

VENABLE LLP
Andrew P. MacArthur (SBN 324997)
Ralph A. Dengler (admitted *pro hac vice*)
Nicholas Marcello (admitted *pro hac vice*)
Hubert F. Ning (admitted *pro hac vice*)
151 West 42nd Street, 49th Floor
New York, NY 10036
(212) 307-5500
APMacArthur@Venable.com
RADengler@Venable.com
NDMarcello@Venable.com
HFNing@Venable.com

Don Z. Wang (SBN 313447)
101 California Street, Suite 3800
San Francisco, CA 94111
(415) 653-3750
DZWang@Venable.com

Attorneys for Defendant Peninsula Corridor Joint Powers Board d/b/a Caltrain

VENABLE LLP
101 CALIFORNIA STREET, SUITE 3800
SAN FRANCISCO, CA 94111
415.653.3750

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)

DEFENDANT PENINSULA CORRIDOR JOINT POWERS BOARD D/B/A CALTRAIN'S STIPULATION REGARDING *INTER PARTES* REVIEW

JURY TRIAL DEMANDED

Judge: Honorable Beth Labson Freeman

WABTEC EX1033
Wabtec v. Railware, IPR2026-00135

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

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

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

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

(1) Caltrain stipulates that if the U.S. Patent and Trademark Office ("USPTO") institutes IPR2026-00133, which challenges all claims (*i.e.*, claims 1-8) of the '782 patent (and such institution is not subsequently vacated), Caltrain will not pursue grounds of invalidity or unpatentability with respect to the '782 patent under 35 U.S.C. §§ 102 or 103 in this litigation or in any other proceeding.

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

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

VENABLE LLP
101 CALIFORNIA STREET, SUITE 3800
SAN FRANCISCO, CA 94111
415.653.3750

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

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

DATED: January 20, 2026

VENABLE LLP

By: */s/ Andrew P. MacArthur*
Andrew P. MacArthur

Attorney for Defendant Peninsula Corridor Joint Powers Board d/b/a Caltrain

VENABLE LLP
101 CALIFORNIA STREET, SUITE 3800
SAN FRANCISCO, CA 94111
415.653.3750

[2] During prosecution of the RE'115 patent, claims 1-19 were cancelled. *See* Exhibit C, at 7, x-xx.