CLOSED,CASREF,ECF

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:22−cv−05013−KPF

Railware, Inc. v. National Railroad Passenger Corporation
Assigned to: Judge Katherine Polk Failla
Referred to: Magistrate Judge Sarah L. Cave (Settlement)
Cause: 35:271 Patent Infringement

Date Filed: 06/15/2022
Date Terminated: 06/14/2024
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

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V.

Defendant

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Amtrak

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V.

Counter Defendant

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Bryan Jason Vogel
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Date Filed	#	Docket Text
06/15/2022	1	COMPLAINT against National Railroad Passenger Corporation. (Filing Fee $ 402.00, Receipt Number ANYSDC−26286295)Document filed by Railware, Inc.. (Attachments: # 1 Exhibit A − US Pat. 9,517,782, # 2 Exhibit B − US Pat. RE47,835).(Vogel, Bryan) (Entered: 06/15/2022)
06/15/2022	2	CIVIL COVER SHEET filed..(Vogel, Bryan) (Entered: 06/15/2022)
06/15/2022	3	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 06/15/2022)
06/15/2022	4	AO 120 FORM PATENT − NOTICE OF SUBMISSION BY ATTORNEY. AO 120 Form Patent/Trademark for case opening submitted to court for review..(Vogel, Bryan) (Entered: 06/15/2022)
06/15/2022	5	**FILING ERROR − DEFICIENT PLEADING − SUMMONS REQUEST PDF ERROR −** REQUEST FOR ISSUANCE OF SUMMONS as to National Railroad Passenger Corporation d/b/a AMTRAK, re: 1 Complaint,. Document filed by Railware, Inc...(Vogel, Bryan) Modified on 6/16/2022 (pc). (Entered: 06/15/2022)
06/16/2022		*****NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Bryan Jason Vogel. The party information for the following party/parties has been modified: National Railroad Passenger Corporation. The information for the party/parties has been modified for the following reason/reasons: alias party name was entered in all caps;. (pc)** (Entered: 06/16/2022)
06/16/2022		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above−entitled action is assigned to Judge Katherine Polk Failla. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district−judges. Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf−related−instructions..(pc) (Entered: 06/16/2022)
06/16/2022		Magistrate Judge Sarah L. Cave is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018−06/AO−3.pdf. (pc) (Entered: 06/16/2022)
06/16/2022		Case Designated ECF. (pc) (Entered: 06/16/2022)
06/16/2022		*****NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Bryan Jason Vogel to RE−FILE Document No. 5 Request for Issuance of Summons,. The filing is deficient for the following reason(s): Only parties listed on the complaint caption title can be issued a summons;. Re−file the document using the event type Request for Issuance of Summons found under the event list Service of Process − select the correct filer/filers − and attach the correct summons form PDF. (pc)** (Entered: 06/16/2022)
06/16/2022	6	AO 120 FORM PATENT − CASE OPENING − SUBMITTED. In compliance with the provisions of 35 U.S.C. 290, the Director of the U.S. Patent and Trademark Office is hereby advised that a court action has been filed on the following patent(s) in the U.S. District Court Southern District of New York. Director of the U.S. Patent and Trademark Office electronically notified via Notice of Electronic Filing (NEF)..(pc) (Entered: 06/16/2022)
06/17/2022	7	REQUEST FOR ISSUANCE OF SUMMONS as to National Railroad Passenger Corporation d/b/a Amtrak, re: 1 Complaint,. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 06/17/2022)
06/21/2022	8	ELECTRONIC SUMMONS ISSUED as to National Railroad Passenger Corporation..(jgo) (Entered: 06/21/2022)

06/24/2022	9	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 9/7/2022 at 12:30 PM before Judge Katherine Polk Failla. This case has been assigned to me for all purposes. It is hereby ORDERED that counsel for all parties appear for an initial pretrial conference with the Court on September 7, 2022, at 12:30 p.m. The conference will be held telephonically. At the scheduled date and time, the parties are to call (888) 363−4749 and enter access code 5123533. (Signed by Judge Katherine Polk Failla on 6/24/2022) (rro) (Entered: 06/24/2022)
06/28/2022	10	CERTIFICATE OF SERVICE of Notice of Initial Pretrial Conference, Individual Rules of Practice in Civil Cases, Proposed Civil Case Management Plan and Scheduling Order form served on National Railroad Passenger Corporation d/b/a Amtrak on June 28, 2022. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 06/28/2022)
06/30/2022	11	AMENDED COMPLAINT amending 1 Complaint, against National Railroad Passenger Corporation with JURY DEMAND.Document filed by Railware, Inc.. Related document: 1 Complaint,. (Attachments: # 1 Exhibit A − US Patent 9,517,782, # 2 Exhibit B − US Patent RE47,835, # 3 Exhibit C − US Patent RE49,115).(Vogel, Bryan) (Entered: 06/30/2022)
06/30/2022	12	AO 120 FORM PATENT − NOTICE OF SUBMISSION BY ATTORNEY. AO 120 Form Patent/Trademark for additional pleading submitted to court for review..(Vogel, Bryan) (Entered: 06/30/2022)
06/30/2022	13	AO 120 FORM PATENT − CASE OPENING − SUBMITTED. In compliance with the provisions of 35 U.S.C. 290, the Director of the U.S. Patent and Trademark Office is hereby advised that a court action has been filed on the following patent(s) in the U.S. District Court Southern District of New York. Director of the U.S. Patent and Trademark Office electronically notified via Notice of Electronic Filing (NEF)..(jgo) (Entered: 06/30/2022)
07/08/2022	14	NOTICE OF APPEARANCE by Frank Michael Gasparo on behalf of National Railroad Passenger Corporation..(Gasparo, Frank) (Entered: 07/08/2022)
07/08/2022	15	NOTICE OF APPEARANCE by Ralph A. Dengler on behalf of National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 07/08/2022)
07/08/2022	16	NOTICE OF APPEARANCE by Andrew Peter MacArthur on behalf of National Railroad Passenger Corporation..(MacArthur, Andrew) (Entered: 07/08/2022)
07/11/2022	17	WAIVER OF SERVICE RETURNED EXECUTED. National Railroad Passenger Corporation waiver sent on 7/8/2022, answer due 9/6/2022. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 07/11/2022)
07/26/2022	18	NOTICE OF APPEARANCE by Derrick Carman on behalf of Railware, Inc...(Carman, Derrick) (Entered: 07/26/2022)
08/25/2022		*****DELETED DOCUMENT. Deleted document number 19 Motion to Dismiss. The document was incorrectly filed in this case. (lb)** (Entered: 08/26/2022)
08/29/2022	19	LETTER MOTION for Conference *Amtrak's Pre−Motion Letter and Request for Adjournment* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated August 29, 2022. Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 08/29/2022)
08/29/2022	20	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate American Financial Group, Inc., Other Affiliate Passenger Railroad Insurance Limited, Other Affiliate Washington Terminal Company, Other Affiliate Canadian Pacific Railway, Other Affiliate Burlington Northern and Santa Fe LLC, Other Affiliate American Premier Underwriters, Inc., Other Affiliate NERI PCC, Inc., Other Affiliate Canadian National Railway, Other Affiliate Berkshire Hathaway for National Railroad Passenger Corporation. Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 08/29/2022)
09/01/2022	21	PROPOSED CASE MANAGEMENT PLAN. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 09/01/2022)

