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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
APPROVED
Judge Beth Labson Freeman

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION**

| | |
|---|---|
| RAILWARE, INC.,<br><br>*Plaintiff*,<br><br>v.<br><br>PENINSULA CORRIDOR JOINT POWERS BOARD D/B/A CALTRAIN,<br><br>*Defendant*. | Case No. 5:25-cv-05725-BLF (NMC)<br><br>**DEFENDANT PENINSULA CORRIDOR JOINT POWERS BOARD D/B/A CALTRAIN'S STIPULATION REGARDING *INTER PARTES* REVIEW**<br><br>**JURY TRIAL DEMANDED**<br><br>Judge: Honorable Beth Labson Freeman |

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**WABTEC EX1033**
**Wabtec v. Railware, IPR2026-00133**

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In this litigation, Plaintiff Railware, Inc. has accused Defendant Peninsula Corridor Joint Powers Board d/b/a Caltrain ("Caltrain" or "Defendant") of infringing U.S. Patent Nos. 9,517,782 ("'782 patent"), RE 47,835 ("RE'835 patent"), and RE 49,115 ("RE'115 patent") (collectively, the "Asserted Patents"). ECF No. 1 (Complaint).

On November 19, 2025, non-party Westinghouse Air Brake Technologies Corporation ("Wabtec") filed in the Patent Trial and Appeal Board ("PTAB") *inter partes* review ("IPR") petitions challenging every claim of the Asserted Patents, docketed as follows: (i) IPR2026-00133, a petition for IPR of the '782 patent (Exhibit A, at 4); (ii) IPR2026-00134, a petition for IPR of the RE'835 patent (Exhibit B, at 4); and (iii) IPR2026-00135, a petition for IPR of the RE'115 patent (Exhibit C, at 4).

At present, all three IPR petitions are pending institution decisions.

In light of these IPR challenges against all claims of the Asserted Patents, Caltrain hereby stipulates as follows:

(1) Caltrain stipulates that if the U.S. Patent and Trademark Office ("USPTO") institutes IPR2026-00133, which challenges all claims (*i.e.*, claims 1-8) of the '782 patent (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 this litigation or in any other proceeding.

(2) Caltrain stipulates that if the USPTO institutes IPR2026-00134, which challenges all claims (*i.e.*, claims 1-7, 9-16, and 18-41)[1] of the RE'835 patent (and such institution is not subsequently vacated), Caltrain will not pursue grounds of invalidity or unpatentability with respect to the RE'835 patent under 35 U.S.C. §§ 102 or 103 in this litigation or in any other proceeding.

[1] During prosecution of the RE'835 patent, claims 8 and 17 were cancelled. *See* Exhibit B, at 7, xi-xvi.

(3) Caltrain stipulates that if the USPTO institutes IPR2026-00135, which challenges all claims (*i.e.*, claims 20-36)[2] of the RE'115 patent (and such institution is not subsequently vacated), Caltrain will not pursue grounds of invalidity or unpatentability with respect to the RE'115 patent under 35 U.S.C. §§ 102 or 103 in this litigation or in any other proceeding.

For the sake of clarity, the foregoing stipulations do not encompass any grounds of unpatentability or invalidity beyond 35 U.S.C. §§ 102 and 103 (*e.g.*, grounds under 35 U.S.C. §§ 101 or 112). Caltrain also reserves the right to expand the scope of the foregoing stipulations.

DATED: January 20, 2026

VENABLE LLP

By: */s/ Andrew P. MacArthur*
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[2] During prosecution of the RE'115 patent, claims 1-19 were cancelled. *See* Exhibit C, at 7, x-xx.