

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MotivePower, Inc.
Petitioner

v.

Cutsforth, Inc.
Patent Owner

Case IPR2013-00268
Patent 7,141,906

PATENT OWNER CUTSFORTH, INC.'S NOTICE OF APPEAL

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Cutsforth, Inc. (“Cutsforth”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on October 30, 2014 (Paper 31), and from all underlying orders, decisions, rulings and opinions that are adverse to Patent Owner, including, without limitation, those within the Decision on Institution of *Inter Partes* Review, entered November 1, 2013 (Paper 9).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent owner Cutsforth further indicates that the issues on appeal include, but are not limited to, claim construction, determination of unpatentability of claims 14, 16–19, 21, and 22 of Cutsforth’s U.S. Patent No. 7,141,906 (“the ’906 patent”) under 35 U.S.C. § 102, any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Simultaneous with this submission, a copy of the Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, three copies of this

Notice of Appeal, along with the required docketing fees, are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Date: 12/30/2014

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CERTIFICATE OF SERVICE

I hereby certify that, in addition to being filed electronically through the Board's PRPS System, the original version of the foregoing, PATENT OWNER CUTSFORTH INC.'S NOTICE OF APPEAL, was served by hand on this 30th day of December, 2014, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

CERTIFICATE OF FILING

I hereby certify that three (3) true and correct copies of the foregoing, PATENT OWNER CUTSFORTH INC.'S NOTICE OF APPEAL, were filed by hand on this 30th day of December, 2014, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20005

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(1) and 42.6(e)(4)(iii), the undersigned certifies that on December 30, 2014, a complete and entire copy of this PATENT OWNER CUTSFORTH INC.'S NOTICE OF APPEAL was provided via email, to the Petitioner by serving the email correspondence addresses of record as follows:

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