

From: [Trials](#)
To: [Yam, Stephen K.](#); [González López, José A.](#); [Carman, Derrick J.](#); [Vogel, Bryan J.](#); [RK-Railware@RobinsKaplan.com](#)
Cc: [Trials](#)
Subject: RE: IPR2026-00133, -00134, -00135 (Westinghouse Air Brake v. Railware) Petitioner's request for authorization to file Replies to POPRs
Date: Thursday, March 12, 2026 12:46:35 PM
Attachments: [image001.png](#)

Counsel,

Petitioner is authorized to file a 5-page preliminary reply in each of IPR2026-00133, IPR2026-00134, and IPR2026-00135, due no later than March 17, 2026, limited to addressing the issues identified in the email below, namely, claim construction, citation support, and alleged arguments against individual obviousness references. Patent Owner is authorized to file a 5-page preliminary sur-reply in each of these proceedings, due no later than March 20, 2026, limited to addressing the same issues.

The parties should file their briefs as papers in P-TACTS.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
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From: Yam, Stephen K. <SYam@Venable.com>
Sent: Wednesday, March 11, 2026 5:34 PM
To: Director_DI <Director_DI@uspto.gov>; Trials <Trials@USPTO.GOV>
Cc: González López, José A. <JAGonzalezLopez@Venable.com>; Carman, Derrick J. <DCarman@RobinsKaplan.com>; Vogel, Bryan J. <BVogel@RobinsKaplan.com>; RK-Railware@RobinsKaplan.com
Subject: IPR2026-00133, -00134, -00135 (Westinghouse Air Brake v. Railware) Petitioner's request for authorization to file Replies to POPRs

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Dear Honorable Director and Board,

On March 2, Patent Owner filed its Preliminary Responses (POPR) in IPR2026-00133, IPR2026-00134, and IPR2026-00135. Upon reviewing these POPRs, Petitioner believes these briefs contain certain mischaracterizations and errors of law that warrant a Reply. Petitioner respectfully requests authorization to file a 5-page Reply to each POPR, to address the following issues:

1. The POPR's statements regarding claim construction:
 - a. POPR's misstatements of Petitioner's claim construction positions. For example, the POPR (incorrectly) alleges that Petitioner is asserting a claim term is "both indefinite and obvious." *See, e.g.*, IPR2026-00133 POPR (Paper 11) at 3, 13; *c/f* IPR2026-00133 Petition (Paper 1) at 8-10.
 - b. POPR's mischaracterizations regarding the Board's prior IPR institution decision. For example, the POPR (incorrectly) alleges that "[t]he Board's prior decision supports Patent Owner's construction" when the Board's prior decision actually raised concerns with this construction. *See, e.g.*, IPR2026-00133 POPR at 22-23; *c/f* IPR2026-00133 Petition at 9; IPR2026-00133 Ex. 2002 (PTAB Institution Decision in IPR2023-01179) at 20 n.11.
 - c. POPR's inconsistent claim constructions. For example, the POPR contends that the code is "not readily available to the terminal user (i.e., the dispatcher)" (*e.g.*, IPR2026-00133 POPR at 14-15) while asserting the "claimed 'release code' permits the 'release' or removal of a block from a track" (*e.g., id.* at 46 (citations omitted)).
2. The POPR's mischaracterizations that the Petition lacks citation support for certain points, when the Petition actually provided such citation support. *See, e.g.*, IPR2026-00133 POPR at 53-54 (alleging Petitioner "does not cite to Macey at all"); *c/f* IPR2026-00133 Petition at 55-56 (including a "supra p.48" cross-reference to additional discussions of Macey with citation support).
3. The POPR's opposition to the proposed obviousness grounds by arguing against the references individually rather than the combination which, according to a Federal Circuit decision even referenced in the POPR, constitutes a "legal error." *See, e.g.*, IPR2026-00133 POPR 44-47, 11; *Palo Alto Networks, Inc. v. Centripetal Networks, LLC*, 122 F.4th 1378, 1386 (Fed. Cir. 2024); ("legal error" to "attack the disclosures of the two references individually" instead of "whether the particular combination . . . would meet the claim limitations at issue") (citation and quotations omitted); *c/f* IPR2026-00133 Petition at 47.

In light of these issues, good cause exists for granting a Reply to each POPR. Petitioner does not

oppose a Sur-Reply of equal page length being granted to Patent Owner.

The parties have conferred and Patent Owner opposes Petitioner's request. Patent Owner's position is as follows:

Patent Owner contests the allegation that its POPRs contain any of the alleged "mischaracterizations" or "errors of law." Patent Owner contends that none of the alleged justifications identified by Petitioner provide good cause for a reply under 37 C.F.R. § 42.108(c). Nevertheless, to the extent the Director and Board are inclined to grant Petitioner's request, Patent Owner requests permission to file a sur-reply in each proceeding of equal length to whatever reply is granted to Petitioner. Petitioner does not oppose Patent Owner's request for sur-replies of equal length to any granted replies.

Best regards,
Steve Yam
Counsel for Petitioner

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