report was Defendant’s motion to dismiss based on § 101. (D.I. 14). The Magistrate Judge recommended that the motion be denied without prejudice for three reasons. One, Defendant’s “representative claim” was not shown to be representative. Two, Defendant did not convincingly identify an abstract idea that was applicable to the claims.<sup>1</sup> Three, there was a disputed material fact as to whether there was an “inventive concept.”<sup>2</sup>

I have reviewed the underlying briefing, the five asserted patents, the report, and the objections and response. While I have some thoughts about the Magistrate Judge’s second and third recommendations, I do not need to reach them. I agree with the Magistrate Judge that

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<sup>1</sup> The Magistrate Judge described the abstract idea issue as being a “close question.” I am not so sure I agree with her on this one. I might conclude that the claims are directed to a long-standing method of “organizing human activity.” See Seinfeld, “The Limo” (television episode from 1992).

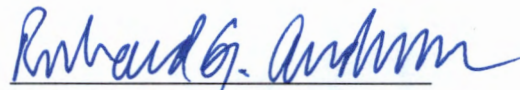
<sup>2</sup> The parties presented arguments to the Magistrate Judge about which Federal Circuit case was most like the instant case. When I was looking at the patents, I was reminded of an earlier case that I handled. See *Baggage Airline Guest Servs., Inc. v. Roadie, Inc.*, 351 F.Supp.3d 753 (D.Del.), *aff’d*, 783 F. App’x 1022 (2019). But I did not see that cited anywhere in the briefing, so I reach no conclusion about whether it has any applicability.

Claim 1 of the '987 Patent has not been shown to be representative of all 45 claims.<sup>3</sup> Certainly, the dependent claims to the representative claim add only inconsequential limitations. But there are numerous other independent and dependent claims, and it is too early to tell whether, for example, the driver verification limitation or the predetermined distance limitation are consequential.

Thus, inasmuch as at least 44 of the 45 claims are going forward, all the counts state a claim upon which relief can be granted even were I to agree with Defendant on Claim 1 of the '987 Patent.

The Report and Recommendation (D.I. 46) is **ADOPTED** in relevant part. The motion to dismiss (D.I. 14) is **DENIED** without prejudice to renewal at summary judgment.

IT IS SO ORDERED this 30<sup>th</sup> day of September 2021.

  
United States District Judge

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<sup>3</sup> It is true that in another case I found a single claim representative of 245 claims. But each case has to be decided on its own facts.