

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MotivePower, Inc.  
Petitioner

v.

Cutsforth, Inc.  
Patent Owner

---

Case IPR2013-00274  
Patent 7,990,018

---

**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 7).

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 1–24 of Cutsforth’s U.S. Patent No. 7,990,018 (“the ’018 patent”) under 35 U.S.C. § 103, 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

/s/ Mathias Samuel  
W. Karl Renner, Reg. No. 41,265  
Dorothy P. Whelan, Reg. No. 33,914  
Mathias W. Samuel, Reg. No. 39,823  
Attorneys for Patent Owner, Cutsforth,  
Inc.

**Customer Number 26171**  
Fish & Richardson P.C.  
Telephone: (612) 337-2508  
Facsimile: (612) 288-9696

**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 30<sup>th</sup> 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 30<sup>th</sup> 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:

Jason A. Engel  
Alan L. Barry  
K&L Gates LLP  
70 W. Madison Street  
Suite 3100  
Chicago, IL 60602  
Email: [jason.engel@klgates.com](mailto:jason.engel@klgates.com)  
Email: [alan.barry@klgates.com](mailto:alan.barry@klgates.com)

/Edward G. Faeth/  
Edward Faeth  
Fish & Richardson P.C.  
3200 RBC Plaza  
60 South Sixth Street  
Minneapolis, MN 55402  
(202) 626-6420