

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUM INDUSTRIAL TECHNOLOGY, INC.
Petitioner

v.

AMSTED RAIL COMPANY, INC.
Patent Owner

Case IPR2023-00540
Patent 10,137,915

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. 90.2(a), Patent Owner Amsted Rail Company, Inc. (“PO”) hereby gives notice of their appeal under 35 U.S.C. § 141(c) to the U.S. Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 43) issued by the Patent Trial and Appeal Board (“the Board”) on August 6, 2024 in the above-captioned proceeding, and from all orders, decisions, rulings, and opinions underlying the Final Written Decision. The Final Written Decision is attached as Exhibit A.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not limited to, the Board’s decision that Petitioner showed by a preponderance of the evidence that claims 1, 22, 24, 25, 27-30, 36, and 37 are unpatentable as obvious over Armitage and Barone; claim 21 is unpatentable as obvious over Armitage, Barone, and Lefebvre; claims 23 and 26 are unpatentable as obvious over Armitage, Barone, and Winfree; claims 1, 21, 22, 25, 27-30, 36, and 37 are unpatentable as obvious over LeFebvre and Barone; claims 24 and 37 are unpatentable over LeFebvre, Barone, and Armitage; and claims 23 and 26 are obvious over LeFebvre, Barone, and Winfree, and its decision denying Patent Owner’s Contingent Revised Motion to Amend including its determination that substitute claims 38-48 are unpatentable over the prior art, and the findings, rulings and conclusions supporting or relating to those decisions as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, or opinions.

Those findings, rulings and conclusions include, but are not limited to: (1) the Board's findings that conflict with the evidence or record and/or are not supported by substantial evidence; (2) the Board's failure to properly consider evidence or record; and (3) the Board's implicit claim constructions.

This Notice of Appeal is being filed simultaneously with the Director of the U.S. Patent and Trademark Office, the Board, and the Clerk's Office for the U.S. Court of Appeals for the Federal Circuit.

Dated: October 8, 2024

/ Ryan N. Miller /
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CERTIFICATE OF FILING

Pursuant to 37 C.F.R. § 104.2, the undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board End to End system, the original version of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** was filed with the Director of the U.S. Patent and Trademark Office at the following address:

Director of the U.S. Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, Virginia

The undersigned also certifies that copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL**, and the filing fee, were filed with the Clerk's Office for the U.S. Court of Appeals for the Federal Circuit via CM/ECF.

The undersigned also certifies that a copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** is being served on counsel of record by electronic mail. Electronic service was used with the agreement of the Patent Owner's counsel.

Dated: October 8, 2024

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