

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UBER TECHNOLOGIES, INC.,  
Petitioner,

v.

FARE TECHNOLOGIES LLC,  
Patent Owner.

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IPR2023-00746  
Patent RE46,727 E

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Before JAMES A. TARTAL, JASON W. MELVIN, and  
BRENT M. DOUGAL, *Administrative Patent Judges*.

DOUGAL, *Administrative Patent Judge*.

DECISION  
Granting Institution of *Inter Partes* Review  
35 U.S.C. § 314

## I. INTRODUCTION

### A. *Background and Summary*

Petitioner, Uber Technologies, Inc., requests that we institute an *inter partes* review challenging the patentability of claims 1–4, 7, 8, 11–13, 17–20, 26–31, and 37–41 (the “challenged claims”) of U.S. Patent RE46,727 E (Ex. 1001, “the ’727 patent”). Paper 2 (“Petition” or “Pet.”). Patent Owner, Fare Technologies LLC, argues that Petitioner’s request is deficient and should not be granted. Paper 6 (“Preliminary Response” or “Prelim. Resp.”).

Applying the standard set forth in 35 U.S.C. § 314(a), which requires demonstration of a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim, we institute an *inter partes* review.<sup>1</sup>

### B. *Related Matters*

The parties identify the following pending district court litigation: *Fare Technologies, LLC v Lyft, Inc.*, No. 6:22-cv-00315 (W.D. Tex.). Pet. 2; Paper 4, 2.

### C. *The ’727 Patent*

The ’727 patent is titled “Taxi Trip Meter System with Indication of Fare and Distance Violations.” Ex. 1001, code (54). The ’727 patent discloses a system that determines whether a taxi driver is cheating a customer or driving too fast. *Id.* at 1:24–31. The system makes one or more calculations, such as determining the shortest distance to a destination, and then compares the calculations to the actual measured data. *Id.* at 1:60–65. If the actual data exceeds the calculation by a certain percent or amount, the system indicates a violation. *Id.* In addition to distance, the system can

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<sup>1</sup> Our findings and conclusions at this stage are preliminary, and thus, no final determinations are made.

calculate the estimated fare and compare it to the actual fare charged by the driver. *Id.* at 2:2–6. Still further, the system can compare the average speed driven to the speed limit on the route to determine whether the driver was driving at an unsafe rate. *Id.* at 1:65–2:2.

*D. Illustrative Claim(s)*

Of the challenged claims, claims 1, 7, 12, and 30 are independent. Claim 7 is representative:

7. A taxi trip distance violation detection method, comprising:
- determining a starting point for a trip;
  - determining a destination point for said trip;
  - determining an estimated shortest trip distance between said starting point and said destination point;
  - determining an actual trip distance traveled by a vehicle after said trip is completed;
  - comparing said estimated shortest trip distance with said actual trip distance; and
  - indicating a distance violation when said estimated shortest trip distance is exceeded by said actual trip distance by a predetermined distance margin.

Ex. 1001, 5:18–30.

*E. Evidence*

Petitioner's grounds of unpatentability rely on the following evidence:

| Name    | Patent Document                 | Exhibit           |
|---------|---------------------------------|-------------------|
| Smith   | WO 97/18521 A1 (May 22, 1997)   | 1006 <sup>2</sup> |
| Baumann | EP 0 032 607 B1 (July 16, 1986) | 1007              |
| Choi    | KR 1998-016705 (June 5, 1998)   | 1008              |

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<sup>2</sup> When referencing Smith, we cite to the page numbers of the reference itself, as opposed to the numbering added by Petitioner.

*F. Asserted Grounds*

Petitioner asserts the following grounds of unpatentability (Pet. 10–11), supported by the declaration of David H. Williams. (Ex. 1005):

| <b>Claim(s) Challenged</b>               | <b>35 U.S.C. §<sup>3</sup></b> | <b>Reference(s)/Basis</b> |
|------------------------------------------|--------------------------------|---------------------------|
| 7, 8, 11                                 | 102                            | Smith                     |
| 7, 8, 11                                 | 103                            | Smith                     |
| 1–4, 7, 8, 11–13, 17–20, 26–31, 37–41    | 103                            | Smith, Baumann            |
| 12, 13, 17, 19, 20, 26–28, 30, 31, 37–40 | 103                            | Baumann, Choi             |

II. ANALYSIS

*A. Legal Standards*

Petitioner bears the burden to demonstrate unpatentability. *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015). At this preliminary stage, we determine whether the information presented in the Petition shows a reasonable likelihood that Petitioner would prevail in establishing that at least one of the challenged claims would have been obvious over the proposed combinations of prior art. *See* 35 U.S.C. § 314(a).