09/01/2022	22	JOINT LETTER addressed to Judge Katherine Polk Failla from Bryan J. Vogel & Ralph A. Dengler dated September 1, 2022 re: Initial Pretrial Conference. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 09/01/2022)
09/01/2022	23	LETTER RESPONSE in Opposition to Motion addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated September 1, 2022 re: 19 LETTER MOTION for Conference *Amtrak's Pre−Motion Letter and Request for Adjournment* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated August 29, 2022. . Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 09/01/2022)
09/02/2022	24	MEMO ENDORSEMENT on 23 granting 19 Letter Motion for Conference re: 19 LETTER MOTION for Conference *Amtrak's Pre−Motion Letter and Request for Adjournment* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated August 29, 2022. ENDORSEMENT: The Court is in receipt of the parties' above joint status letter; Defendant's pre−motion letter (Dkt. #19); the parties' proposed case management plan (Dkt. #21); and Plaintiff's opposition to Defendant's anticipated motion (Dkt. #23). The Court will not adjourn the initial pretrial conference scheduled for September 7, 2022. Instead, the Court hereby CONVERTS the conference to a pre−motion conference and ADJOURNS the conference to that same date at 11:00 a.m. The parties shall be prepared to discuss Defendant's anticipated motion at the conference. The Clerk of Court is directed to terminate the motion at docket entry 19. Pre−Motion Conference set for 9/7/2022 at 11:00 AM before Judge Katherine Polk Failla.. (Signed by Judge Katherine Polk Failla on 9/2/2022) (rro) (Entered: 09/02/2022)
09/07/2022		Minute Entry for proceedings held before Judge Katherine Polk Failla: Initial Pretrial/Pre−motion Conference held on 9/7/2022. Attorneys Bryan Jason Vogel and Derrick Carman representing Plaintiff present. Attorneys Ralph A. Dengler and Andrew Peter MacArthur representing Defendant present. Defendant's motion to dismiss is due by 10/6/2022; Opposition is due by 11/3/2022; and Reply is due by 11/17/2022. The parties shall adhere to the Court's page limits for their briefs. The Court will not endorse the case management plan or order discovery at this time. (Court Reporter recorded) (tn) Modified on 9/16/2022 (tn). (Entered: 09/16/2022)
09/22/2022	25	TRANSCRIPT of Proceedings re: INITIAL PRETRIAL CONFERENCE held on 9/7/2022 before Judge Katherine Polk Failla. Court Reporter/Transcriber: Carole Ludwig, (212) 420−0771. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/13/2022. Redacted Transcript Deadline set for 10/24/2022. Release of Transcript Restriction set for 12/21/2022. (js) (Entered: 09/22/2022)
09/22/2022	26	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a INITIAL PRETRIAL CONFERENCE proceeding held on 9/7/2022 has been filed by the court reporter/transcriber in the above−captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days... (js) (Entered: 09/22/2022)
10/06/2022	27	MOTION to Dismiss *for Lack of Patentable Subject Matter and No Willful and No Indirect Infringement*. Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 10/06/2022)
10/06/2022	28	DECLARATION of Ralph A. Dengler in Support re: 27 MOTION to Dismiss *for Lack of Patentable Subject Matter and No Willful and No Indirect Infringement*.. Document filed by National Railroad Passenger Corporation. (Attachments: # 1 Exhibit 1 − U.S. Pat. No. 9,517,782, # 2 Exhibit 2 − U.S. Reissue Pat. No. RE47,835, # 3 Exhibit 3 − U.S. Reissue Pat. No. RE49,115).(Dengler, Ralph) (Entered: 10/06/2022)
10/06/2022	29	MEMORANDUM OF LAW in Support re: 27 MOTION to Dismiss *for Lack of Patentable Subject Matter and No Willful and No Indirect Infringement*. . Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 10/06/2022)
10/06/2022	30	PROPOSED ORDER. Document filed by National Railroad Passenger Corporation. Related Document Number: 27 ..(Dengler, Ralph) **Proposed Order to be reviewed**

		by Clerk's Office staff. (Entered: 10/06/2022)
10/07/2022		*****NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. 30 Proposed Order was reviewed and approved as to form. (km)** (Entered: 10/07/2022)
11/03/2022	31	RESPONSE in Opposition to Motion re: 27 MOTION to Dismiss *for Lack of Patentable Subject Matter and No Willful and No Indirect Infringement. Railware, Inc.'s Opposition to Defendant's Motion to Dismiss for Lack of Patentable Subject Matter and No Willful and No Indirect Infringement*. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 11/03/2022)
11/04/2022	32	LETTER addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated Nov. 4, 2022 re: Oral Argument. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 11/04/2022)
11/04/2022	33	MEMO ENDORSEMENT on re: 32 Letter filed by Railware, Inc. ENDORSEMENT: The Court is in receipt of Plaintiff's request for oral argument concerning Defendant's Motion to Dismiss. If the Court determines that oral argument would be useful, it will promptly reach out to the parties. SO ORDERED. (Signed by Judge Katherine Polk Failla on 11/4/2022) (vfr) (Entered: 11/04/2022)
11/17/2022	34	REPLY MEMORANDUM OF LAW in Support re: 27 MOTION to Dismiss *for Lack of Patentable Subject Matter and No Willful and No Indirect Infringement*. . Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 11/17/2022)
03/29/2023	35	NOTICE OF CHANGE OF ADDRESS by Frank Michael Gasparo on behalf of National Railroad Passenger Corporation. New Address: Venable LLP, 151 West 42nd Street, 49th Floor, New York, New York, United States 10036, 212−307−5500..(Gasparo, Frank) (Entered: 03/29/2023)
03/29/2023	36	NOTICE OF CHANGE OF ADDRESS by Ralph A. Dengler on behalf of National Railroad Passenger Corporation. New Address: Venable LLP, 151 West 42nd Street, 49th Floor, New York, New York, United States 10036, 212−307−5500..(Dengler, Ralph) (Entered: 03/29/2023)
03/29/2023	37	NOTICE OF CHANGE OF ADDRESS by Andrew Peter MacArthur on behalf of National Railroad Passenger Corporation. New Address: Venable LLP, 151 West 42nd Street, 49th Floor, New York, New York, United States 10036, 212−307−5500..(MacArthur, Andrew) (Entered: 03/29/2023)
04/27/2023	38	NOTICE of of Supplemental Authority re: 27 MOTION to Dismiss *for Lack of Patentable Subject Matter and No Willful and No Indirect Infringement*.. Document filed by National Railroad Passenger Corporation. (Attachments: # 1 Exhibit A − Sanderling Mgmt. Ltd. v. Snap Inc., No. 2021−2173, Dkt. No. 49, # 2 Exhibit B − EscapeX IP LLC v. Block, Inc., No. 22−cv−3575−JMF, Dkt. No. 30).(Dengler, Ralph) (Entered: 04/27/2023)
08/23/2023	39	MEMORANDUM AND OPINION re: 27 MOTION to Dismiss *for Lack of Patentable Subject Matter and No Willful and No Indirect Infringement*. filed by National Railroad Passenger Corporation. For the reasons detailed above, Defendants motion to dismiss for lack of patent−eligible subject matter is DENIED, and Plaintiffs infringement and post−suit willfulness claims may proceed to discovery. Defendant is ORDERED to file an answer on or before September 13, 2023. Additionally, the parties are ORDERED to confer and submit a joint case management plan on or before September 27, 2023. The Clerk of Court is directed to terminate the motion at docket entry 27. SO ORDERED. National Railroad Passenger Corporation answer due 9/13/2022. (Signed by Judge Katherine Polk Failla on 8/23/2023) (rro) (Entered: 08/23/2023)
09/13/2023	40	ANSWER to 11 Amended Complaint, with JURY DEMAND., COUNTERCLAIM against Railware, Inc.. Document filed by National Railroad Passenger Corporation. (Attachments: # 1 Exhibit 1 − December 17, 2013 Metro−North Transportation Committee, # 2 Exhibit 2 − Metro−North Railroad − February 27, 2014, # 3 Exhibit 3 − March 3, 2014 MRA 100 Day Plan, # 4 Exhibit 4 − July 2016 Meeting of the Metro−North Railroad Committee, # 5 Exhibit 5 − 2017 Combined Continuing

