STAYED,ECF

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:24-cv-05537-MMG

Railware, Inc. v. New Jersey Transit Corporation
Assigned to: Judge Margaret M. Garnett
Cause: 35:271 Patent Infringement

Date Filed: 07/22/2024
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

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WABTEC EX1039
Wabtec v. Railware, IPR2026-00135

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Date Filed	#	Docket Text
07/22/2024	1	**FILING ERROR - DEFICIENT PLEADING - SIGNATURE ERROR -** COMPLAINT against New Jersey Transit Corporation. (Filing Fee $ 405.00, Receipt Number ANYSDC-29638893)Document filed by Railware, Inc.. (Attachments: # 1 Exhibit A - 9,517,782, # 2 Exhibit B - RE47,835, # 3 Exhibit C - RE49,115).(Vogel, Bryan) Modified on 7/23/2024 (jgo). (Entered: 07/22/2024)
07/22/2024	2	CIVIL COVER SHEET filed..(Vogel, Bryan) (Entered: 07/22/2024)
07/22/2024	3	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 07/22/2024)
07/22/2024	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: 07/22/2024)
07/22/2024	5	STATEMENT OF RELATEDNESS re: that this action be filed as related to 22-cv-05013 (KPF). Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 07/22/2024)
07/22/2024	6	REQUEST FOR ISSUANCE OF SUMMONS as to New Jersey Transit Corporation, re: 1 Complaint,. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 07/22/2024)
07/23/2024		*****NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Bryan Jason Vogel to RE-FILE Document No. 1 Complaint. The filing is deficient for the following reason(s): the pleading was not properly signed by the attorney. Re-file the pleading using the event type Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. (jgo)** (Entered: 07/23/2024)

07/23/2024		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Margaret M. Garnett. 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..(jgo) (Entered: 07/23/2024)
07/23/2024		Magistrate Judge James L. Cott is designated to handle matters that may be referred in this case. 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. (jgo) (Entered: 07/23/2024)
07/23/2024		Case Designated ECF. (jgo) (Entered: 07/23/2024)
07/23/2024	7	ELECTRONIC SUMMONS ISSUED as to New Jersey Transit Corporation..(jgo) (Entered: 07/23/2024)
07/23/2024	8	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: 07/23/2024)
07/23/2024	9	COMPLAINT against New Jersey Transit Corporation. Document filed by Railware, Inc... (Vogel, Bryan) (Entered: 07/23/2024)
07/24/2024	10	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 9/19/2024 at 09:30 AM in Courtroom 906, 40 Centre Street, New York, NY 10007 before Judge Margaret M. Garnett. (Signed by Judge Margaret M. Garnett on 7/24/2024) (mml) (Entered: 07/24/2024)
07/29/2024	11	AFFIDAVIT OF SERVICE. Railware, Inc. served on 7/24/2024, answer due 8/14/2024. Service was accepted by Sherry Iskander as Authorized Agent for New Jersey Transit Corporation. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 07/29/2024)
08/01/2024	12	CERTIFICATE OF SERVICE of Notice of Initial Pretrial Conference and the Individual Rules of Practice in Civil Cases of Hon. Judge Margaret M. Garnett served on New Jersey Transit Corporation on July 29, 2024. Service was accepted by Sherry Iskander as Authorized Agent for New Jersey Transit Corporation. Document filed by Railware, Inc.. (Attachments: # 1 Exhibit A - 2024-07-29 Return of Service).(Vogel, Bryan) (Entered: 08/01/2024)
08/06/2024	13	AMENDED COMPLAINT amending 9 Complaint against New Jersey Transit Corporation with JURY DEMAND.Document filed by Railware, Inc.. Related document: 9 Complaint. (Attachments: # 1 Exhibit A - 9,517,782, # 2 Exhibit B - RE47,835, # 3 Exhibit C - RE49,115).(Vogel, Bryan) (Entered: 08/06/2024)
08/15/2024	14	CONSENT LETTER MOTION for Extension of Time to File Answer re: 9 Complaint addressed to Judge Margaret M. Garnett from Edward T. La Barr dated August 15, 2024. Document filed by New Jersey Transit Corporation..(La Barr, Edward) (Entered: 08/15/2024)
08/19/2024	15	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. New Jersey Transit Corporation served on 8/9/2024, answer due 8/30/2024. Service was accepted by Mia