“A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987). Moreover, “[b]ecause the hallmark of anticipation is prior invention, the prior art reference—in order to

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<sup>3</sup> The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011), revised 35 U.S.C. §§ 102–103 effective March 16, 2013. We refer to the pre-AIA version of §§ 102–103.

anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008). Whether a reference anticipates is assessed from the perspective of an ordinarily skilled artisan. *See Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 1368 (Fed. Cir. 2003) (“‘[T]he dispositive question regarding anticipation [i]s whether one skilled in the art would reasonably understand or infer from the [prior art reference’s] teaching’ that every claim element was disclosed in that single reference.”).

A claim is unpatentable as obvious if “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007) (quoting 35 U.S.C. § 103(a)). We resolve the question of obviousness based on underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the prior art and the claims; (3) the level of skill in the art; and (4) when in evidence, objective indicia of nonobviousness. *See Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

We apply these principles to the Petition’s challenges.

*B. Level of Ordinary Skill in the Art*

We review the grounds of unpatentability in view of the understanding of a person of ordinary skill in the art at the time of the invention. *Id.* at 13, 17. Petitioner asserts that a person of ordinary skill in the art (POSA) “would typically have had working knowledge of the taxicab

and the transportation industry.” Pet. 6 (citing Ex. 1005 ¶¶ 24–25). Patent Owner adopts Petitioner’s definition. Prelim. Resp. 5.

We are persuaded, on the present record, that Petitioner’s proposal is consistent with the problems and solutions in the ’727 patent and prior art of record. We adopt Petitioner’s definition of the level of skill for the purposes of this Decision.

### *C. Claim Construction*

In *inter partes* review, we construe claims using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent. 37 C.F.R. § 42.100(b) (2022).

Petitioner provides constructions of certain terms according to what Petitioner states is the plain and ordinary meaning. Pet. 11. Petitioner also argues that the term “waiting time encountered in traffic” in claims 12 and 30 is indefinite. *Id.* at 12. Petitioner then provides three different potential meanings for this claim term. *Id.*

Patent Owner does not offer any constructions. Prelim. Resp. 4–5.

We determine that no terms need to be construed and that the indefiniteness issue does not need to be addressed at this time. *See Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019) (“The Board is required to construe ‘only those terms . . . that are in controversy, and only to the extent necessary to resolve the controversy.’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

*D. 35 U.S.C. § 102/103 – Smith*

Petitioner argues that Smith anticipates or renders obvious the subject matter of claims 7, 8, and 11. Pet. 12–21. Patent Owner disagrees. Prelim. Resp. 12–21.

In our below analysis, we first address the teachings of Smith generally, and then address the parties’ arguments with respect to each of claims 7, 8, and 11. We conclude that Petitioner has established a reasonable likelihood of succeeding in showing that claims 7 and 8 are unpatentable.

*1. Smith*

Smith is titled “Fully Automated Vehicle Dispatching, Monitoring and Billing,” and “relates to dispatching or controlling of taxis, ambulances, or other vehicles.” Ex. 1006, code (54), 3:5–7. Smith teaches that its system, “under normal operating conditions, eliminates the human dispatcher from dispatching operations” and therefore eliminates the associated human error. *Id.* at 5:15–24. Smith teaches that “[t]he automated dispatching and controlling system not only collects vehicle appointment and activity information, but also collects billing information associated with requested transportation services.” *Id.* at 8:5–11.

“The system may also be used to monitor use of the vehicles.” *Id.* at 8:16–21. For example, Smith teaches that “there are commercially available Automatic Vehicle Locator (AVL) systems which automatically track (typically via satellite navigation) the locations of managed vehicles.” *Id.* at 5:3–10. Smith’s system can also provide “a dispatching process instruction to a vehicle [that] identifies a route to be followed by the vehicle.” *Id.* at 9:19–22. By automatically generating a route, the system can also be used to “compare the mileage charges to the mileage for an optimal routing.” *Id.* at

10:4–11. In this way, the information generated by Smith’s system can be used to detect “excessive mileage charges.” *Id.* at 10:11–15.