		Disclosure Filings, # 6 Exhibit 6 − April 10, 2018 MNR Response re PTC, # 7 Exhibit 7 − 2022 Combined Continuing Disclosure Filing, # 8 Exhibit 8 − Metro−North Railroad. Safety Program Report 2013, # 9 Exhibit 9−1 − FH −− 15,928,955 (US Pat RE47835 of 9,403,545) (Part 1 of 3), # 10 Exhibit 9−2 − FH −− 15,928,955 (US Pat RE47835 of 9,403,545) (Part 2 of 3), # 11 Exhibit 9−3 − FH −− 15,928,955 (US Pat RE47835 of 9,403,545) (Part 3 of 3), # 12 Exhibit 10−1 − FH −− 16,709,126 (US Pat RE49115) (Part 1 of 2), # 13 Exhibit 10−2 − FH −− 16,709,126 (US Pat RE49115) (Part 2 of 2), # 14 Exhibit 11 − '782 Patent IPR Petition (no exhibits), # 15 Exhibit 12 − RE'835 Patent IPR Petition (no exhibits), # 16 Exhibit 13 − RE'115 Patent IPR Petition (no exhibits), # 17 Exhibit 14 − FH −− 15,177,506 (9,517,782)).(Dengler, Ralph) (Entered: 09/13/2023)
09/25/2023	41	LETTER MOTION for Conference *Railware Inc.'s Pre−Motion Letter regarding a Motion to Dismiss and Motion to Strike* addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated September 25, 2023. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 09/25/2023)
09/27/2023	42	PROPOSED CASE MANAGEMENT PLAN. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 09/27/2023)
09/28/2023	43	NOTICE OF APPEARANCE by Sean M McCarthy on behalf of National Railroad Passenger Corporation..(McCarthy, Sean) (Entered: 09/28/2023)
09/28/2023	44	NOTICE OF APPEARANCE by Nicholas D Marcello on behalf of National Railroad Passenger Corporation..(Marcello, Nicholas) (Entered: 09/28/2023)
09/28/2023	45	LETTER RESPONSE in Opposition to Motion addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated September 28, 2023 re: 41 LETTER MOTION for Conference *Railware Inc.'s Pre−Motion Letter regarding a Motion to Dismiss and Motion to Strike* addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated September 25, 2023. . Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 09/28/2023)
09/29/2023	46	ORDER granting 41 Letter Motion for Conference re: 41 LETTER MOTION for Conference *Railware Inc.'s Pre−Motion Letter regarding a Motion to Dismiss and Motion to Strike* addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated September 25, 2023. The Court is in receipt of Plaintiff's request for a pre−motion conference for its proposed motion to dismiss Defendant's third counterclaim and to strike certain of Defendant's affirmative defenses (Dkt. #41) as well as Defendant's above response (Dkt. #45). The Court hereby ORDERS the parties to appear for a pre−motion conference on October 17, 2023 at 3:00 p.m. in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York. The parties should also be prepared to discuss the issues identified in their joint proposed case management plan (Dkt. #42) at such time. The Clerk of Court is directed to terminate the motion at docket entry 41. Pre−Motion Conference set for 10/17/2023 at 03:00 PM in Courtroom 618, 40 Centre Street, New York, NY 10007 before Judge Katherine Polk Failla.. (Signed by Judge Katherine Polk Failla on 9/29/2023) (rro) (Entered: 09/29/2023)
10/03/2023	47	JOINT LETTER addressed to Judge Katherine Polk Failla from Ralph A. Dengler and Bryan J. Vogel dated October 3, 2023 re: Request for a Settlement Conference Before a Magistrate Judge. Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 10/03/2023)
10/04/2023	48	MEMO ENDORSEMENT on re: 47 Letter, filed by National Railroad Passenger Corporation. ENDORSEMENT: The Court is in receipt of the parties' above request for referral to a Magistrate Judge for a settlement conference. The Court will issue such order separately. The pre−motion conference scheduled for October 17, 2023, is hereby ADJOURNED sine die pending further order of the Court. The parties are hereby ORDERED to file a letter with the Court requesting reinstatement of the conference within 14 days of the conclusion of the settlement conference, should such conference prove unsuccessful. SO ORDERED. (Signed by Judge Katherine Polk Failla on 10/4/2023) (tg) (Entered: 10/04/2023)
10/04/2023	49	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Sarah L Cave. The parties are directed to contact the chambers of

		Magistrate Judge Sarah L. Cave to schedule a settlement conference as soon as possible. SO ORDERED. (Signed by Judge Katherine Polk Failla on 10/4/2023) (tg) (Entered: 10/04/2023)
10/04/2023	50	ORDER: A telephone conference is scheduled for Thursday, November 2, 2023 at 3:00 p.m. on the Court's conference line (the "Conference"). The parties are directed to call: (866) 390−1828; access code: 380−9799, at the scheduled time. At the Conference, the parties shall be prepared their availability for a settlement conference. SO ORDERED. (Telephone Conference set for 11/2/2023 at 03:00 PM before Magistrate Judge Sarah L Cave.) (Signed by Magistrate Judge Sarah L Cave on 10/4/2023) (vfr) (Entered: 10/04/2023)
10/10/2023	51	LETTER addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated 10/10/2023 re: Request to Enter Schedule or Reinstitute the Conference on the Parties' Proposed Civil Case Management Plan. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 10/10/2023)
10/10/2023	52	LETTER addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated October 10, 2023 re: Amtrak's Response to Railware's Request to Enter Schedule or Reinstitute the Conference on the Parties' Proposed Civil Case Management Plan (Dkt. 51). Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 10/10/2023)
10/11/2023	53	MEMO ENDORSEMENT on re: 52 Letter, filed by National Railroad Passenger Corporation. ENDORSEMENT: The Court is in receipt of Plaintiff's request to enter Plaintiff's proposed schedule set out in the Parties' Proposed Civil Case Management Plan (Dkt. #42) or to reinstate the initial pretrial conference (Dkt. #51), as well as Defendant's above response to Plaintiff's request (Dkt. #52). Plaintiff's request is hereby DENIED. The parties are hereby ORDERED to meet and confer regarding the scope of appropriate pre−settlement conference discovery and to file a joint letter with the Court on or before October 17, 2023, regarding the agreed−upon scope of such discovery, which the Court will soorder. (Signed by Judge Katherine Polk Failla on 10/11/2023) (rro) (Entered: 10/11/2023)
10/17/2023	54	JOINT LETTER addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated October 17, 2023 re: Pre−Settlement Conference Discovery. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 10/17/2023)
10/18/2023	55	MEMO ENDORSEMENT on re: 54 Letter filed by Railware, Inc. ENDORSEMENT: SO ORDERED. (Signed by Judge Katherine Polk Failla on 10/18/2023) (rro) (Entered: 10/19/2023)
11/02/2023		Minute Entry for proceedings held before Magistrate Judge Sarah L Cave: Telephone Conference held on 11/2/2023. Attorneys Bryan Vogel and Derrick Carman appeared on behalf of Plaintiff. Attorneys Sean McCarthy, Ralph Dengler, and Nicholas Marcello appeared on behalf of Defendant. (ne) (Entered: 11/02/2023)
11/02/2023	56	ORDER: The Court will schedule a settlement conference for December 15, 2023 (the "Settlement Conference") by separate Order. The parties shall continue to meet and confer regarding a mutually−agreeable protective order to govern the exchange of discovery prior to the Settlement Conference (the "Settlement Protective Order") and for purposes of the Settlement Conference only. In the event that the parties are unable to reach an agreement, by November 8, 2023 at 5:00 p.m., the parties shall file a joint letter on the docket not exceeding six pages in length (the "Letter") setting forth each party's position with legal authority as to any disputed provision(s) of the Settlement Protective Order and attaching a draft of the Settlement Protective Order that reflects each party's version of the disputed provision(s). A telephone conference is scheduled for Tuesday, November 21, 2023 at 12:00 p.m. on the Court's conference line. The parties are directed to call: (866) 390−1828; access code: 380−9799, at the scheduled time. (Telephone Conference set for 11/21/2023 at 12:00 PM before Magistrate Judge Sarah L Cave.) (Signed by Magistrate Judge Sarah L Cave on 11/2/2023) (ate) (Entered: 11/02/2023)
11/02/2023	57	SETTLEMENT CONFERENCE SCHEDULING ORDER: A settlement conference is scheduled for Friday, December 15, 2023 at 2:30 p.m. and will take place in person, in Courtroom 18A, 500 Pearl Street, New York, New York. Settlement Conference set for 12/15/2023 at 02:30 PM in Courtroom 18A, 500 Pearl Street, New York, NY