		Butler as Authorized Agent for the New Jersey Transit Corporation. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 08/19/2024)
08/20/2024	16	ORDER granting 14 Letter Motion for Extension of Time to Answer. SO ORDERED: Defendant's unopposed motion for an extension of time is GRANTED. The deadline for Defendant to answer or otherwise respond to Plaintiff's Amended Complaint (Dkt. 13) is extended to September 3, 2024. New Jersey Transit Corporation answer due 9/3/2024. (Signed by Judge Margaret M. Garnett on 8/20/2024) (mml) (Entered: 08/20/2024)
08/28/2024	17	SECOND LETTER MOTION for Extension of Time to File Answer re: 13 Amended Complaint, 16 Order on Motion for Extension of Time to Answer, addressed to Judge Margaret M. Garnett from Edward T. La Barr dated August 28, 2024. Document filed by New Jersey Transit Corporation..(La Barr, Edward) (Entered: 08/28/2024)
08/28/2024	18	ORDER granting 17 Letter Motion for Extension of Time to Answer. GRANTED. The deadline for Defendant to answer or otherwise respond to the Amended Complaint is hereby EXTENDED until September 6, 2024. SO ORDERED. (Signed by Judge Margaret M. Garnett on 8/28/2024) New Jersey Transit Corporation answer due 9/6/2024 (ks) (Entered: 08/28/2024)
09/04/2024		NOTICE OF REDESIGNATION TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Henry J. Ricardo to handle matters that may be referred in this case. Please note that this is a reassignment of the designation only. (jjc) (Entered: 09/04/2024)
09/06/2024	19	MOTION to Dismiss for Lack of Jurisdiction *and For Failure to State A Claim for Willful and Indirect Infringement and Motion to Stay Discovery*. Document filed by New Jersey Transit Corporation..(La Barr, Edward) (Entered: 09/06/2024)
09/06/2024	20	MOTION to Dismiss *for Lack of Subject Matter Jurisdiction and For Failure to State A Claim for Willful and Indirect Infringement and Motion to Stay Discovery, Memorandum in Support re 019* . Document filed by New Jersey Transit Corporation. (Attachments: # 1 Affidavit Declaration of Edward T. LaBarr ISO Motion to Dismiss and Stay, # 2 Exhibit A Webpage Printout, # 3 Exhibit B Minutes of Meeting, # 4 Exhibit C Plaintiff's RFP, # 5 Proposed Order re Motion to Dismiss, # 6 Proposed Order re Motion to Stay).(La Barr, Edward) (Entered: 09/06/2024)
09/10/2024	21	LETTER MOTION to Stay re: 19 MOTION to Dismiss for Lack of Jurisdiction *and For Failure to State A Claim for Willful and Indirect Infringement and Motion to Stay Discovery*., 20 MOTION to Dismiss *for Lack of Subject Matter Jurisdiction and For Failure to State A Claim for Willful and Indirect Infringement and Motion to Stay Discovery, Memorandum in Support re 019 . Letter by Defendant regarding consent letter to stay discovery, consent letter motion to adjourn Rule 26(f) Report Deadline and Initial Pretrial Conference, and to extend briefing schedule re Defendants Motion to Dismiss* addressed to Judge Margaret M. Garnett from Edward T. La Barr dated September 10, 2024. Document filed by New Jersey Transit Corporation..(La Barr, Edward) (Entered: 09/10/2024)
09/11/2024	22	ORDER: IT IS HEREBY ORDERED THAT: 1. Discovery in this matter is stayed pending the Courts decision on Defendant's Motion to Dismiss; 2. The September 12, 2024 deadline for the parties to file their joint report pursuant to Fed. R. Civ. P. 26(f) and the September 19, 2024 Initial Pretrial Conference are ADJOURNED pending the Court's decision on Defendant's Motion to Dismiss; and 3. The parties' proposed briefing schedule for the Motion to Dismiss is ADOPTED. Plaintiff's response shall be due October 16, 2024, and Defendants reply shall be due November 4, 2024. SO ORDERED (Signed by Judge Margaret M. Garnett on 9/11/2024) (Responses due by 10/16/2024, Replies due by 11/4/2024.) (ks) (Entered: 09/11/2024)