2. *Claim 7*

Petitioner argues that Smith anticipates independent claim 7. Pet. 12–17. At the same time, Petitioner recognizes that “the majority of Smith is directed to its ambulance implementation, rather than its taxi implementation.” *Id.* at 18. Thus, Petitioner argues that as claim 7 is directed to “[a] taxi trip distance violation detection method,” to the extent Smith does not teach every limitation of claim 7, those limitations would have been obvious. *Id.* at 18–21. We also note that Petitioner provides further discussion and argument directed to specific claim limitations concerning obviousness in addition to some general statements. *Id.*

a) *Uncontested Limitations*

Claim 7 includes:

7. A taxi trip distance violation detection method, comprising:

determining a starting point for a trip;

determining a destination point for said trip;

determining an estimated shortest trip distance between said starting point and said destination point.

Ex. 1001, 5:18–23.

Petitioner argues that these limitations are taught by Smith. Pet. 12–15. For example, Petitioner points to Smith’s teaching of recording the latitude and longitude of the pickup location and the destination to be used by a dispatched vehicle (which includes a taxi). Pet. 13–14 (citing, e.g., Ex. 1006: Fig. 3A). Petitioner also points to Smith’s teaching of generating a route based on the pickup and destination locations. *Id.* at 15 (citing, e.g., Ex. 1006, 10:16–21). Smith’s claim 33 also specifically states “determining

a shortest route from said starting point to said ending point” and “determin[ing] if said mileage purportedly travelled is appropriate for said services.” Ex. 1006, 93:11–19; *see also*, Pet. 15 (citing claim 33).

Patent Owner does not contest that Smith teaches the above noted limitations. *See generally*, Prelim. Resp. 12–20.

*b) Actual Trip Distance*

Claim 7 also includes:

determining an actual trip distance traveled by a vehicle after said trip is completed.

Ex. 1001, 5:24–25. In the below, we address the parties’ arguments under anticipation, which is followed by our analysis under obviousness.

Under anticipation, Petitioner argues that Smith teaches that the system records the milage charged by the driver (Pet. 15 (citing Ex. 1006, 10:16–21)), and “Smith claims ‘said records indicating ... a mileage purportedly travelled in providing said transportation services’” (*id.* (citing Ex. 1006, cl. 33)). Petitioner also argues that a person of skill in the art “understands that the trip is completed to determine actual trip distance and generate an invoice.” *Id.* (citing Ex. 1005 ¶ 81).

Patent Owner states that a “taximeter records ‘an actual trip distance’” but, the “mileage purportedly travelled” in Smith is an alleged mileage and therefor is not the actual milage. Prelim. Resp. 14–15. This argument is not persuasive.

“Alleged” or “purported” does not mean it is not the “actual” mileage. Smith’s system, like the claims at issue here, identifies when the milage is likely not accurate, or when the driver is attempting to inflate their bill, such as by driving further than necessary. Ex. 1006, cl. 33. If the system identifies when the milage is not consistent with what is expected, that also means

these systems show when the milage is consistent with what is expected. *Id.* We see no reason to believe that one of skill in the art would not understand Smith to teach that the “mileage purportedly travelled” in some cases is the actual trip distance.

Under obviousness Petitioner further argues that:

Taxis . . . typically calculate fares and charge customers using a taxi meter, not an invoice system. Accordingly, . . . it would be obvious to use the taximeter and trip meter in taxis to determine actual trip distance after the trip is completed and the driver has stopped the meter. (EX1005, ¶¶103-104.) Further, it would be obvious to connect the taxi meter to Smith’s AVL system to communicate the actual trip distance to Smith’s System for comparison to the estimated shortest trip distance. (EX1005, ¶104.)

Pet. 20.

Patent Owner does not contest that a taxi would have included a taxi meter, or that it would have been obvious for “the trip meter in taxis to determine actual trip distance after the trip is completed and the driver has stopped the meter.” *See generally*, Prelim. Resp. 16–20. Rather, Patent Owner argues that Smith does not teach using a taxi meter. *Id.* at 16, 19. Though Smith explicitly states that its “invention relates to dispatching or controlling of taxis” (Ex. 1006, 1:5–7), Petitioner’s obviousness arguments do not rely on an express teaching in Smith concerning taxi meters. Rather as shown above, Petitioner’s arguments focus on what one of skill would have found to be obvious when Smith’s system is applied to taxis.