		10007 before Magistrate Judge Sarah L Cave. (Signed by Magistrate Judge Sarah L Cave on 11/2/2023) (ate) (Entered: 11/02/2023)
11/08/2023	58	JOINT LETTER addressed to Magistrate Judge Sarah L. Cave from Bryan J. Vogel dated November 8, 2023 re: Pre−Settlement Protective Order. Document filed by Railware, Inc.. (Attachments: # 1 Exhibit A − Railware, Inc.'s Proposed Protective Order, # 2 Exhibit B − Amtrak's Proposed Protective Order, # 3 Exhibit C − Amtrak's First Set of Interrogatories and First Request for Production to Railware, Inc.).(Vogel, Bryan) (Entered: 11/08/2023)
11/13/2023	59	TRANSCRIPT of Proceedings re: CONFERENCE held on 11/2/2023 before Magistrate Judge Sarah L. Cave. Court Reporter/Transcriber: Marissa Mignano, (631) 813−9335. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/4/2023. Redacted Transcript Deadline set for 12/14/2023. Release of Transcript Restriction set for 2/12/2024.(js) (Entered: 11/13/2023)
11/13/2023	60	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 11/2/2023 has been filed by the court reporter/transcriber in the above−captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(js) (Entered: 11/13/2023)
11/13/2023	61	ORDER: A telephone conference is scheduled for Thursday, November 16, 2023 at 12:00 p.m. on the Courts conference line (the "Conference"). The parties are directed to call: (866) 390−1828; access code: 380−9799, at the scheduled time. At the Conference, the parties shall be prepared to discuss the disagreements raised in their joint letter at ECF No. 58. By November 14, 2023 at 5:00 p.m., the parties shall file jointly on the docket the discovery requestsand any responsesreferenced in their joint letter to the Honorable Katherine Polk Failla at ECF No. 54. (Telephone Conference set for 11/16/2023 at 12:00 PM before Magistrate Judge Sarah L. Cave.) (Signed by Magistrate Judge Sarah L. Cave on 11/13/2023) (tro) (Entered: 11/13/2023)
11/14/2023	62	JOINT LETTER addressed to Magistrate Judge Sarah L. Cave from Bryan J. Vogel dated November 14, 2023 re: Discovery Requests and Responses. Document filed by Railware, Inc.. (Attachments: # 1 Exhibit A − Railware's Objections and Responses to Amtrak's First Set of Requests for Production of Documents (1−77), # 2 Exhibit B − REDACTED Railware's Objections and Responses to Amtrak's First Set of Interrogatories (1−12), # 3 Exhibit C − Amtrak's Responses to Railware's First Request for Production, # 4 Exhibit D − Amtrak's Responses to Railware's First Set of Interrogatories).(Vogel, Bryan) (Entered: 11/14/2023)
11/14/2023	63	LETTER MOTION to Seal addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated November 14, 2023. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 11/14/2023)
11/14/2023	64	***SELECTED PARTIES*** BRIEF re: 63 LETTER MOTION to Seal addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated November 14, 2023. *Exhibit B − UNREDACTED*. Document filed by Railware, Inc..Motion or Order to File Under Seal: 63 .(Vogel, Bryan) (Entered: 11/14/2023)
11/15/2023	65	ORDER granting 63 Letter Motion to Seal. Plaintiff's request at ECF No. 63 is GRANTED. The document filed at ECF No. 64 shall remain under seal and as visible only to the selected parties and the Court. The redacted version filed at ECF No. 62−2 shall remain as visible to the public. The Clerk of Court is respectfully directed to close ECF No. 63. SO ORDERED. (Signed by Magistrate Judge Sarah L. Cave on 11/15/23) (yv) (Entered: 11/15/2023)
11/16/2023		Minute Entry for proceedings held before Magistrate Judge Sarah L. Cave: Telephone Conference held on 11/16/2023. Attorneys Bryan Vogel and Derrick Carman appeared on behalf of Plaintiff. Attorneys Sean McCarthy, Ralph Dengler, and Nicholas Marcello appeared on behalf of Defendant. (ne) (Entered: 11/16/2023)

11/16/2023	66	ORDER. The Court orders as follows: 1. The Court will enter Plaintiff's proposed pre−Settlement Conference protective order by separate Order. (ECF No. 58−1). 2. Defendant's requests that Plaintiff respond to certain additional interrogatories and requests for production prior to the Settlement Conference beyond those agreed to by the parties and approved by the Honorable Katherine Polk Failla (see ECF Nos. 55; 58 at 6−7) are deemed to be resolved as discussed at the Conference and based on Plaintiff's agreement to provide a high−level response for settlement purposes only to Defendant's Interrogatory No. 3. SO ORDERED. (Signed by Magistrate Judge Sarah L. Cave on 11/16/23) (yv) (Entered: 11/16/2023)
11/16/2023	67	STIPULATION AND INTERIM PROTECTIVE ORDER GOVERNING SETTLEMENT DISCUSSIONS...regarding procedures to be followed that shall govern the handling of confidential material...SO ORDERED. (Signed by Magistrate Judge Sarah L. Cave on 11/16/23) (yv) (Entered: 11/16/2023)
11/21/2023		Minute Entry for proceedings held before Magistrate Judge Sarah L. Cave: Telephone Conference held on 11/21/2023. Attorneys Bryan Vogel and Derrick Carman appeared on behalf of Plaintiff. Attorneys Sean McCarthy, Ralph Dengler, and Nicholas Marcello appeared on behalf of Defendant. (ne) (Entered: 11/21/2023)
11/21/2023	68	ORDER. The Court orders as follows: 1. Defendant shall search for and produce to Plaintiff a fully−executed version of the third−party agreement discussed at the Conference. To the extent that Defendant is unable to locate a fully−executed version, Defendant shall review the version of the agreement it has already produced to Plaintiff and, if accurate, represent to Plaintiff that it is the operative version. 2. Defendant need not supplement its response to Plaintiff's Interrogatory No. 4 at this time. 3. The parties shall endeavor to substantially complete their pre−Settlement Conference document productions by the middle of next week. SO ORDERED. (Signed by Magistrate Judge Sarah L. Cave on 11/21/23) (yv) (Entered: 11/21/2023)
11/29/2023	69	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a STATUS CONFERENCE proceeding held on 11/16/2023 has been filed by the court reporter/transcriber in the above−captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(js) (Entered: 11/29/2023)
11/29/2023	70	TRANSCRIPT of Proceedings re: STATUS CONFERENCE held on 11/16/2023 before Magistrate Judge Sarah L. Cave. Court Reporter/Transcriber: Adrienne Mignano, 92120 805−0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/20/2023. Redacted Transcript Deadline set for 1/2/2024. Release of Transcript Restriction set for 2/27/2024. (js) (Entered: 11/29/2023)
12/05/2023	71	LETTER addressed to Magistrate Judge Sarah L. Cave from Ralph A. Dengler dated December 5, 2023 re: Amtrak Reviewing Certain Railware Documents Designated as Attorneys' Eyes Only. Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 12/05/2023)
12/05/2023	72	MEMO ENDORSEMENT on re: 71 Letter, filed by National Railroad Passenger Corporation. ENDORSEMENT: By December 6, 2023, at 12:00 p.m. noon, Plaintiff shall file a response to Defendant's letter at ECF No. 71. (Signed by Magistrate Judge Sarah L. Cave on 12/5/2023) (ate) (Entered: 12/05/2023)
12/06/2023	73	LETTER addressed to Magistrate Judge Sarah L. Cave from Bryan J. Vogel dated December 6, 2023 re: Response Letter to Judge Cave regarding AEO Documents. Document filed by Railware, Inc.. (Attachments: # 1 Exhibit A − December 1, 2023 Email).(Vogel, Bryan) (Entered: 12/06/2023)
12/06/2023	74	ORDER A telephone conference is scheduled for Thursday, December 7, 2023 at 10:00 a.m. on the Court's conference line (the "Conference"). The parties are directed to call: (866) 390−1828; access code: 380−9799, at the scheduled time. At the Conference, the parties shall be prepared to discuss the issues raised in their letters at ECF Nos. 71 and 73. SO ORDERED. (Telephone Conference set for 12/7/2023 at 10:00 AM before Magistrate Judge Sarah L. Cave.) (Signed by Magistrate Judge Sarah