10/15/2024	23	MOTION for John J. OMalley to Appear Pro Hac Vice . Filing fee $ 200.00, receipt number ANYSDC-30042462. **Motion and supporting papers to be reviewed by Clerk's Office staff.** Document filed by New Jersey Transit Corporation. (Attachments: # 1 Affidavit of John J. O'Malley, # 2 Exhibit 1 Certificate of Good Standing PA, # 3 Proposed Order Text).(O'Malley, John) (Entered: 10/15/2024)
10/15/2024	24	**FILING ERROR - PDF ERROR -** MOTION for Ryan W. ODonnell to Appear Pro Hac Vice . Filing fee $ 200.00, receipt number ANYSDC-30042761. **Motion and supporting papers to be reviewed by Clerk's Office staff.** Document filed by New Jersey Transit Corporation. (Attachments: # 1 Affidavit of Ryan W. O'Donnell, # 2 Exhibit 1 Certificate of Good Standing PA, # 3 Exhibit 2 Certificate of Good Standing NJ, # 4 Proposed Order Text).(O'Donnell, Ryan) Modified on 10/15/2024 (bc). (Entered: 10/15/2024)
10/15/2024		**>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 23 MOTION for John J. OMalley to Appear Pro Hac Vice . Filing fee $ 200.00, receipt number ANYSDC-30042462. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bc)** (Entered: 10/15/2024)
10/15/2024		**>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 24 MOTION for Ryan W. ODonnell to Appear Pro Hac Vice . Filing fee $ 200.00, receipt number ANYSDC-30042761. Motion and supporting papers to be reviewed by Clerk's Office staff. The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of New Jersey;. Re-file the motion as a Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (bc)** (Entered: 10/15/2024)
10/15/2024	25	ORDER granting 23 Motion for John J. OMalley to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Margaret M. Garnett)(Text Only Order) (kv) (Entered: 10/15/2024)
10/16/2024	26	MOTION for Ryan W. ODonnell to Appear Pro Hac Vice *[receipt number ANYSDC-30042761]*. **Motion and supporting papers to be reviewed by Clerk's Office staff.** Document filed by New Jersey Transit Corporation. (Attachments: # 1 Affidavit of Ryan W. O'Donnell, # 2 Exhibit 1 Certificate of Good Standing PA, # 3 Exhibit 2 Certificate of Good Standing NJ, # 4 Proposed Order Text).(O'Donnell, Ryan) (Entered: 10/16/2024)
10/16/2024		**>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 26 MOTION for Ryan W. ODonnell to Appear Pro Hac Vice *[receipt number ANYSDC-30042761]*. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bc)** (Entered: 10/16/2024)
10/16/2024	27	ORDER granting 26 Motion for Ryan W. ODonnell to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Margaret M. Garnett)(Text Only Order) (kv) (Entered: 10/16/2024)
10/16/2024	28	MOTION for Anthony M. Pettes to Appear Pro Hac Vice . Filing fee $ 200.00, receipt number ANYSDC-30050663. **Motion and supporting papers to be reviewed by Clerk's Office staff.** Document filed by New Jersey Transit Corporation. (Attachments: # 1 Affidavit of Anthony M. Pettes, # 2 Exhibit 1. Certificate of Good Standing NC, # 3 Exhibit 2. Certificate of Good Standing VA, # 4 Exhibit 3. Certificate of Good Standing DC Bar-Court of Appeals, # 5 Proposed Order Text).(Pettes, Anthony) (Entered: 10/16/2024)
10/16/2024		**>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 28 MOTION for Anthony M. Pettes to Appear Pro Hac Vice . Filing fee $ 200.00,**