At the same time, Patent Owner also states that Smith “relies on driver reported information.” *Id.* at 16. This appears consistent with Petitioner’s position that a taxi driver would use a taxi meter as the easiest way to record and then report the actual trip distance.

Patent Owner then argues about what Smith expressly teaches concerning the invoice system. *Id.* at 17–18. Patent Owner does not address what would have been obvious when using Smith’s system with taxis. Thus, Patent Owner’s argument does not address Petitioner’s position or arguments in the Petition concerning obviousness.

*c) Comparing and Indicating*

Claim 7 also includes:

comparing said estimated shortest trip distance with said actual trip distance; and

indicating a distance violation when said estimated shortest trip distance is exceeded by said actual trip distance by a predetermined distance margin.

Ex. 1001, 5:26–30.

Among other teachings, Petitioner relies on Smith’s claim 33 for teaching these limitations. Pet. 16–17 (citing Ex. 1006, cl. 33). Claim 33 includes:

determining from a record said starting and ending points and mileage purportedly travelled, determining a shortest route from said starting point to said ending point, and comparing a mileage associated with said shortest route to said mileage purportedly travelled to determine if said mileage purportedly travelled is appropriate for said services.

Ex. 1006, 93:11–19.

Patent Owner argues that Smith does not teach these limitations because they rely on the prior step of “determining an actual trip distance.” Prelim. Resp. 15. We disagree for the reasons discussed above in the prior section.

Patent Owner argues that Petitioner’s obviousness combination is insufficient because it “lack[s] evidence of crucial claim limitations of claim

7, particularly [the last two] limitations [above].” *Id.* at 20. Patent Owner then asserts that “Petitioner fails to show with particularity why and how required [sic] for its obviousness combinations.” Prelim. Resp. 20. These arguments are unclear and lack specificity. We decline to guess as to what specific claimed features Patent Owner believes are missing.

*d) Conclusion for Claim 7*

In view of the above, and based on the current record, we determine that Petitioner has established a reasonable likelihood of succeeding in showing that claim 7 is anticipated by and obvious over Smith.

*3. Claims 8, 11*

As discussed above, Petitioner argues that claim 7 is anticipated by or rendered obvious over Smith. Pet. 12–17, 18. Petitioner argues that claims 8 and 11, which both depend from 7, are anticipated by Smith. *Id.* at 17–18. Petitioner then includes claims 8 and 11 when discussing obviousness over Smith generally. *Id.* at 18–19.

*a) Claim 8*

Claim 8 adds: “The taxi trip distance violation detection method of claim 7, wherein said estimated shortest trip distance comprises a driving distance through known roads.” Ex. 1001, 5:31–33.

Petitioner argues that “Smith’s AVL system with a street map database estimates the shortest distance. The use of this database discloses that Smith’s estimate of the shortest trip distance is a driving distance through known roads.” Pet. 17 (citing Ex. 1005 ¶ 95).

Patent Owner does not substantively address claim 8. *See* Prelim. Resp. 20.

In view of the above, and based on the current record, we determine that Petitioner has established a reasonable likelihood of succeeding in showing that claim 8 is anticipated by and obvious over Smith.

*b) Claim 11*

Claim 11 adds: “The taxi trip distance violation detection method of claim 7, further including recording an actual route traveled during said trip for subsequent review for excusable causes for said distance violation.” Ex. 1001, 5:45–48.

Petitioner does not identify where Smith explicitly discloses “recording an actual route traveled.” *See* Pet. 18. Rather, Petitioner argues that Smith teaches storing records which “include sufficient information to collectively determine the movements of each vehicle throughout each business day.” *Id.* (quoting Ex. 1006, 31:17–21). Petitioner also shows that Smith teaches that the records can be used “to determine the extent to which vehicles are being properly utilized” (*id.* (quoting Ex. 1006, 31:21–25)) or “to locate excessive mileage charges” (*id.* (quoting Ex. 1006, 10:11–15)). Petitioner then asserts that this means “Smith records the actual trip traveled for subsequent review for excusable causes for a fare violation.” *Id.* (citing Ex. 1005 ¶ 98).