		L. Cave on 12/6/2023) (jca) (Entered: 12/06/2023)
12/07/2023		Minute Entry for proceedings held before Magistrate Judge Sarah L. Cave: Telephone Conference held on 12/7/2023. Attorneys Bryan Vogel and Derrick Carman appeared on behalf of Plaintiff. Attorneys Sean McCarthy, Ralph Dengler, and Nicholas Marcello appeared on behalf of Defendant. (ne) (Entered: 12/07/2023)
12/07/2023	75	ORDER: Pursuant to the telephone conference held today, December 7, 2023 (the "Conference") in advance of the settlement conference scheduled for December 15, 2023 (ECF No. 57), the Court orders as follows: Disputes concerning Plaintiff's designation of certain documents as "Highly Confidential Attorneys' Eyes Only" (ECF Nos. 71; 73) are resolved as discussed at the Conference. Defendant's deadline to provide a response to Plaintiff's settlement demand is EXTENDED to December 11, 2023 at 5:00 p.m. The parties' deadline to provide to the Court with copy to each other pre−conference statements is EXTENDED to December 13, 2023 at 12:00 p.m. and as set forth herein. SO ORDERED., (Settlement Conference set for 12/15/2023 at 02:30 PM in Courtroom 18A, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Sarah L. Cave.) (Signed by Magistrate Judge Sarah L. Cave on 12/07/2023) (ama) Modified on 12/7/2023 (ama). (Entered: 12/07/2023)
12/15/2023	76	ORDER Pursuant to the settlement conference held today, December 15, 2023, a telephonic status conference to discuss settlement is scheduled for Monday, February 5, 2024 at 11:00 a.m. on the Court's conference line. The parties are directed to call: (866) 390−1828; access code: 380−9799, at the scheduled time. SO ORDERED. (Telephone Conference set for 2/5/2024 at 11:00 AM before Magistrate Judge Sarah L. Cave.) (Signed by Magistrate Judge Sarah L. Cave on 12/15/2023) (jca) (Entered: 12/15/2023)
12/29/2023	77	JOINT LETTER addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated December 29, 2023 re: Reinstatement of Case Schedule. Document filed by Railware, Inc.. (Attachments: # 1 Exhibit A to Joint Letter regarding Reinstatement of Case Schedule).(Vogel, Bryan) (Entered: 12/29/2023)
12/29/2023	78	LETTER addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated December 29, 2023 re: response to plaintiff Railware, Inc.'s December 29, 2023 letter. Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 12/29/2023)
01/02/2024	79	MEMO ENDORSEMENT on re: 78 Letter filed by National Railroad Passenger Corporation. ENDORSEMENT: The Court is in receipt of Plaintiff's December 29, 2023 letter (Dkt. #77) and Defendant's above response (Dkt. #78). The Court understands from the parties' submissions and from its communications with Magistrate Judge Cave that certain Institution Decisions in Inter Partes Review relevant to the instant dispute will issue by January 23, 2024, pursuant to 35 U.S.C. § 314(b), and that the parties have a conference with Judge Cave scheduled for February 5, 2024, to discuss the impact of those Decisions on their respective settlement positions. The Court will refrain from setting further discovery or briefing deadlines prior to such date. Accordingly, it is hereby ORDERED that counsel for all parties appear for the previously−adjourned pre−motion and case management conference with the Court on February 14, 2024, at 4:30 p.m. The conference will be held telephonically. At the scheduled date and time, the parties are to call (888) 363−4749 and enter access code 5123533. In anticipation of such conference, the Court invites, but does not require, the parties to submit amended versions of (i) Plaintiff's request for a pre−motion conference for its proposed motion to dismiss Defendant's third counterclaim and to strike certain of Defendant's affirmative defenses (Dkt. #41) and (ii) the parties' jointly proposed Civil Case Management Plan and Scheduling Order (Dkt. #42) on or before February 8, 2024. (Telephone Conference set for 2/14/2024 at 04:30 PM before Judge Katherine Polk Failla.) (Signed by Judge Katherine Polk Failla on 1/2/2024) (rro) (Entered: 01/02/2024)
02/05/2024	80	LETTER MOTION for Conference *Railware, Inc.'s Amended Pre−Motion Letter requesting Permission to Strike and Dismiss* addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated February 5, 2024. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 02/05/2024)

02/05/2024		Minute Entry for proceedings held before Magistrate Judge Sarah L. Cave: Telephone Conference held on 2/5/2024. Attorneys Bryan Vogel and Derrick Carman appeared on behalf of Plaintiff. Attorneys Sean McCarthy and Ralph Dengler appeared on behalf of Defendant. (ne) (Entered: 02/06/2024)
02/08/2024	81	PROPOSED CASE MANAGEMENT PLAN. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 02/08/2024)
02/08/2024	82	LETTER RESPONSE in Opposition to Motion addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated February 8, 2024 re: 80 LETTER MOTION for Conference *Railware, Inc.'s Amended Pre−Motion Letter requesting Permission to Strike and Dismiss* addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated February 5, 2024. . Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 02/08/2024)
02/12/2024		NOTICE RESCHEDULING AND CONVERTING CONFERENCE TO IN−PERSON: The conference scheduled for 2/14/2024 at 4:30 p.m., is **ADJOURNED to 4:00 p.m. that same day**, and will proceed in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. (Pre−Motion Conference set for 2/14/2024 at 04:00 PM in Courtroom 618, 40 Centre Street, New York, NY 10007 before Judge Katherine Polk Failla.) ***No PDF is attached to this entry. (tn) (Entered: 02/12/2024)
02/14/2024		Minute Entry for proceedings held before Judge Katherine Polk Failla: Pre−Motion Conference held on 2/14/2024. Attorneys Bryan Jason Vogel and Derrick Carman representing Plaintiff present. Attorneys Ralph A. Dengler, Andrew Peter MacArthur, Nicholas D. Marcello, and Sean M. McCarthy, representing Defendant present. (See order dated 2/15/2024.) (Court Reporter Tracy Groth) (tn) (Entered: 02/15/2024)
02/15/2024	83	ORDER granting 80 Letter Motion for Conference re: 80 LETTER MOTION for Conference *Railware, Inc.'s Amended Pre−Motion Letter requesting Permission to Strike and Dismiss* addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated February 5, 2024. The Court is in receipt of Plaintiff's amended pre−motion letter requesting permission to seek to strike/dismiss several of Defendant's affirmative defenses and counterclaims (Dkt. #80) as well as Defendant's above response (Dkt. #82). As the Court indicated at the February 14, 2024 pre−motion and case management conference, the Court hereby ORDERS Plaintiff to file its motion to strike/dismiss several of Defendant's affirmative defenses and counterclaims on or before March 15, 2024. Any opposition papers shall be filed on or before April 19, 2024, and any reply papers on or before May 3, 2024. The Court will enter the parties' proposed case management plan and scheduling order under separate cover. The Clerk of Court is directed to terminate the pending motion at docket entry 80. (Signed by Judge Katherine Polk Failla on 2/15/2024) (rro) (Entered: 02/15/2024)
02/15/2024		Set/Reset Deadlines: Motions due by 3/15/2024. Responses due by 4/19/2024 Replies due by 5/3/2024. (rro) (Entered: 02/15/2024)
02/15/2024	84	CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER: All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). This case is to be tried to a jury. Fact Discovery due by 2/13/2025. Expert Discovery due by 7/10/2025. Opening Claim Construction Brief Due: 8/6/2024. Responsive Claim Construction Brief Due: 9/4/2024. Reply Claim Construction Brief Due: 9/11/2024. The Court adopts in full the proposed schedule set forth by Defendant in Appendix A, above. With respect to the Claim Construction Hearing and Tech Tutorial, the parties are hereby ORDERED to submit a request to schedule a date and time for such hearing within 7 days of the entry of all briefing on Claim Construction. The Court hereby DENIES Defendant's request to "bring[] admissibility issues relating to damages forward as soon as possible." The Court has discussed the issue with Magistrate Judge Cave and determined that implementing such a protocol −− which would require the Court to issue advisory opinions prior to the close of discovery −− is both impractical and inefficient. The next pretrial conference is scheduled for April 23, 2025, at 11:00 a.m., in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York 10007. By Thursday of the week prior to that conference, the parties shall file on ECF, and provide a courtesy copy, clearly marked as such, via e−mail (Failla_NYSDChambers@nysd.uscourts.gov) a joint letter, not to exceed three pages, regarding the status of the case. The letter should include the following information in

		separate paragraphs: (1) A statement of all existing deadlines, due dates, and/or cutoff dates; (2) A brief description of any outstanding motions; (3) A brief description of the status of discovery and of any additional discovery that needs to be completed; (4) A statement describing the status of any settlement discussions and whether the parties would like a settlement conference; (5) A statement of the anticipated length of trial and whether the case is to be tried to a jury; (6) A statement of whether the parties anticipate filing motions for summary judgment, including the basis of any such motion; and (7) Any other issue that the parties would like to address at the pretrial conference or any information that the parties believe may assist the Court in advancing the case to settlement or trial. (Signed by Judge Katherine Polk Failla on 2/15/2024) (rro). (Entered: 02/15/2024)
02/15/2024		Set/Reset Deadlines: Brief due by 8/6/2024. Reply to Response to Brief due by 9/11/2024. Responses to Brief due by 8/6/2024 (rro) (Entered: 02/15/2024)
02/23/2024	85	TRANSCRIPT of Proceedings re: CONFERNECE held on 2/14/2024 before Judge Katherine Polk Failla. Court Reporter/Transcriber: Tracy Groth, (212) 805−0320. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/15/2024. Redacted Transcript Deadline set for 3/25/2024. Release of Transcript Restriction set for 5/23/2024..(McGuirk, Kelly) (Entered: 02/23/2024)
02/23/2024	86	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERNECE proceeding held on 2/14/2024 has been filed by the court reporter/transcriber in the above−captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 02/23/2024)
02/26/2024	87	LETTER MOTION to Seal addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated February 26, 2024. Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 02/26/2024)
02/26/2024	88	LETTER MOTION for Discovery *re: Amtrak's Access to Review Railware Discovery Designated as Attorneys' Eyes Only* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated February 26, 2024. Document filed by National Railroad Passenger Corporation. (Attachments: # 1 Exhibit 1 − Nilforoshan Declaration ISO Amtrak's Letter re HCAEO, # 2 Exhibit 2 − Bloom Declaration ISO Amtrak's Letter re HCAEO, # 3 Exhibit 3 − Herrmann Declaration ISO Amtrak's Letter re HCAEO, # 4 Exhibit 4 − Rabin Declaration ISO Amtrak's Letter re HCAEO, # 5 Exhibit 5 − Sealed, # 6 Exhibit 6 − Sealed, # 7 Exhibit 7 − Sealed, # 8 Exhibit 8 − Sealed).(Dengler, Ralph) (Entered: 02/26/2024)
02/26/2024	89	***SELECTED PARTIES*** LETTER MOTION for Discovery *re: Amtrak's Access to Review Railware Discovery Designated as Attorneys' Eyes Only* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated February 26, 2024. Document filed by National Railroad Passenger Corporation, Railware, Inc.. (Attachments: # 1 Exhibit 5 − Sealed, # 2 Exhibit 6 − Sealed, # 3 Exhibit 7 − Sealed, # 4 Exhibit 8 − Sealed)Motion or Order to File Under Seal: 87 .(Dengler, Ralph) (Entered: 02/26/2024)
02/27/2024	90	ORDER granting 87 Letter Motion to Seal. Application GRANTED. The Clerk of Court is also directed to maintain docket entry 89 under seal, viewable to the Court and the parties only. The Clerk of Court is further directed to terminate the pending motion at docket entry 87. (Signed by Judge Katherine Polk Failla on 2/27/2024) (rro) (Entered: 02/27/2024)
02/29/2024	91	LETTER RESPONSE in Opposition to Motion addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated February 29, 2024 re: 89 LETTER MOTION for Discovery *re: Amtrak's Access to Review Railware Discovery Designated as Attorneys' Eyes Only* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated February 26, 2024. . Document filed by Railware, Inc.. (Attachments: # 1 Exhibit 1 − Proposed Protective Order).(Vogel, Bryan) (Entered: 02/29/2024)

