

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CARMA TECHNOLOGY, CORP.,
CARMA TECHNOLOGY, LTD.,

Plaintiffs,

v.

UBER TECHNOLOGIES, INC.,
UBER FREIGHT HOLDING CORP.,
UBER FREIGHT US LLC,

Defendants.

Case No. 2:25-cv-29-JRG-RSP

JURY TRIAL DEMANDED

**DEFENDANTS' OBJECTIONS TO THE COURT'S
CLAIM CONSTRUCTION ORDER**

Uber Technologies, Inc.; Uber Freight Holding Corp.; and Uber Freight US LLC (collectively, “Defendants”) respectfully submit the following objections to the Court’s Claim Construction Order (Dkt. 303).¹

1. “network of nodes” (’427 Patent, claims 1, 3, 15)

Defendants’ construction—the pick-up points and drop-off points interconnected by predetermined transport vehicle journey routes—is faithful to both the intrinsic and extrinsic record. The specification makes clear that “nodes” are not *any* geographic location that a Rider may designate. Rather, the Shared Transport System “establish[es] a network of pick-up and drop-off points (nodes), so that Riders and Drivers can be *guided to places that are safe and convenient and comfortable for both the Riders and Drivers.*” ’427 Patent, 14:57–61. If the Rider could simply designate his current location as a pick-up “node,” there would be no need to “guide” the Rider somewhere else. Figure 14 also supports this point, depicting “nodes” as *preexisting stops* along a network of Drivers’ *preexisting routes*—not simply any place that a Rider wishes to be picked up. *Id.* at 6:36–39, 16:34–58, Figs. 14a, 14b. Indeed, the specification does not provide a single example of a “node” that a Rider can use as a pickup or dropoff location that is not along a Driver’s preexisting route.

The patentee further made clear that “nodes” must be along preexisting routes when adding this limitation to overcome prior art during prosecution. The patentee explained that his alleged invention “provid[ed] *specific pick-up and drop-off locations [nodes] that do not require a driver to divert.*” Ex. 7 (Aug. 9, 2010 Amendment) at 9. Necessarily, if a “node” does not require a driver to divert, it must be along that driver’s preexisting route. The Court cited the patentee’s statement that there are “many different ways to connect nodes rather than just a single link.”

¹ The complete bases for Defendants’ constructions are presented in their briefing, exhibits and argument presented at the claim construction hearing, all of which are hereby incorporated by reference. *See, e.g.*, Dkt. 106.

Order at 12. This statement *supports* Defendants’ construction, because it makes clear that “nodes” are points of intersection between multiple preexisting routes, providing multiple ways of reaching a node, not simply any geographic location a Rider may designate that may or may not be along any route or interconnected to any other point in the network.

Finally, the definitions of “network” and “node” itself support Defendants’ construction. The Court recognized that the plain meaning of both terms requires an “interconnection” between specific points. Order at 12–13. Thus, “establishing a network of nodes” requires not simply identifying specific points on a map, but *interconnecting* those points in a *network*, and predetermined routes are the *only* mechanism for such interconnection described in the patent. Indeed, if a “node” is simply any geographic point a Rider designates, then there is no requirement that such a point interconnect to *anything*.

The Court found that Defendants’ construction is contrary to the claims’ “sequential architecture” and “blurs the distinction” between step [1c] and step [1d], which requires “calculating places where said predetermined transport vehicle journey intersects said nodes.” Order at 9. Defendants respectfully submit that step [1d] *presupposes* that the “network of nodes” exists, and it identifies the pre-existing nodes that intersect a *particular* predetermined transport vehicle journey so that an “abstract[ed] geographic representation” of *that* route may be presented to the user. For example, Figure 8a shows the network of nodes that are interconnected by predetermined routes in the system, corresponding to step [1c]. Figure 8b, corresponding to step [1d] shows an abstraction of a *particular* route where intersections of *that* route with existing nodes are calculated and presented to a user in the format of nodes, instead of a list of every address along the route. Thus, Defendants’ construction gives proper meaning to both steps [1c] and [1d].

2. “predetermined transport vehicle journey” / “predetermined journey of a transport vehicle” (’427 Patent, claims 1, 15)

The Court partially adopted Defendants’ construction, finding that a “predetermined

transport vehicle journey” must be “defined independently of the transport user’s demand.” Order at 18. Defendants believe that the intrinsic record also supports the requirement that the predetermined transport vehicle journey must be defined “before demand.”

The intrinsic record indicates that a predetermined route exists in the system prior to receiving a Rider’s demand. Figure 5a, which “graphically represents the steps of the rider in using the network system in accordance with the invention (Rider Experience),” depicts the step of presenting “supply route options” to the Rider after rider submits a transport demand request, necessarily requiring that those “supply routes” exist in the system prior to the demand. ’427 Patent, 5:23–25; Fig. 5a. Similarly, the claimed abstraction step is described in the specification as a “way of converting the computer’s representation of a driver’s route into a format which is more usable for further analysis and presentation.” *Id.* at 14:49–52. Again, that route must exist in the system before it can be “present[ed]” to a Rider to make a transport demand. Figure 14 also depicts matching a Rider’s transport demand with preexisting “declared routes,” “known by the system,” that Drivers “ha[ve] registered.” *Id.* at 16:34–44; Fig. 14a.

