

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 REPLY EVIDENCE

Objections to Petitioner's Reply 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 Reply Evidence.

Exhibit	Objection
Ex. 1055 (Journal of Communications, May 2009)	<i>Untimely:</i> The exhibit is new evidence in Reply on an issue (scope and content of the prior art) for which Petitioner had the burden of proof, and was not submitted by motion as required by 37 C.F.R. § 42.123(b). <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.
Exhibit 1057 (Web Page)	<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.

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

Exhibit	Objection
Ex. 1060 (U.S Patent No. 6,480,766)	Untimely: The exhibit is new evidence in Reply on an issue (scope and content of the prior art) for which the Petitioner had the burden of proof, and was not submitted by motion as required by 37 C.F.R. § 42.123(b). Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. See FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication or availability to the public.
Ex. 1061 (USPTO web site screen grabs)	Foundation: The exhibit has no sponsoring witness with personal knowledge under FRE 602. Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. See FRE 801-807. Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.

Respectfully submitted,

Date: December 22, 2023

/Gregory C. Schodde/

Gregory C. Schodde

Reg. No. 36,668

McAndrews, Held & Malloy, Ltd.

500 West Madison Street, 34th Floor

Chicago, Illinois 60661

(312) 775-8000

(312) 775-8100

gschodde@mcandrews-ip.com

Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that on December 22, 2023, a copy of Objections to
Petitioner's Reply Evidence was served via email to the Petitioners' counsel at:

howard@wisnialaw.com
nspeed@wolfgreenfield.com
gnieberg-ptab@wolfgreenfield.com
vgalluzzo@crowell.com
msupko@crowell.com
jjames@crowell.com
kschmitz@crowell.com
thatcher.rahmeier@faegredrinker.com
zach.kachmer@faegredrinker.com
ncunningham@dority-manning.com
smoore@dority-manning.com

Date: December 22, 2023

/Gregory C. Schodde/

Gregory C. Schodde

Reg. No. 36,668

McAndrews, Held & Malloy, Ltd.

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Chicago, Illinois 60661

(312) 775-8000

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