Patent Owner argues that “[i]n Smith’s system, all records, including dispatch record and invoice record do not include ‘an actual route traveled during said trip,’” as required by claim 11. Prelim. Resp. 21. Petitioner does not identify where Smith’s system teaches recording the actual traveled route. Rather, Petitioner merely identifies that Smith’s system records information about a trip and about specific points in time.

*E. 35 U.S.C. § 103 – Smith, Baumann*

Petitioner argues that the combination of Smith and Baumann renders obvious the subject matter of claims 1–4, 7, 8, 11–13, 17–20, 26–31, and 37–41. Pet. 22–50. Patent Owner disagrees Prelim Resp. 21–28.

*1. Claims 1 and 7*

Claim 1 is independent and includes features similar to claim 7 discussed above. Petitioner relies on the same or similar teachings of Smith discussed in the prior ground. *See e.g.*, Pet. 24–32, 34–35. Petitioner relies on Baumann for teaching specifics of a taxi meter, among other things. *See e.g., id.* at 25–29. Petitioner also provides a detailed discussion on the reasons to combine Smith and Baumann. *Id.* at 22–24.

Concerning claims 1 and 7, Patent Owner repeats the argument rejected above that the “mileage purportedly travelled” in Smith is an alleged mileage and not the actual milage. Prelim. Resp. 22. Patent Owner then acknowledges that “[c]onnecting Baumann’s trip meter to Smith’s AVL system would provide Smith’s System with direct access to the mileage traveled,” but argues that “it is not necessarily that Smith will compare estimated shortest trip distance with the actual trip distance.” *Id.* at 23.

However, it is unclear why one of skill in the art would not understand the combination of Smith and Baumann to teach “compar[ing] estimated shortest trip distance with the actual trip distance.” As noted previously, Smith claim 33 explicitly discusses making this type of comparison, and as noted by Patent Owner, Baumann’s trip meter provides the milage traveled.

In view of the above, and based on the current record, we determine that Petitioner has established a reasonable likelihood of succeeding in showing that claims 1 and 7 are suggested by the combination of Smith and Baumann.

2. *Claims 2–4, 8, 11, 18*

Claims 2–4 and 18 depend from claim 1. Petitioner provides argument that these claims are obvious over the combination of Smith and Baumann. Pet. 32–34. Patent Owner does not substantively address the limitations added by these claims. Prelim. Resp. 24. Having determined that Petitioner has established a reasonable likelihood of succeeding in showing that claims 1 and 7 are suggested by Smith and Baumann, we decline to further address these dependent claims at this time.

Claims 8 and 11 depend from claim 7 and Petitioner relies on the earlier discussion of anticipation over Smith for teaching the limitations of these claims. Pet. 35. Patent Owner does not add argument surrounding these claims over what was previously discussed. Prelim. Resp. 25. As such, all arguments surrounding claims 8 and 11 and Smith have already been addressed.

3. *Claims 12 and 30*

Claims 12 and 30 are independent and include features similar to claim 7 discussed above. Petitioner relies on the same or similar teachings of Smith discussed in the prior ground. *See e.g.*, Pet. 39–41. Petitioner relies on Baumann for teaching the specifics of a taxi meter (*id.* at 36), and for estimating shortest trip distance and wait time (*id.* at 40–43), among other things.

Claim 12 includes: “determining an estimated taxi fare based on said estimated shortest trip distance and said estimated waiting time.” Ex. 1001, 6:4–6. Claim 30 includes a similar limitation. *Id.* at 7:52–53.

Among other things, Petitioner argues that Baumann discloses how to make this calculation “in a section titled ‘Calculation of fares.’ (*Id.*, 10:23–

11:63.) Baumann expresses this formula as a function of distance (x) and time (t) to be:  $f(x,t) = f_0 + ax + bt$ .<sup>4</sup> (*Id.*, 10:52-58.)” Pet. 43.

Patent Owner argues that in this formula, “ $f(x,t)$  is the metered taxi fare, . . . dependent on distance X and time t of the ride. Since the distance X is metered, it is the actual trip distance, not the ‘estimated shortest trip distance.’” Prelim. Resp. 27. Notably, Patent Owner does not cite Baumann for teaching that the metered taxi fare is metered based on the actual trip distance in the above calculation. Patent Owner appears to disregard the full scope of Baumann, rather than to address the actual teachings of Baumann.