		receipt number ANYSDC-30050663. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bc) (Entered: 10/16/2024)
10/16/2024	29	ORDER granting 28 Motion for Anthony M. Pettes to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Margaret M. Garnett)(Text Only Order) (kv) (Entered: 10/16/2024)
10/16/2024	30	RESPONSE in Opposition to Motion re: 20 MOTION to Dismiss *for Lack of Subject Matter Jurisdiction and For Failure to State A Claim for Willful and Indirect Infringement and Motion to Stay Discovery, Memorandum in Support re 019* . . Document filed by Railware, Inc.. (Attachments: # 1 Affidavit Declaration of B. Vogel, # 2 Exhibit 1 - 3.14.2022 NJT Board of Director Meeting, # 3 Exhibit 2 - 4.19.2023 NJT Board of Director Meeting, # 4 Exhibit 3 - 3.12.2024 NJT Board of Director Meeting, # 5 Exhibit 4 - 4.10.2024 NJT Board of Director Meeting).(Vogel, Bryan) (Entered: 10/16/2024)
11/04/2024	31	RESPONSE in Support of Motion re: 20 MOTION to Dismiss *for Lack of Subject Matter Jurisdiction and For Failure to State A Claim for Willful and Indirect Infringement and Motion to Stay Discovery, Memorandum in Support re 019* . . Document filed by New Jersey Transit Corporation..(O'Donnell, Ryan) (Entered: 11/04/2024)
11/06/2024	32	LETTER addressed to Judge Margaret M. Garnett from Bryan J. Vogel dated November 6, 2024 re: Request for Oral Argument. Document filed by Railware, Inc...(Vogel, Bryan) (Entered: 11/06/2024)
11/12/2024	33	MEMO ENDORSEMENT on re: 32 Letter filed by Railware, Inc., ENDORSEMENT: GRANTED. The Court will hold oral argument on the pending motion to dismiss on January 16, 2025 at 11:30a.m. in Courtroom 906 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007. Each side will have thirty minutes total present their arguments, with Defendant New Jersey Transit able to reserve a portion of that for rebuttal. The parties may use demonstratives if they wish, as long as they are shared with opposing counsel prior to the argument. If the parties intend to use audio-visual demonstratives, they shall contact Chambers sufficiently in advance of the argument to schedule a technology walk through. See Individual Rule V(E)(2). SO ORDERED. (Oral Argument set for 1/16/2025 at 11:30 AM in Courtroom 906, 40 Centre Street, New York, NY 10007 before Judge Margaret M. Garnett.) (Signed by Judge Margaret M. Garnett on 11/12/2024) (ar) (Entered: 11/12/2024)
01/06/2025	34	LETTER addressed to Judge Margaret M. Garnett from John J. OMalley dated 01/06/2025 re: Notice of Supplemental Authority. Document filed by New Jersey Transit Corporation. (Attachments: # 1 Exhibit Colt v. New Jersey Tr. Corp, 2024 NY Slip Op 05867 (N.Y. Ct. App. Nov. 25, 2024)).(O'Malley, John) (Entered: 01/06/2025)
01/09/2025	35	NOTICE OF APPEARANCE by Derrick Carman on behalf of Railware, Inc...(Carman, Derrick) (Entered: 01/09/2025)
01/16/2025		Minute Entry for proceedings held before Judge Margaret M. Garnett: Oral Argument held on 1/16/2025 re: 19 MOTION to Dismiss for Lack of Jurisdiction *and For Failure to State A Claim for Willful and Indirect Infringement and Motion to Stay Discovery*. filed by New Jersey Transit Corporation, 20 MOTION to Dismiss *for Lack of Subject Matter Jurisdiction and For Failure to State A Claim for Willful and Indirect Infringement and Motion to Stay Discovery, Memorandum in Support re 019* . filed by New Jersey Transit Corporation. Counsel Derrick Carman and Bryan Vogel present for Plaintiff. Counsel Ryan O'Donnell and John O'Malley present for Defendant. (Court Reporter George Malinowski) (kv) (Entered: 01/16/2025)
01/17/2025	36	LETTER addressed to Judge Margaret M. Garnett from Ryan W. ODonnell dated 01/17/2025 re: Response to Question DI 19 & 20 Motion to Dismiss. Document filed by New Jersey Transit Corporation. (Attachments: # 1 Exhibit A N.J. Stat _ 27_25-4.1, # 2

		Exhibit B Board Resolution_Fare Adjustment Authorization, # 3 Exhibit C Board Vote_Fare Adjustment Authorization).(O'Donnell, Ryan) (Entered: 01/17/2025)
02/18/2025	37	TRANSCRIPT of Proceedings re: ORAL ARGUMENT held on 1/16/2025 before Judge Margaret M. Garnett. Court Reporter/Transcriber: George Malinowski, (212) 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 3/11/2025. Redacted Transcript Deadline set for 3/21/2025. Release of Transcript Restriction set for 5/19/2025.. (McGuirk, Kelly) (Entered: 02/18/2025)
02/18/2025	38	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a ORAL ARGUMENT proceeding held on 1/16/2025 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: 02/18/2025)
07/28/2025	39	LETTER addressed to Judge Margaret M. Garnett from Ryan W. ODonnell dated July 28, 2025 re: Notice of Supplemental Authority. Document filed by New Jersey Transit Corporation. (Attachments: # 1 Exhibit A Notice Granting Petition For Writ Of Certiorari re Galett No. 24-1021, # 2 Exhibit B Notice Granting Petition For Writ Of Certiorari re Colt No. 24-1113).(O'Donnell, Ryan) (Entered: 07/28/2025)
07/28/2025	40	ORDER In light of the Supreme Court's grant of certiorari on the threshold question in this case (whether the Court has subject matter jurisdiction in light of the asserted sovereign immunity of NJ Transit), see Dkt. No. 39, the Court is inclined to stay this case pending the Supreme Court's decision on this issue next term. If either party wishes to state a position either in favor of or opposing such a stay, they may do so in a letter to the Court filed on the docket no later than July 31, 2025. (HEREBY ORDERED by Judge Margaret M. Garnett) (Text Only Order) (Garnett, Margaret) (Entered: 07/28/2025)
07/31/2025	41	LETTER addressed to Judge Margaret M. Garnett from Ryan W. ODonnell dated July 31, 2025 re: Position of Possible Stay. Document filed by New Jersey Transit Corporation.. (O'Donnell, Ryan) (Entered: 07/31/2025)
08/01/2025	42	ORDER: Accordingly, this case is STAYED pending the Supreme Court's decision in Galette and Colt. Within 14 days of that decision, the parties shall submit a joint letter proposing next steps in this case. The Clerk of Court is respectfully directed to mark this case STAYED. SO ORDERED. (Signed by Judge Margaret M. Garnett on 8/1/2025) (mml) (Entered: 08/01/2025)

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