

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

WESTINGHOUSE AIR BRAKE TECHNOLOGIES CORPORATION,  
Petitioner,

v.

SIEMENS MOBILITY, INC.,  
Patent Owner.

---

Case IPR2017-01263  
Patent 6,996,461 B2

---

Before KRISTEN L. DROESCH, MEREDITH C. PETRAVICK, and  
TIMOTHY J. GOODSON, *Administrative Patent Judges*.

GOODSON, *Administrative Patent Judge*.

ORDER  
Granting Joint Motion to Limit Petition  
*37 C.F.R. § 42.5*

The Petition in this case asserted three proposed grounds of unpatentability:

	References	Basis	Claims Challenged
1.	Petit <sup>1</sup> and Blesener <sup>2</sup>	§ 103	1, 4–6, 14, 16, 17, 19, 28, 32, 35, 42–44, and 48
2.	RSAC <sup>3</sup> and Blesener	§ 103	1, 4–6, 14, 16, 17, 19, 28, 32, 35, 42–44, and 48
3.	RSAC, Blesener, and Petit	§ 103	1, 4–6, 14, 16, 17, 19, 28, 32, 35, 42–44, and 48

See Paper 2, 11.

In our initial Decision on Institution, we instituted an *inter partes* review as to only a subset of the challenged claims based on the combination of Ground 3, and denied institution on the challenges of Grounds 1 and 2. Paper 10, 35. Subsequently, pursuant to the holding in *SAS Inst., Inc. v. Iancu*, 138 S.Ct. 1348, 1355–57 (2018), we modified our institution decision to institute on all of the challenged claims and all of the grounds presented in the Petition. Paper 21, 2. We also authorized supplemental briefing to permit the parties to address the additional grounds. Paper 23, 3–6.

Based on the parties' statements in briefing and at the oral argument, we authorized the parties to file a Joint Motion to Limit the Petition to withdraw Ground 2 from consideration. See Paper 48. The parties timely

---

<sup>1</sup> U.S. Patent No. 5,092,544, issued Mar. 3, 1992, Ex. 1008.

<sup>2</sup> Int'l Pub. No. WO 02/091013 A2, published Nov. 14, 2002, Ex. 1007.

<sup>3</sup> Railroad Safety Advisory Committee, *Implementation of Positive Train Control Systems*, Ex. 1005.

IPR2017-01263  
Patent 6,996,461 B2

filed a Joint Motion to Limit the Petition, requesting withdrawal of Ground 2 from consideration in this proceeding. Paper 50. After considering the Joint Motion, we grant the request.

In consideration of the foregoing, it is hereby:

ORDERED that the parties' Joint Motion to Limit the Petition is *granted*.

IPR2017-01263  
Patent 6,996,461 B2

PETITIONER:

Jason A. Engel  
Alan L. Barry  
Benjamin E. Weed  
Erik J. Halverson  
K&L GATES LLP  
jason.engel.ptab@klgates.com  
al.barry@klgates.com  
benjamin.weed.ptab@klgates.com  
erik.halverson@klgates.com

PATENT OWNER:

Jeffrey D. Sanok  
Mark M. Supko  
Vincent J. Galluzzo  
Jacob Z. Zambrzycki  
CROWELL & MORING LLP  
jsanok@crowell.com  
msupko@crowell.com  
vgalluzzo@crowell.com  
jzambrzycki@crowell.com