

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RIDESHARE DISPLAYS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 20-1629-RGA-JLH
	)	
LYFT, INC.,	)	
	)	
Defendant.	)	
	)	

**DEFENDANT LYFT, INC.’S RULE 72 OBJECTIONS TO THE JULY 12, 2021 REPORT  
AND RECOMMENDATION ON LYFT’S MOTION TO DISMISS (D.I. 46)**

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Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Defendant Lyft, Inc., objects to Magistrate Judge Hall’s July 12, 2021 Report and Recommendation (“R&R”) (D.I. 46) recommending denial of Lyft’s Motion to Dismiss based on 35 U.S.C. § 101. The R&R erred by declining to find: (1) claim 1 of U.S. Patent No. 10,169,987 (“the ‘987 patent”) representative of all claims of the five asserted patents; (2) those claims directed to an abstract idea; and (3) that the claims lack an inventive concept.

Claim Representativeness: the R&R erroneously found “claim 1 of the ‘987 Patent is not necessarily representative of all of the claims of all of the patents” (D.I. 46 at 6) at least because Lyft demonstrated all of the claims are substantially similar and linked to the same abstract idea.

Alice Step 1: the R&R found that whether the claims are directed to an abstract idea “is a close question,” (*Id.* at 9), but erred in declining to find “all 45 claims are only directed to the abstract idea of ‘identifying a particular vehicle using visual indicators’” (*Id.* at 8), in view of Lyft’s showing of abstractness.

Alice Step 2: the R&R erred in finding “disputes of fact that preclude a holding at step two that the claims lack an inventive concept” (D.I. 46 at 10) because the patents themselves demonstrate lack of inventive concept, and analogous case law confirms abstractness of the claims.

The Court should decline to adopt the objected-to portions of the R&R and grant Lyft’s motion to dismiss.

## **I. APPLICABLE LAW**

The Court can accept, reject, or modify the R&R. 28 U.S.C. § 636(b)(1)(C). Objections to a R&R regarding a dispositive motion are reviewed *de novo*. Fed. R. Civ. P. 72(b)(3).

Laws of nature, physical phenomena and abstract ideas are not eligible for patenting under 35 U.S.C. § 101. *See Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014). “[P]atent eligibility

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