

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUM INDUSTRIAL TECHNOLOGY, INC.
Petitioner

v.

PATENT OWNER RAIL COMPANY, INC.
Patent Owner

Case IPR2023-00539
Patent No. 9,981,673

Before JAMES P. CALVE, KEVIN W. CHERRY, and MICHAEL L. WOODS,
Administrative Patent Judges.

DECLARATION OF ERIC J. RAKESTRAW
EXHIBIT 1029

I. INTRODUCTION

1. I, Eric J. Rakestraw, hereby declare as follows.

2. I am a partner at Husch Blackwell LLP, and am the lead counsel in this proceeding representing Petitioner Hum Industrial Technology, Inc. (“Petitioner”).

3. Exhibit 1028 is a redacted, but otherwise true and correct copy of Defendants’ First Supplemental Preliminary Counter-Infringement Contentions in the parties’ corresponding federal court litigation in the Eastern District of Missouri (Case No. 4:22-cv-00445-AGF). An unredacted copy of this document was provided to Amsted’s counsel via email on March 16, 2023. Exhibit 1028 has been redacted to omit information designated as “CONFIDENTIAL - OUTSIDE ATTORNEYS’ EYES ONLY - SOURCE CODE” in the original document.

* * *

As provided in 28 U.S.C. § 1760, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 11, 2024

/s/ Eric J. Rakestraw
ERIC J. RAKESTRAW