

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 JAMES A. MARCHI

IN SUPPORT OF PATENT OWNER

*Supplemental Declaration of James A. Marchi
in Support of Patent Owner
IPR2023-00468, -470*

1. I, James A. Marchi of Hawthorn Woods, Illinois, am the Chief Executive Officer (CEO) of Patent Owner, Metrom Rail, LLC (Metrom) and a co-founder of the company.
2. I have been the CEO of Metrom since Metrom's founding in 2010 and am familiar with Metrom's day to day operations and Metrom's efforts to compete for business, as well as the major customers in Metrom's industry and the products offered by Metrom's major competitors.
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."
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 JAMES A. MARCHI IN SUPPORT OF PATENT OWNER," hereinafter the "Marchi Declaration" on September 14, 2023.
6. I understand from Counsel that the Marchi Declaration was filed in the above referenced *inter partes* review proceedings as Ex. 2008.

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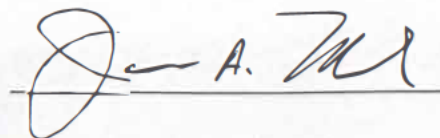
7. I incorporate by reference the Marchi Declaration in its entirety.
8. I have been informed by Counsel that the Petitioners in the referenced *inter partes* review proceedings have objected to the admissibility of evidence submitted with Metrom's Patent Owner Response.
9. At the request of Counsel, I have prepared this declaration, hereinafter the "Marchi Supplemental Declaration," to support the admissibility of the previously submitted evidence.
10. Exhibit 2019 filed in the referenced *inter partes* reviews is a true and accurate copy of the product specification for Metrom's AURA MOW product. As the CEO of Metrom, I have personal knowledge of this document. It has been the regular practice of Metrom to create and maintain product specifications for the AURA MOW product. Exhibit 2019 was created by Metrom in 2017. It has been Metrom's regular business practice to make product specifications such as Ex. 2019 available for download from Metrom's website. *See e.g.*, Ex. 2016, "System Specifications (PDF)" link under "Downloads"
11. On September 14, 2023 at approximately 1:00 PM CDT, I spoke with Dr. Todor Cooklev over the Cisco WebEx® platform.
12. Dr. Cooklev explained his understanding of the features set forth in the claims of the Asserted Patents. In view of this explanation, I informed Dr. Cooklev that the

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features claimed by the Asserted Patents are the very features that have made the AURA CAS commercially successful. Every commercial version of the AURA CAS has included the UIM, the CEM and the TSM and further the claimed features that have made the AURA CAS commercially successful. Compare Ex. 2019 and Ex. 2013. This information is based on my communications with Metrom's customers, my personal knowledge and my general understanding of the patent claims.

I, James A. Marchi 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; 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 'James A. Marchi', written over a horizontal line.

James A. Marchi