

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

**TETRA TECH CANADA INC.,**

*Petitioner,*

v.

**GEORGETOWN RAIL EQUIPMENT COMPANY,**

*Patent Owner.*

---

Case IPR2019-00662  
Patent No. 9,441,956

---

**PATENT OWNER'S NOTICE OF APPEAL**

Via PTAB E2E  
Patent Trial and Appeal Board

Via Express Mail  
Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel  
P.O. Box 1450  
Alexandria, VA 22313-1450

Via CM/ECF  
United States Court of Appeals for the Federal Circuit

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner Georgetown Rail Equipment Company (“GREX”) provides notice of its appeal to the United States Court of Appeals for the Federal Circuit from the Judgment and Final Written Decision (Paper 41) entered on August 25, 2020, and from all underlying orders, decisions, rulings, institutions, and opinions regarding U.S. Patent No. 9,441,956 (“the ’956 patent”) at issue in IPR2019-00662. This Notice of Appeal is timely filed because it is filed within 63 days of the August 25, 2020 Judgment and Final Written Decision (Paper 41).

In accord with 37 C.F.R. 90.2(a)(3)(ii), the issues on appeal include but may not be limited to the following:

1. The Board’s determination that claims 21-29 of the ’956 patent are unpatentable under 35 U.S.C. § 103;
2. The Board’s claim constructions (express or inherent), or failure to construe claim terms;
3. The Board’s determination that certain cited references qualify as prior art because they were publicly accessible under 35 U.S.C. § 102; and
4. Any other findings or determination supporting or related to the above issues, as well as any other issues decided adversely to Patent Owner in any order, decision, ruling, opinion, or judgment.

The remedy sought on appeal is vacatur of the Final Written Decision, and/or at a minimum reversal of the Final Written Decision.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), the Notice is being filed with the Director of the United States Patent and Trademark Office, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice along with the required docketing fee are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

DATE: October 22, 2020.

Respectfully submitted,

/Dana M. Herberholz/

---

Dana M. Herberholz  
Registration No. 68,049  
PARSONS BEHLE & LATIMER  
800 W. Main Street, Suite 1300  
Boise, Idaho 83702  
Phone: (208) 562-4900  
Fax: (208) 562-4901  
Email: [dherberholz@parsonsbhle.com](mailto:dherberholz@parsonsbhle.com)

*Counsel for Patent Owner  
Georgetown Rail Equipment Company*

**CERTIFICATE OF SERVICE**

I certify that on this October 22, 2020 a true and correct copy of the above **PATENT OWNER'S NOTICE OF APPEAL** was mailed via Express Mail to 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  
P.O. Box 1450  
Alexandria, VA 22313-1450

I also certify that on this on this October 22, 2020, a true and correct copy of the above **PATENT OWNER'S NOTICE OF APPEAL** was served on the PTAB by filing this document through the PTAB's End to End system.

I also certify that on this October 22, 2020, a true and correct copy of the above **PATENT OWNER'S NOTICE OF APPEAL**, and the required filing fee, were filed with the Clerk's Office of the United States Court of Appeals for the Federal Circuit via CM/ECF.

I also certify that a true and correct copy of the above **PATENT OWNER'S NOTICE OF APPEAL** was served by electronic mail on this October 22, 2020 on following counsel of record for Petitioner at the addresses listed:

Aaron L. Parker  
David C. Reese  
Nicholas A. Cerulli  
[aaron.parker@finnegan.com](mailto:aaron.parker@finnegan.com)  
[david.reese@finnegan.com](mailto:david.reese@finnegan.com)  
[nicholas.cerulli@finnegan.com](mailto:nicholas.cerulli@finnegan.com)

*/Dana M. Herberholz/*

---

Dana M. Herberholz  
Registration No. 68,049  
PARSONS BEHLE & LATIMER  
800 W. Main Street, Suite 1300  
Boise, Idaho 83702  
Phone: (208) 562-4900  
Fax: (208) 562-4901  
Email: [dherberholz@parsonsbehle.com](mailto:dherberholz@parsonsbehle.com)

*Counsel for Patent Owner  
Georgetown Rail Equipment Company*