03/05/2024	92	ORDER granting 88 Letter Motion for Discovery; granting 89 Letter Motion for Discovery. The Court is in receipt of (i) Amtrak's letter request for access for four Amtrak in−house attorneys to review any discovery Railware designates Highly Confidential Attorneys' Eyes Only ("HCAEO") (Dkt. #88−89) and (ii) Railware's above response (Dkt. #91). For the following reasons, the Court hereby GRANTS Amtrak's request and ORDERS Railware to permit access to such materials to the four named Amtrak attorneys, pending this Court's entry of a permanent protective order. Principally, the Court does not believe that "as in Intel, each of Amtrak's in−house counsel is involved in competitive decisionmaking because their 'involvement in licensing through litigation... necessarily affect[s] licensing decisions.'" (Dkt. #91 at 2 (quoting Intel Corp. v. VIA Techs., Inc., 198 F.R.D. 525, 530 (N.D. Cal. 2000))). In Intel, the parties were direct competitors; each made money licensing (similar) technology to third parties. See, e.g., id. (Ms. Fu's knowledge of technical aspects of VIA's products, VIA's licensing agreements, and marketing information would be directly relevant to her evaluation of licensing agreements of related products of Intel... [which] may provide Intel a competitive advantage in negotiating related licenses in the future.). Conversely, in the instant case, Amtrak and Railware are not competitors; namely, Amtrak does not earn revenue by licensing its technology to other railroads. As such, Amtrak's in−house counsel's involvement in licensing through litigation cannot implicate "competitive decisionmaking." Further, to the extent Railware competes with Amtrak for Amtrak's own business, Railware would appear to have already lost that competition. As such, allowing Amtrak's in−house counsel access to the HCAEO materials does not pose a risk to Railware's competitive position. Finally, the parties are ORDERED to jointly submit a proposed protective order for the Court to so−order prior to the date set forth in the governing Civil Case Management Plan and Scheduling Order (Dkt. #84), which protective order will govern Amtrak's in−house counsel's review of the HCAEO materials going forward. The Clerk of Court is directed to terminate the pending motions at docket entries 88 and 89. (Signed by Judge Katherine Polk Failla on 3/5/2024) (rro) (Entered: 03/05/2024)
03/14/2024	93	JOINT LETTER MOTION for Extension of Time addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated March 14, 2024. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 03/14/2024)
03/14/2024	94	LETTER MOTION for Discovery *re: Striking Railware's Infringement Contentions* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated March 14, 2024. Document filed by National Railroad Passenger Corporation. (Attachments: # 1 Exhibit 1 − February 29, 2024 Railware Preliminary Infringement Contentions, # 2 Exhibit 2 − Infinity Hearing Transcript (ECF 79)).(Dengler, Ralph) (Entered: 03/14/2024)
03/15/2024	95	ORDER granting 93 Letter Motion for Extension of Time. Application GRANTED. The Clerk of Court is directed to terminate the pending motion at docket entry 93. (Signed by Judge Katherine Polk Failla on 3/15/2024) (rro) (Entered: 03/15/2024)
03/15/2024	96	MOTION to Dismiss *Amtrak's Second and Third Counterclaims, and to Strike Amtrak's Second, Third, Fourth, Seventh, Tenth and Eleventh Affirmative Defenses*. Document filed by Railware, Inc.. Responses due by 4/19/2024.(Vogel, Bryan) (Entered: 03/15/2024)
03/15/2024	97	MEMORANDUM OF LAW in Support re: 96 MOTION to Dismiss *Amtrak's Second and Third Counterclaims, and to Strike Amtrak's Second, Third, Fourth, Seventh, Tenth and Eleventh Affirmative Defenses*. . Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 03/15/2024)
03/15/2024	98	PROPOSED ORDER. Document filed by Railware, Inc.. Related Document Number: 96 ..(Vogel, Bryan) **Proposed Order to be reviewed by Clerk's Office staff.** (Entered: 03/15/2024)
03/18/2024		*****NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. 98 Proposed Order was reviewed and approved as to form. (nd)** (Entered: 03/18/2024)
03/19/2024	99	LETTER RESPONSE to Motion addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated March 19, 2024 re: 94 LETTER MOTION for Discovery *re: Striking Railware's Infringement Contentions* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated March 14, 2024. . Document filed by Railware, Inc..

		(Attachments: # 1 Exhibit 1 − Judge Forrest's Individual Rules of Practice in Civil Cases, # 2 Exhibit 2 − Judge Subramanian's Case Management Addendum (Patent), # 3 Exhibit 3 − N.D.C.A. Patent L.R. 3−1(c)).(Vogel, Bryan) (Entered: 03/19/2024)
03/20/2024	100	ORDER terminating 94 Letter Motion for Discovery. The Court is in receipt of Defendant Amtrak's request for an order striking Plaintiff Railware's two−page Infringement Contentions served on February 29, 2024 (Dkt. #94) and Railware's above response (Dkt. #99). Here, "[t]he parties dispute whether the specificity required by [California's version of Local Patent Rule 6]" which requires Infringement Contentions to include "[a] chart identifying specifically where each limitation of each asserted claim is found within each Accused Instrumentality," Rule 31(c), Patent Local R., N.D. Cal. "is an 'inherent' requirement in the Southern District's local rule. But, whatever Local [Patent] Rule 6 requires... the Local Patent Rules grant the Court discretion to 'modify the obligations... set forth in the Local Patent Rules based on the circumstances of any particular case.'" Times Three Clothier, LLC v. Spanx, Inc., No. 13 Civ. 2157 (DLC), 2014 WL 1795210, at *3 (S.D.N.Y. May 6, 2014) (alterations adopted) (quoting Local Patent R.1.). In view of the sparse nature of Railware's "two−page Infringement Contentions," combined with the fact that "Railware asserts 60 claims against two Accused Products," the Court finds that requiring Railware to produce a claims chart is appropriate in this instance. (Dkt. #94 at 1). Accordingly, Railware is hereby ORDERED to provide such chart to Amtrak on or before April 5, 2024. The Court will extend the Deadline for Service of Invalidity and/or Unenforceability Contentions (currently April 16, 2024) and the Deadline for Parties to Exchange Proposed Claim Terms for Construction (currently April 18, 2024) to April 29, 2024, and May 1, 2024, respectively. The Court will refrain from further amendments to the governing case management plan and scheduling order at this time. The Clerk of Court is directed to terminate the pending motion at docket entry 94. (Signed by Judge Katherine Polk Failla on 3/20/2024) (rro) (Entered: 03/21/2024)
03/28/2024	101	JOINT LETTER addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated March 28, 2024 re: Protective Order, ESI Stipulation and Privilege Protocols. Document filed by Railware, Inc.. (Attachments: # 1 Exhibit A−1 − Railware's Alternative Prosecution Bar, # 2 Exhibit A − Railware's Proposed Protective Order, # 3 Exhibit B − Amtrak's Proposed Protective Order, # 4 Exhibit C − Railware's Proposed ESI Stipulation, # 5 Exhibit D − Amtrak's Proposed ESI Stipulation, # 6 Exhibit E − Railware's Proposed Privilege Protocols, # 7 Exhibit F − Amtrak's Proposed Privilege Protocols).(Vogel, Bryan) (Entered: 03/28/2024)
03/29/2024	102	MEMO ENDORSEMENT on re: 101 Letter, filed by Railware, Inc. ENDORSEMENT: The Court is in receipt of the parties' joint letter regarding their anticipated Protective Order, ESI Stipulation, and Privilege Protocol (Dkt. #101). The Court's view on the parties' disputes is as follows: As to whether a prosecution bar is a necessary or appropriate component of the Protective Order, the Court agrees with Amtrak, and finds that such bar is appropriate; As to the scope of the Protective Order's confidentiality tier, the Court agrees with Amtrak, and finds that the parties need not identify every individual that shall be permitted to see documents designated under the "CONFIDENTIAL" tier; As to the ESI relevance review, the Court agrees with Railware, and finds that an additional review by either party to remove responsive documents that "hit" on agreed−upon search terms is unnecessary; As to the privilege log exchange, the Court agrees with Railware; the parties shall meet and confer regarding the timing and scope of a privilege log at a later date before the substantial completion date of document production. (Signed by Judge Katherine Polk Failla on 3/29/2024) (tn) (Entered: 03/29/2024)
04/09/2024	103	LETTER addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated April 9, 2024 re: Clarification of Court Order on Prosecution Bar (ECF 102). Document filed by Railware, Inc.. (Attachments: # 1 Exhibit A − Railware's Proposed Prosecution Bar, # 2 Exhibit B − Amtrak's Proposed Prosecution Bar).(Vogel, Bryan) (Entered: 04/09/2024)
04/10/2024	104	MEMO ENDORSEMENT on re: 103 Letter, filed by Railware, Inc. ENDORSEMENT: For avoidance of doubt, the proposed prosecution bar that the Court intended to adopt in its March 29, 2024 endorsement (Dkt. #102) was that of Amtrak. (Signed by Judge Katherine Polk Failla on 4/10/2024) (rro) (Entered: 04/10/2024)