The prosecution history similarly supports Defendants’ construction. The Applicant explained that, in contrast to the prior art, the claims “provided specific pick-up and drop-off locations [nodes] that *do not require a driver to divert*” from his “natural route.” Ex. 7 (Aug. 9, 2010 Amendment) at 8–9. The Applicant also “asserted that the ‘abstracting’ step was different than the prior art in that an *existing* route is checked versus the plurality of pickup/dropoff nodes.” Ex. 8 (Interview Summary) at 5. Thus, the route must “exist” prior to a Rider’s demand, otherwise there would be nothing to divert from and nothing to match the Rider’s demand with.

The Court found (Order at 16) that that such a “temporal” requirement is inconsistent with the specification’s teaching that a Driver may be “possibly [] shown a list of riders possibly headed in the same general (or likely) direction as the Driver, for the Driver to consider sharing, if the

Driver's destination is not known." '427 Patent, 7:32–43. Even in this instance, the system must already have some information about a Driver's route to determine the Driver's planned direction. But even if this passage is read to cover situations in which a Driver has not pre-registered a route, such a scenario was expressly disclaimed during prosecution. Indeed, the claims were only allowed after they were amended to require that the transport journey be "predetermined"—a term that necessarily includes a temporal component. The route must be "determined" *before* something, and that something is the Rider's demand request.

3. "shared transport system" ('071 Patent, claims 1, 14, 20; '138 Patent, claims 1, 9, 10, 18; '668 Patent, claims 1, 2, 4, 5, 8, 10, 13, 15, 16, 19, 20; '456 Patent, claims 1, 7, 11)

The circumstances here are similar to *Ormco Corp. v. Align Technology, Inc.*, in which the Federal Circuit held that "statements from prosecution of a familial patent relating to the same subject matter as the claim language at issue in the patent being construed" can give rise to prosecution disclaimer. 498 F.3d 1307, 1314 (Fed. Cir. 2007). Whereas the patentee used terms such as "network of nodes" and "predetermined transport vehicle journey" in the '427 Patent, and described the system as such in the prosecution history, the patentee used "shared transport system" to describe the same system when adding additional features in later Asserted Patents.

The Court recognized that "Shared Transport System" is a "term coined by the inventor," and identified a passage at column 2 that "Plaintiffs label as 'definitional.'" Order at 22. While Defendants agree that "Shared Transport System" has a particular and unique meaning in the Asserted Patents, the passage identified by Plaintiffs does not describe all its required features. Indeed, the patentee described the "advantages" of "the invention"—*i.e.*, the "Shared Transport System"—as establishing a network of nodes, or stops, and abstracting a geographic representation of drivers' routes to stop nodes. '427 Patent, 14:33–15:62. Every embodiment of the "shared transport system" requires matching transport users with transport providers traveling an existing route defined before demand for transport and independently of a transport user's door-to-door

trip. *E.g., id.* at 14:49–15:62 (describing Figs. 8a–9b); *id.* at 16:27–58, 17:20–38 (describing Figs. 14a–14c). By contrast, Figure 4 distinguishes dispatchable systems like taxis—which complete a transport user’s door-to-door trip on demand—as “*non*-Shared Transport.”

In addition, the passage identified by the Plaintiffs as “definitional” states that “the invention provides a *network system* that matches the supply and demand of transportation services by incorporating unused transportation capacity (i.e., empty seats) with a real-time allocation and matching service.” *Id.* at 2:65–3:1. Thus, the “Shared Transport System” must necessarily be a “server” system; that is how the “network” is established and is able to match Rider transport demands with Driver’s predetermined routes.

4. **“pick-up location”/ “drop-off location”** (’071 Patent, claims 1, 14, 20; ’138 Patent, claims 1, 10, 18; ’668 Patent, claims 1, 12, 20; ’456 Patent, claims 1–4, 7, 11–13, 19)
5. **“transport provider”** (’071 Patent, claims 1, 14, 19, 20; ’138 Patent, claims 1–4, 9–13, 18; ’668 Patent, claims 1, 2, 4, 5, 8, 10, 12, 13, 15, 16, 19, 20; ’456 Patent, claims 1, 3–5, 7, 10, 11, 13–15, 19, 20)

Defendants respectfully submit that these terms should be construed consistently with “shared transport system” to be limited to how the patentee described the alleged invention in the specification and in the ’427 Patent prosecution. The intrinsic record makes clear that the alleged invention does not cover any and all geographic locations as the claimed “pick-up” and “drop-off” locations; rather, the alleged invention is limited to *specific* locations along an existing route. *See, e.g.,* ’427 Patent, 14:29–31, 14:57–61 (using “nodes” interchangeably with the “pick-up and drop-off points” envisioned by the alleged invention); *id.* at 15:2–5 (identifying purported advantages of the alleged invention as presenting “a very useful and concise set of major stops”). Similarly, the patentee used the terms “transport provider” and “driver” interchangeably. *See, e.g., id.* at 20:43–47, 20:52–55. The Applicant’s disavowal of the “door-to-door” approach of the prior art, and the requirement that the alleged invention include “predetermined” Driver routes, applies fully to the later patents, which cover the “same subject matter.” *Ormco*, 498 F.3d at 1314.

Dated: September 10, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2026, the foregoing was served on all counsel of record who have consented to electronic service.

/s/ Mark N. Reiter

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