

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIEMENS MOBILITY, INC., GROUND TRANSPORTATION SYSTEMS USA,
INC., HUMATICS CORP., and PIPER NETWORKS, INC.,

Petitioners,

v.

METROM RAIL, LLC

Patent Owner.

Inter Partes Review No. IPR2023-00468
Patent 9,043,131

OBJECTIONS TO PETITIONER'S IPR EVIDENCE

Objections to Petitioner's IPR Evidence
U.S. Patent No. 9,043,131

Under 37 C.F.R. § 42.64(b)(1), Patent Owner Metrom Rail, LLC ("Patent Owner" and real party in interest) submits the following Objections to Petitioner's IPR Evidence.

Exhibit	Objection
Ex. 1003 (Declaration of Scott Andrews)	<i>Foundation:</i> The declaration lacks a foundation grounded in experience in the relevant art for opinions regarding obviousness.
Ex. 1017 ("Reserved")	<i>Non-disclosure:</i> No exhibit was filed with the Petition.
Ex. 1027 ("Time Domain's Ultra Wideband (UWB)")	<i>Hearsay:</i> The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication or availability to the public. <i>Authenticity:</i> The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.
Ex. 1031 ("Transponder History – RADAR Identification of Aircraft")	<i>Relevance:</i> The exhibit bears a date on its face (7/20/2022) well after the relevant date for Petitioner's obviousness challenge. <i>Hearsay:</i> The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication. <i>Authenticity:</i> The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.

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Exhibit	Objection
Ex. 1033 ("Collisions and Casualties by Year")	Relevance: The exhibit is not relevant under FRE 402 to any ground upon which trial was instituted. Confusion, Delay, and Waste of Time: To the extent that this exhibit has any other relevance to the Petition, that relevance was not raised by the Petition, and any argument for raising it now would result in confusion, delay, and wasted time. <i>See</i> FRE 403. Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.
Ex. 1034 ("Fatal crashes at highway rail grade crossings")	Relevance: The exhibit is not relevant under FRE 402 to any ground upon which trial was instituted. Confusion, Delay, and Waste of Time: To the extent that this exhibit has any other relevance to the Petition, that relevance was not raised by the Petition, and any argument for raising it now would result in confusion, delay, and wasted time. <i>See</i> FRE 403. Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.

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Ex. 1035 ("Highway-Rail Grade Crossings Overview")	Relevance: The exhibit is not relevant under FRE 402 to any ground upon which trial was instituted. Confusion, Delay, and Waste of Time: To the extent that this exhibit has any other relevance to the Petition, that relevance was not raised by the Petition, and any argument for raising it now would result in confusion, delay, and wasted time. <i>See</i> FRE 403. Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.
Ex. 1036 ("Railroad Accidents: Common Causes, Statistics and Prevention")	Relevance: The exhibit is not relevant under FRE 402 to any ground upon which trial was instituted. Confusion, Delay, and Waste of Time: To the extent that this exhibit has any other relevance to the Petition, that relevance was not raised by the Petition, and any argument for raising it now would result in confusion, delay, and wasted time. <i>See</i> FRE 403. Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication. Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.

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Exhibit	Objection
Ex. 1038 ("Positive Train Control")	Relevance: The exhibit is not relevant under FRE 402 to any ground upon which trial was instituted. Confusion, Delay, and Waste of Time: To the extent that this exhibit has any other relevance to the Petition, that relevance was not raised by the Petition, and any argument for raising it now would result in confusion, delay, and wasted time. <i>See</i> FRE 403. Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication. Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.
Ex. 1039 ("CCS: A Railway Corridor Control System Utilizing Ultra Wideband Radio Technology")	Relevance: The exhibit is not relevant under FRE 402 to any ground upon which trial was instituted. Confusion, Delay, and Waste of Time: To the extent that this exhibit has any other relevance to the Petition, that relevance was not raised by the Petition, and any argument for raising it now would result in confusion, delay, and wasted time. <i>See</i> FRE 403. Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication. Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.

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Date: July 10, 2023

Respectfully submitted,

/Gregory C. Schodde/

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CERTIFICATE OF SERVICE

The undersigned certifies that on July 10, 2023, a copy of Objections to Petitioner's IPR Evidence was served via email to the Petitioners' counsel at the following:

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