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Joint Powers Board d/b/a Caltrain*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

RAILWARE, INC.,

*Plaintiff,*

v.

PENINSULA CORRIDOR JOINT POWERS  
BOARD D/B/A CALTRAIN,

*Defendant.*

Case No. 5:25-cv-05725-BLF-NMC

**STIPULATED SCHEDULE AND  
~~[PROPOSED]~~ ORDER AS  
MODIFIED BY THE COURT**

Hon. Beth Labson Freeman

Wabtec v. Railware, Inc.  
IPR2026-00135  
EX2017 - 0001

**Proposed Schedule**

| <b>No:</b> | <b>Event:</b>                                                                                                                                                    | <b>Joint Proposal:</b>          |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 1          | Initial Disclosures deadline                                                                                                                                     | November 6, 2025                |
| 2          | Filing of Any Agreement Reached Between the Parties Concerning ESI [ECF No. 48]                                                                                  | December 12, 2025               |
| 3          | Filing of Any Proposed Protective Order [ECF No. 48]                                                                                                             | December 12, 2025               |
| 4          | Last Day to Request Leave to Amend the Pleadings per FRCP 15 [ECF No. 49]                                                                                        | January 20, 2026                |
| 5          | Meet and Confer regarding Joint Statement for February 19, 2026 Further Case Management Conference, Including Narrowing Asserted Claims and Prior Art References | February 5, 2026                |
| 6          | Filing of Joint Statement for February 19, 2026 Further Case Management Conference                                                                               | February 12, 2026               |
| 7          | Hearing on Caltrain's Motion to Dismiss and Motion to Stay Discovery [ECF Nos. 31, 32]                                                                           | February 19, 2026 at 9:00 AM PT |
| 8          | Further Case Management Conference [ECF No. 48]                                                                                                                  | February 19, 2026 at 9:00 AM PT |
| 9          | Deadline for Railware's Service of Disclosure of Asserted Claims and Infringement Contentions and Accompanying Document Production [LPR 3-1, 3-2]                | February 27, 2026               |
| 10         | Deadline for Caltrain's Service of Invalidity Contentions and                                                                                                    | April 20, 2026                  |

| No: | Event:                                                                                            | Joint Proposal: |
|-----|---------------------------------------------------------------------------------------------------|-----------------|
|     | Accompanying Document Production [LPR 3-3, 3-4]                                                   |                 |
| 11  | Deadline for Parties to Exchange Proposed Claim Terms for Construction [LPR 4-1(a)]               | May 1, 2026     |
| 12  | Meet and Confer regarding Proposed Terms for Construction [LPR 4-1(b)]                            | May 11, 2026    |
| 13  | Deadline for Parties to Exchange Preliminary Constructions for Proposed Terms [LPR 4-2(a)]        | May 22, 2026    |
| 14  | Service of Identification of Intrinsic and Extrinsic Evidence for Claim Construction [LPR 4-2(b)] | May 22, 2026    |
| 15  | Deadline to Identify Claim Construction Experts [LPR 4-2(b)]                                      | May 22, 2026    |
| 16  | Meet and Confer regarding Joint Claim Construction and Prehearing Statement [LPR 4-2(c)]          | June 2, 2026    |
| 17  | Deadline for Service of Damages Contentions [LPR 3-8]                                             | June 9, 2026    |
| 18  | Deadline to file Joint Claim Construction and Prehearing Statement [LPR 4-3]                      | June 16, 2026   |
| 19  | Service of Claim Construction Expert Reports [LPR 4-3]                                            | June 16, 2026   |
| 20  | Deadline for Service of Responsive Damages Contentions [LPR 3-9]                                  | July 9, 2026    |
| 21  | Completion of Claim Construction Discovery [LPR 4-4]                                              | July 14, 2026   |
| 22  | Opening of Claim Construction Briefs Due [LPR 4-5(a)]                                             | July 31, 2026   |
| 23  | Responsive Claim Construction Briefs Due [LPR 4-5(b)]                                             | August 14, 2026 |
| 24  | Reply Claim Construction Briefs Due                                                               | August 21, 2026 |