The opening sentence in Baumann under the heading “Calculation of fares,” which deals with the above formula, states: “The fare for the single-origin/destination trip is calculated on the basis of *estimated* travel distance and travel time from the centroid-to-centroid distances and times for the specific pairs of traffic zones in the Time/Distance File.” Ex. 1007, 10:23–28 (emphasis added).

Baumann discloses a system where the metered taxi fare can be calculated by a standard taxi meter, or “on the basis of estimated travel distance and travel time.” Ex. 1007, 8:40–44; *see also id.* at 5:5–14. However, the Petition relies on Baumann’s estimated calculations. Pet. 36, 40–43. Baumann teaches that the estimated travel distance and travel time system can be used to allow the driver to pick up multiple passengers, while the customer only pays for the distance and time that the trip should have taken minus the interactions with other customers. Ex. 1007, 1:3–19.

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<sup>4</sup> Baumann discloses that “a and b are constant coefficients” and “ $f_0$ ” is a fixed fare amount. Ex. 1007, 10:37, 52.

Concerning “determining an estimated shortest trip distance,” the Petition states that “Baumann estimates the shortest trip distance ‘by adjusting the ... distance in the Time/Distance File by a correction factor based on the information available in the Address-Coordinate File.’ The Time/Distance File ‘contains shortest-time-path distances.’” Pet. 40 (quoting Ex. 1007, 8:44–61, 8:32–34). Patent Owner’s argument ignores the teachings in Baumann, as well as those relied on by Petitioner that the metered taxi fare uses the estimated shortest trip distance when calculating the fare.

In view of the above, and based on the current record, we determine that Petitioner has established a reasonable likelihood of succeeding in showing that claims 12 and 30 are suggested by the combination of Smith and Baumann.

*4. Claims 13, 17, 19, 20, 26–29, 31, 37–41*

Claims 13, 17, 19, 20, 26–29, 31, 37–41 depend from one of claim 12 and 30. Petitioner provides argument that these claims are obvious over the combination of Smith and Baumann. Pet. 41–42, 44–50. Patent Owner does not substantively address the limitations added by these claims. Prelim. Resp. 28. Having determined that Petitioner has established a reasonable likelihood of succeeding in showing that claims 12 and 30 are suggested by Smith and Baumann, we decline to further address these dependent claims at this time.

*F. 35 U.S.C. § 103 – Baumann, Choi*

Petitioner argues that the combination of Baumann and Choi renders obvious the subject matter of claims 12, 13, 17, 19, 20, 26–28, 30, 31, and 37–40. Pet. 50–61. Patent Owner cites its arguments over Baumann and claim 12, discussed above, for why it disagrees. Prelim Resp. 29.

Patent Owner also argues that Choi does not overcome the deficiencies of Baumann. *Id.* at 29–30. However, the Petition only relies on Baumann and does not rely on Choi for these features of claim 12. Pet. 56–57.

Finally, Patent Owner does not substantively address the dependent claims. *Id.* at 30.

Petitioner relies on Baumann for teaching most of the features of independent claims 12 and 30, including “an automated taxi trip meter system” (*id.* at 51), and for estimating shortest trip distance and wait time (*id.* at 56–57), among other things. Petitioner relies on Choi for teaching collecting GPS data in a taxicab system. *Id.* at 50–56. Petitioner also provides a detailed discussion on the reasons to combine Baumann and Choi. *Id.* at 50–51.

In view of the above, and based on the current record, we determine that Petitioner has established a reasonable likelihood of succeeding in showing that claims 12 and 30 are suggested by the combination of Baumann and Choi. We decline to substantively address the dependent claims under this ground until the record is more fully developed.

### III. CONCLUSION

For the foregoing reasons, we have determined that there is a reasonable likelihood that the Petitioner would prevail with respect to at least one claim challenged in the Petition. We, therefore, institute trial as to all challenged claims on all grounds stated in the Petition.

#### IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, *inter partes* review of claims 1–4, 7, 8, 11–13, 17–20, 26–31, and 37–41 of U.S. Patent RE46,727 E is instituted; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial; the trial will commence on the entry date of this decision.

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