04/11/2024	105	PROPOSED STIPULATION AND ORDER. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 04/11/2024)
04/11/2024	106	PROPOSED STIPULATION AND ORDER. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 04/11/2024)
04/11/2024	107	PROPOSED STIPULATION AND ORDER. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 04/11/2024)
04/15/2024	108	STIPULATION AND PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material...This confidentiality agreement does not bind the Court or any of its personnel. The Court can modify this stipulation at any time. The Court will retain jurisdiction over the terms and conditions of this agreement only for the pendency of this litigation. Any party wishing to make redacted or sealed submissions shall comply with Rule 9 of this Court's Individual Rules of Civil Procedure. (Signed by Judge Katherine Polk Failla on 4/15/2024) (rro) (Entered: 04/15/2024)
04/15/2024	109	STIPULATION AND ORDER REGARDING SEARCH AND PRODUCTION OF ELECTRONICALLY STORED INFORMATION AND PAPER DOCUMENTS: ORDERED that any person subject to this ESI Protocol, including without limitation the Parties to this action, their representatives, agents, experts and consultants, all third−parties providing discovery in this action, and all other interested persons with actual or constructive notice of this Order, shall adhere to the below terms. and further set forth in this Order. (Signed by Judge Katherine Polk Failla on 4/15/2024) (rro) (Entered: 04/15/2024)
04/15/2024	110	STIPULATION AND ORDER REGARDING PRIVILEGE PROTOCOLS: The Parties have jointly stipulated to the terms of a protocol for asserting claims of privilege or of protection as trial−preparation material after such information is produced, pursuant to Federal Rule of Evidence 502 ("the Privilege Protocol"). It is hereby ORDERED: This Order shall be applicable to any privileged or otherwise protected or exempted information contained in deposition transcripts and/or videotapes, and documents produced in response to requests for production of documents (including the production of Electronic Communication pursuant to the stipulated ESI protocol), answers to interrogatories, responses to requests for admissions, affidavits, declarations and all other information or material produced, made available for inspection, or otherwise submitted by any of the parties in this litigation pursuant to the Federal Rules of Civil Procedure, as well as testimony adduced at trial or during any hearing (collectively "Information") and further set forth in this Order. (Signed by Judge Katherine Polk Failla on 4/15/2024) (rro) (Entered: 04/15/2024)
04/19/2024	111	LETTER MOTION to Seal addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated April 19, 2024. Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 04/19/2024)
04/19/2024	112	DECLARATION of Ralph A. Dengler in Opposition re: 96 MOTION to Dismiss *Amtrak's Second and Third Counterclaims, and to Strike Amtrak's Second, Third, Fourth, Seventh, Tenth and Eleventh Affirmative Defenses*.. Document filed by National Railroad Passenger Corporation. (Attachments: # 1 Exhibit A − Sealed, # 2 Exhibit B − Sealed, # 3 Exhibit C − Sealed).(Dengler, Ralph) (Entered: 04/19/2024)
04/19/2024	113	MEMORANDUM OF LAW in Opposition re: 96 MOTION to Dismiss *Amtrak's Second and Third Counterclaims, and to Strike Amtrak's Second, Third, Fourth, Seventh, Tenth and Eleventh Affirmative Defenses*. . Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 04/19/2024)
04/19/2024	114	***SELECTED PARTIES***DECLARATION of Ralph A. Dengler in Opposition re: 96 MOTION to Dismiss *Amtrak's Second and Third Counterclaims, and to Strike Amtrak's Second, Third, Fourth, Seventh, Tenth and Eleventh Affirmative Defenses*.. Document filed by National Railroad Passenger Corporation, Railware, Inc.. (Attachments: # 1 Exhibit A − Sealed, # 2 Exhibit B − Sealed, # 3 Exhibit C − Sealed)Motion or Order to File Under Seal: 111 .(Dengler, Ralph) (Entered: 04/19/2024)

04/19/2024	115	***SELECTED PARTIES*** MEMORANDUM OF LAW in Opposition re: 96 MOTION to Dismiss *Amtrak's Second and Third Counterclaims, and to Strike Amtrak's Second, Third, Fourth, Seventh, Tenth and Eleventh Affirmative Defenses*. . Document filed by National Railroad Passenger Corporation, Railware, Inc.. Motion or Order to File Under Seal: 111 .(Dengler, Ralph) (Entered: 04/19/2024)
04/22/2024	116	ORDER granting 111 Letter Motion to Seal. Application GRANTED. The Clerk of Court is directed to maintain docket entries 114 and 115 under seal, viewable to the Court and the parties only. The Clerk of Court is further directed to terminate the pending motion at docket entry 111. (Signed by Judge Katherine Polk Failla on 4/22/2024) (rro) (Entered: 04/22/2024)
04/25/2024	117	NOTICE OF APPEARANCE by Travis Keith Waller on behalf of Railware, Inc...(Waller, Travis) (Entered: 04/25/2024)
05/03/2024	118	LETTER MOTION to Seal addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated May 3, 2024. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 05/03/2024)
05/03/2024	119	REPLY to Response to Motion re: 96 MOTION to Dismiss *Amtrak's Second and Third Counterclaims, and to Strike Amtrak's Second, Third, Fourth, Seventh, Tenth and Eleventh Affirmative Defenses*. . Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 05/03/2024)
05/03/2024	120	***SELECTED PARTIES*** REPLY to Response to Motion re: 96 MOTION to Dismiss *Amtrak's Second and Third Counterclaims, and to Strike Amtrak's Second, Third, Fourth, Seventh, Tenth and Eleventh Affirmative Defenses*. . Document filed by Railware, Inc., National Railroad Passenger Corporation. Motion or Order to File Under Seal: 118 .(Vogel, Bryan) (Entered: 05/03/2024)
05/06/2024	121	ORDER granting 118 Letter Motion to Seal. Application GRANTED. The Clerk of Court is directed to maintain docket entry 120 under seal, viewable to the Court and the parties only. The Clerk of Court is further directed to terminate the pending motion at docket entry 118. SO ORDERED.. (Signed by Judge Katherine Polk Failla on 5/6/2024) (jca) (Entered: 05/06/2024)
05/14/2024	122	LETTER MOTION for Conference *Railware's Letter Motion for Pre−Motion Discovery Conference* addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated May 14, 2024. Document filed by Railware, Inc.. (Attachments: # 1 Exhibit 1 − Amtrak's Responses to Railware's Requests for Production).(Vogel, Bryan) (Entered: 05/14/2024)
05/17/2024	123	LETTER MOTION to Seal *Letter Response to Railware Discovery Letter* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 17, 2024. Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 05/17/2024)
05/17/2024	124	LETTER RESPONSE in Opposition to Motion addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 17, 2024 re: 122 LETTER MOTION for Conference *Railware's Letter Motion for Pre−Motion Discovery Conference* addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated May 14, 2024. . Document filed by National Railroad Passenger Corporation. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C).(Dengler, Ralph) (Entered: 05/17/2024)
05/17/2024	125	***SELECTED PARTIES***LETTER RESPONSE in Opposition to Motion addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 17, 2024 re: 122 LETTER MOTION for Conference *Railware's Letter Motion for Pre−Motion Discovery Conference* addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated May 14, 2024. . Document filed by National Railroad Passenger Corporation, Railware, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)Motion or Order to File Under Seal: 123 .(Dengler, Ralph) (Entered: 05/17/2024)
05/20/2024	126	LETTER MOTION to Seal *Letter for a Discovery Conference to Compel Documents and Interrogatory Responses and Exhibit B attached thereto* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 20, 2024. Document filed by National Railroad Passenger Corporation..(Dengler, Ralph) (Entered: 05/20/2024)