| No: | Event:                                                                                                                                                              | Joint Proposal:                                    |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
|     | [LPR 4-5(c)]                                                                                                                                                        |                                                    |
| 25  | Tech Tutorial [LPR 4-6; ECF No. 49]                                                                                                                                 | September 3, 2026 at 1:30 PM PT                    |
| 26  | Deadline to Conduct Damages Contention Meeting [LPR 3-10]                                                                                                           | September 4, 2026                                  |
| 27  | Claim Construction Hearing [LPR 4-6; ECF No. 49]                                                                                                                    | September 11, 2026 at 9:00 AM PT                   |
| 28  | Deadline to Disclose Opinion of Counsel [LPR 3-7]                                                                                                                   | 30 days after issuance of claim construction order |
| 29  | Deadline for Service of Interrogatories                                                                                                                             | 30 days before the close of fact discovery         |
| 30  | Deadline for Service of Requests to Admit                                                                                                                           | 30 days before the close of fact discovery         |
| 31  | Close of Fact Discovery                                                                                                                                             | November 6, 2026                                   |
| 32  | Deadline for Parties to Serve Privilege Logs                                                                                                                        | Two weeks after the completion of fact discovery   |
| 33  | Deposition of Fact Witnesses Deadline                                                                                                                               | November 6, 2026                                   |
| 34  | Designate Experts                                                                                                                                                   | November 13, 2026                                  |
| 35  | Opening Expert Reports <sup>1</sup>                                                                                                                                 | December 11, 2026                                  |
| 36  | Rebuttal Expert Reports                                                                                                                                             | January 29, 2027                                   |
| 37  | Close of Expert Discovery                                                                                                                                           | February 26, 2027                                  |
| 38  | Final day for Hearing on Summary Judgment/Dispositive Motions. [ECF No. 49]<br><br>*Briefing must be completed three weeks prior to this hearing date. [ECF No. 48] | June 17, 2027 at 9:00 AM PT                        |
| 39  | Final day for Hearing on Motion to Exclude Expert Testimony                                                                                                         | September 9, 2027                                  |
| 40  | Deadline for Pretrial Meet and Confer                                                                                                                               | September 16, 2027                                 |
| 41  | Submission of Joint Pretrial Statement and Order                                                                                                                    | September 23, 2027                                 |
| 42  | Submission of Motions <i>in Limine</i>                                                                                                                              | September 23, 2027                                 |
| 43  | Submission of Oppositions to Motions                                                                                                                                | September 30, 2027                                 |

<sup>1</sup> On all issues on which a Party bears the burden of proof.

| No: | Event:                                            | Joint Proposal:                |
|-----|---------------------------------------------------|--------------------------------|
|     | <i>in Limine</i>                                  |                                |
| 44  | Submission of Preliminary Statement to the Jury   | September 30, 2027             |
| 45  | Submission of proposed <i>Voir Dire</i> Questions | September 30, 2027             |
| 46  | Submission of proposed Jury Instructions          | September 30, 2027             |
| 47  | Submission of Verdict Form                        | September 30, 2027             |
| 48  | Final Pretrial Conference [ECF No. 49]            | October 7, 2027 at 1:30 PM PT  |
| 49  | Submission of Trial Briefs                        | November 1, 2027               |
| 50  | Trial [ECF No. 49]                                | November 8, 2027 at 9:00 AM PT |

DATED: December 12, 2025

**ROBINS KAPLAN LLP**

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 Caltrain*

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 ATTORNEYS AT LAW  
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**FILER'S ATTESTATION**

I, Bryan J. Vogel, am the ECF user whose ID and password are being used to file this Joint Case Management Statement. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other Signatories.

DATED: December 12, 2025

By: /s/ Bryan J. Vogel

Bryan J. Vogel

ROBINS KAPLAN LLP  
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SILICON VALLEY

~~[PROPOSED]~~ ORDER

The Parties are reminded that the date set forth in item 39 re: *Daubert* motions is not a reserved hearing date. A hearing date may be requested fourteen days before filing any motions.

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: December 12, 2025

  
BETH LABSON FREEMAN  
United States District Judge

ROBINS KAPLAN LLP  
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