

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

**PATENT OWNER'S OBJECTIONS TO PETITIONERS'
SUPPLEMENTAL EVIDENCE**

Patent Owner's Objections to Petitioners' Supplemental 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 Petitioners' Supplemental Evidence that was served on Tuesday, July 25, 2023.

Exhibit	Objection
Ex. 1041 (Declaration of Steve Moore)	<i>Foundation:</i> The declaration is not based on personal knowledge, notwithstanding the statement in paragraph one. The declarant is outside counsel for one of the Petitioners, and does not set forth any basis for why the declarant would have personal knowledge of Petitioner Piper's business. <i>Hearsay:</i> The declaration is implicitly (paragraph 2) or explicitly (paragraph 3) based on the statements of others to the declarant that are offered for their truth, and no hearsay exception applies. The names of the persons that provided the information are not given, no analysis is provided showing how the conclusion was reached, and no backup documentation for the cost of the employee search was provided. There is nothing in the declaration that would allow for any cross examination of the declarant or any of the anonymous employees with percipient knowledge whose statements are being offered for their truth but who did not provide declarations. Fed. R. Evid. 801(c)(2), 802. <i>Failure to Comply with 28 U.S.C. §1746:</i> The declaration is not sworn and does not comply with the statutory requirements for an unsworn declaration.

Respectfully submitted,

Date: July 27, 2023

/Gregory C. Schodde/

Gregory C. Schodde

Reg. No. 36,668

McAndrews, Held & Malloy, Ltd.

Patent Owner's Objections to Petitioners' Supplemental Evidence
U.S. Patent No. 9,043,131

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Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that on July 27, 2023, a copy of **Patent Owner's Objections to Petitioners' Supplemental Evidence** was served via email to the Petitioners' counsel at the following:

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