05/20/2024	127	LETTER MOTION for Conference *to Compel Documents and Interrogatory Responses* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 20, 2024. Document filed by National Railroad Passenger Corporation. (Attachments: # 1 Exhibit A, # 2 Exhibit B).(Dengler, Ralph) (Entered: 05/20/2024)
05/20/2024	128	***SELECTED PARTIES*** LETTER MOTION for Conference *to Compel Documents and Interrogatory Responses* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 20, 2024. Document filed by National Railroad Passenger Corporation, Railware, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B)Motion or Order to File Under Seal: 126 .(Dengler, Ralph) (Entered: 05/20/2024)
05/21/2024	129	ORDER granting 126 Letter Motion to Seal. Application GRANTED. The Clerk of Court is directed to maintain docket entry 128 under seal, viewable to the Court and the parties only. The Clerk of Court is further directed to terminate the pending motion at docket entry 126. (Signed by Judge Katherine Polk Failla on 5/21/2024) (rro) (Entered: 05/21/2024)
05/21/2024	130	ORDER granting 123 Letter Motion to Seal. Application GRANTED. The Clerk of Court is directed to maintain docket entry 125 under seal, viewable to the Court and the parties only. The Clerk of Court is further directed to terminate the pending motion at docket entry 123.. (Signed by Judge Katherine Polk Failla on 5/21/2024) (rro) (Entered: 05/21/2024)
05/23/2024	131	LETTER RESPONSE in Opposition to Motion addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated May 23, 2024 re: 127 LETTER MOTION for Conference *to Compel Documents and Interrogatory Responses* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 20, 2024. . Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 05/23/2024)
05/24/2024	132	ORDER terminating 122 Letter Motion for Conference re: 122 LETTER MOTION for Conference *Railware's Letter Motion for Pre−Motion Discovery Conference* addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated May 14, 2024., 127 LETTER MOTION for Conference *to Compel Documents and Interrogatory Responses* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 20, 2024., 128 LETTER MOTION for Conference *to Compel Documents and Interrogatory Responses* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 20, 2024. ; terminating 127 Letter Motion for Conference re: 122 LETTER MOTION for Conference *Railware's Letter Motion for Pre−Motion Discovery Conference* addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated May 14, 2024., 127 LETTER MOTION for Conference *to Compel Documents and Interrogatory Responses* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 20, 2024., 128 LETTER MOTION for Conference *to Compel Documents and Interrogatory Responses* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 20, 2024. ; terminating 128 Letter Motion for Conference re: 122 LETTER MOTION for Conference *Railware's Letter Motion for Pre−Motion Discovery Conference* addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated May 14, 2024., 127 LETTER MOTION for Conference *to Compel Documents and Interrogatory Responses* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 20, 2024., 128 LETTER MOTION for Conference *to Compel Documents and Interrogatory Responses* addressed to Judge Katherine Polk Failla from Ralph A. Dengler dated May 20, 2024. The Court is in receipt of Plaintiff Railware's request for an informal discovery conference to compel Defendant Amtrak to produce documents responsive to Railwares RFP Nos. 1, 3, 4, 6, 8−23, 26−29, 30−33, 35−36, 38−39, 42, 45, and 53 (Dkt. #122), as well as Amtrak's response (Dkt. #124−25). The Court is also in receipt of Amtrak's request for an informal discovery conference regarding Railware's insufficient document production and deficient interrogatory responses (Dkt. #127−28), as well as Railware's above response (Dkt. #131). The Court hereby ORDERS as follows: As to Railware's requests, Amtrak shall not limit its productions to what it deems "documents relating to EEPS" and shall produce documents related to its implementation of the ARINC system, the AMTEC system, and any similar system. Amtrak shall complete its investigation into a reasonable scope of documents responsive to RFP Nos. 3, 26, 30−32, and 53. Upon completion of such investigation, the parties shall meet and confer regarding Amtrak's findings and negotiate a reasonable scope for Amtrak's production. The parties shall meet and confer regarding an appropriate scope for RFP No. 45, which the Court finds to be lacking the requisite particularity. As to Amtrak's

		requests, Railware shall substantially produce, within two weeks, internal documents for RFP Nos. 1−11, 16−23, and 25−77. Railware shall produce documents responsive to RFP Nos. 12−15. The Court finds any ruling on RFP Nos. 2, 3, 4, 7, and 11 would be premature at this time in view of the incomplete nature of Railware's productions. As a final note, the Court is dismayed by the number and granularity of discovery disputes that the parties have brought to the Court's attention to date. The Court wishes to remind the parties of their obligation to construe and comply with the rules of discovery so as "to secure the just, speedy, and inexpensive determination of [this] action." Fed. R. Civ. P. 1. The Court urges the parties to meet and confer diligently and in good faith with the goal of resolving their disputes without the Court's intervention before bringing future disputes before the Court. The Clerk of Court is directed to terminate the pending motions at docket entries 122, 127, and 128. SO ORDERED. (Signed by Judge Katherine Polk Failla on 5/24/2024) (ks) (Entered: 05/24/2024)
06/10/2024	133	LETTER addressed to Judge Katherine Polk Failla from Bryan J. Vogel dated June 10, 2024 re: Stipulated Extension to Certain Claim Construction Deadlines. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 06/10/2024)
06/11/2024	134	MEMO ENDORSEMENT on re: 133 Letter filed by Railware, Inc., ENDORSEMENT: Application GRANTED. (Signed by Judge Katherine Polk Failla on 6/11/2024) (Deposition due by 6/28/2024., Discovery due by 7/3/2024.) (ks) (Entered: 06/11/2024)
06/14/2024	135	PROPOSED STIPULATION AND ORDER. Document filed by Railware, Inc.. (Attachments: # 1 Proposed Scheduling Order − Revised Schedule).(Vogel, Bryan) (Entered: 06/14/2024)
06/14/2024	136	ORDER OF DISCONTINUANCE: By letter dated June 14, 2024, the parties reported to the Court that they have reached a settlement in principle in this case. Accordingly, it is hereby: ORDERED that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Settlement and Dismissal for the Court to So Order. Otherwise, within such time Plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event that the settlement is not consummated. Upon such application for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiff has not requested restoration of the case to the active calendar within such 30−day period. The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case. SO ORDERED. (Signed by Judge Katherine Polk Failla on 6/14/2024) (ks) (Entered: 06/14/2024)
06/14/2024	137	AO 120 FORM PATENT − CASE TERMINATED − SUBMITTED. In compliance with the provisions of 35 U.S.C. 290, the Director of the U.S. Patent and Trademark Office is hereby advised that a final decision was rendered on 6/14/2024 in a court action filed on the following patent(s) in the U.S. District Court Southern District of New York. Director of the U.S. Patent and Trademark Office electronically notified via Notice of Electronic Filing (NEF). (Attachments: # 1 Order).(ks) (Entered: 06/14/2024)
06/26/2024	138	PROPOSED STIPULATION AND ORDER. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 06/26/2024)
06/27/2024	139	STIPULATION OF DISMISSAL BY RAILWARE, INC. AND NATIONAL RAILROAD PASSENGER CORPORATION D/B/A AMTRAK PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii):Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Railware, Inc. ("Railware") andDefendant National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak") (Railware andAmtrak collectively, the "Parties"), through their undersigned counsel, hereby move this Court to dismiss with prejudice all pending claims and counterclaims by and between Railware and Amtrak. The Parties have reached a settlement. Railware and Amtrak will each bear their own costs, expenses, and attorneys' fees relating to this case. SO ORDERED. (Signed by Judge Katherine

		Polk Failla on 6/27/2024) (rro) (Entered: 06/27/2024)