

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GODBERSEN-SMITH CONSTRUCTION COMPANY
d/b/a GOMACO CORPORATION,
Petitioner,

v.

GUNTERT & ZIMMERMAN CONST. DIV., INC.,
Patent Owner.

Case PGR2024-00026
U.S. Patent No. 11,772,723

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Guntert & Zimmerman Const. Div., Inc., (“G&Z” or “Patent Owner”), hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“the Board”) entered November 13, 2025, (Paper 48) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 11,772,723 (“the ’723 Patent”) at issue in post-grant review PGR2024-00026. This Notice is timely under 37 C.F.R. § 90.3(b), having been filed no later than 63 days after the Order denying Director Review of the Final Written Decision, entered on March 3, 2026 (Paper 53).

The issues on appeal, pursuant to 37 C.F.R. § 90.2(a)(3)(ii) include, but are not limited to, the Board’s interpretation and construction of the claims, including the Board’s construction of the terms in the final written decision; the Board’s determination that Petitioner showed by a preponderance of the evidence that claims 1-7 of the ’723 Patent are unpatentable; the Board’s findings on post-grant review eligibility, motivation to combine the asserted references; the Board’s findings on secondary considerations; any finding or determination supporting or related to those issues; all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Copies of Patent Owner's Notice of Appeal are being filed simultaneously with the Director of the United States Patent and Trademark Office, the Patent Trial and Appeal Board, and the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: May 5, 2026

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(PGR2024-00026)

Attorneys for Patent Owner
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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), and pursuant to agreement by the parties that filing with the Board through the Patent Trial and Appeal Case Tracking System (P-TACTS) constitutes electronic service, that service was made on the Petitioner as detailed below.

<i>Date of service</i>	May 5, 2026
<i>Manner of service</i>	Electronic Filing with the Board
<i>Documents served</i>	PATENT OWNER'S NOTICE OF APPEAL
<i>Persons Served</i>	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP: Jason E. Stach Luke J. McCammon David K. Mroz Sonja W. Sahlsten Robert K. High

In addition, the foregoing Patent Owner's Notice of Appeal was filed by Electronic Mail on May 5, 2026, with the Director of the United States Patent and Trademark Office at the following e-mail address: efileSO@uspto.gov.

The undersigned hereby certifies that Patent Owner's Notice of Appeal was electronically filed with the United States Court of Appeals for the Federal Circuit through CM/ECF and pay.gov on May 5, 2026.

/James Hannah/
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