

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.

Case No. IPR2023-00468, -470
Patent Nos. 9,043,131 and 8,812,227

SUPPLEMENTAL DECLARATION OF KURT GUNTHER

IN SUPPORT OF PATENT OWNER

*Supplemental Declaration of Kurt Gunther
in Support of Patent Owner
IPR2023-00468, -470*

1. I, Kurt Gunther, of Woodstock, Illinois, am Director of Engineering at Metrom Rail, LLC.

2. I am a co-inventor on U.S. Patent Nos. 9,043,131 (the “131 Patent”) and 8,812,227 (the “227 Patent”), both assigned to Metrom Rail, LLC and hereinafter the “Asserted Patents.”

3. I have been asked to prepare this supplemental declaration for submission in *inter partes* review proceedings instituted against U.S. Patent Nos. 9,043,131 (the “131 Patent”) and 8,812,227 (the “227 Patent”), both assigned to Metrom Rail, LLC and hereinafter the “Asserted Patents.” The facts set forth below are based on my personal knowledge.

4. My compensation is not dependent on the outcome of these proceedings, and I am not receiving any compensation for submitting this declaration beyond the normal compensation for my job.

5. I prepared and executed a declaration captioned “DECLARATION OF KURT GUNTHER IN SUPPORT OF PATENT OWNER,” hereinafter the “Gunther Declaration” on September 14, 2023.

6. I understand from Counsel that the Gunther Declaration was filed in the above referenced *inter partes* review proceedings as Ex. 2009.

7. I incorporate by reference the Gunther Declaration in its entirety.

8. I have been informed by Counsel that the Petitioners in the referenced *inter partes* review proceedings have objected to the admissibility of evidence submitted with Metrom's Patent Owner Response.

9. At the request of Counsel, I have prepared this declaration, hereinafter the "Gunther Supplemental Declaration," to support the admissibility of the previously submitted evidence.

10. On September 14, 2023 at approximately 9:00 AM CDT, I spoke with Dr. Todor Cooklev over the Cisco WebEx® platform.

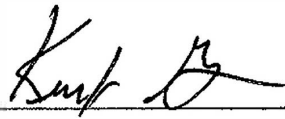
11. Dr. Cooklev explained his understanding of the features set forth in the claims of the Asserted Patents. In view of this explanation and based on my personal knowledge, I informed Dr. Cooklev that every commercial version of the AURA CAS has included the features set forth in the claims and that these features are embodied in the UIM, the CEM and the TSM. Compare Ex. 2019 and Ex. 2013. I also informed Dr. Cooklev that all significant features of the AURA CAS are claimed by the Asserted Patent claims and that there are no significant unclaimed features.

I, Kurt Gunther declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true;

*Supplemental Declaration of Kurt Gunther
in Support of Patent Owner
IPR2023-00468, -470*

and further, that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

October 6, 2023

A handwritten signature in black ink, appearing to read "Kurt Gunther", is written over a horizontal line.

Kurt Gunther