

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WESTINGHOUSE AIR BRAKE TECHNOLOGIES CORPORATION
Petitioner

v.

RAILWARE, INC.
Patent Owner

IPR2026-00133
Patent 9,517,782

PETITIONER'S NOTICE OF STIPULATION¹

¹ Director authorization to file this Notice was provided in an email sent January 22, 2026.

In its petition for *inter partes* review challenging U.S. Patent No. 9,517,782 (“’782 patent”) (IPR2026-00133, “Petition”), and out of an abundance of caution, Westinghouse Air Brake Technologies Corporation (“Petitioner” or “Wabtec”) identified Peninsula Corridor Joint Powers Board d/b/a Caltrain (“Caltrain”) as a real party in interest. Petition (Paper 1) at 1. Caltrain is a named defendant in an active patent infringement litigation brought by patent owner Railware, Inc. (“Railware”) involving the ’782 patent, stylized as *Railware, Inc. v. Peninsula Corridor Joint Powers Board dba Caltrain*, 5:25-cv-05725-BLF(NMC) (N.D. Cal.) (“Caltrain litigation”). Petition, at 1-2.²

In light of the USPTO’s: (i) discretionary considerations in deciding IPR institution; and (ii) Notice of Proposed Rulemaking (90 Fed. Reg. 199, 48335-41 (Oct. 17, 2025)), proposing to revise Rule 42.108(d) to impose a stipulation requirement for IPR petitioners and their real parties in interest, Wabtec presents to the Director and the Board the following two stipulations regarding the ’782 patent:

- (1) Notwithstanding the lack of any active litigation between Wabtec and Railware involving the ’782 patent, Wabtec stipulates that if *inter partes* review is instituted in IPR2026-00133 (and such institution is

² There is no prior or active litigation between Wabtec and Railware involving the ’782 patent.

- not subsequently vacated), it will not raise grounds of invalidity or unpatentability with respect to the '782 patent under 35 U.S.C. §§ 102 or 103 in any other proceeding (“Wabtec stipulation”); and
- (2) In the Caltrain litigation, Caltrain has filed a Notice of Stipulation which stipulates that if *inter partes* review is instituted in IPR2026-00133 (and such institution is not subsequently vacated), Caltrain will not pursue grounds of invalidity or unpatentability with respect to the '782 patent under 35 U.S.C. §§ 102 or 103 in the Caltrain litigation or in any other proceeding (“Caltrain stipulation”).³ EX1032 (ECF No. 67 in the Caltrain litigation). The Court has since approved the Caltrain stipulation (ECF No. 68).

Wabtec respectfully requests favorable consideration of the Wabtec and Caltrain stipulations with regards to any discretionary considerations.

³ The Wabtec and Caltrain stipulations are broader in scope than that addressed in *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 18-19 (PTAB Dec. 1, 2020) (precedential).

DATED: January 22, 2026

Respectfully submitted,

/Stephen K Yam/

Stephen K. Yam (Reg. No. 64,927)

syam@venable.com

VENABLE LLP

600 Massachusetts Ave., NW

Washington, DC 20001

T 202-721-5429

F 202-344-8300

CERTIFICATE OF SERVICE

I hereby certify that on this date, true and correct copies of the foregoing and Exhibit 1032 were served on Patent Owner via email to the following email addresses:

BVogel@robinskaplan.com
DCarman@robinskaplan.com
RK-Railware@robinskaplan.com

DATED: January 22, 2026

Respectfully submitted,

/Stephen K Yam/
Stephen K. Yam (Reg. No. 64,927)
syam@venable.com
VENABLE LLP
600 Massachusetts Ave., NW
Washington, DC 20001
T 202-721-5429
F 202-344-8300