

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

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

v.

METROM RAIL, LLC,
Patent Owner.

IPR2024-00947
Patent 9,731,738 B2

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

ORDER

The Office has received a request for Director Review of the Decision Denying Institution for the above-captioned case. *See* Paper 13.

I have considered the request and determined that the Decision warrants review by a Delegated Rehearing Panel (“DRP”). Accordingly, I delegate Director Review of the Decision to a DRP to review the Decision and determine: (1) whether a reference appearing only in an Examiner’s search history is deemed previously presented art under 35 U.S.C. § 325(d) (*see* Decision 12–13); and (2) whether Kane¹ is substantially the same as Knott,² and, if not, whether the same or substantially the same obviousness arguments were previously presented to the Office (*see id.* at 13–17).

Absent good cause, the DRP shall issue a decision within 30 days of this Order.

Accordingly, it is:

ORDERED that the request for Director Review is delegated to a DRP.

¹ US 6,957,131 B2, issued Oct. 18, 2005 (Ex. 1005).

² US 2010/0063656 A1, published Mar. 11, 2010 (Ex. 2001).

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For PETITIONER:

Joshua James
Kassidy Schmitz
CROWELL & MORING LLP
jjames@crowell.com
kschmitz@crowell.com

Thatcher Rahmeier
Zachary Kachmer
FAEGRE DRINKER BIDDLE & REATH LLP
thatcher.rahmeier@faegredrinker.com
zach.kachmer@faegredrinker.com

Howard Wisnia
WISNIA P.C.
Howard@wisnialaw.com

Steven Moore
DORITY & MANNING, P.A.
smoore@dority-manning.com

For PATENT OWNER:

Gregory Schodde
Philipp Ruben
MCANDREWS, HELD & MALLOY, LTD
gschodde@mcandrews-ip.com
pruben@mcandrews-ip.com