

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

CATERPILLAR INC.,
Appellant

v.

WIRTGEN AMERICA, INC.,
Appellee

**ANDREW HIRSHFELD, PERFORMING THE
FUNCTIONS AND DUTIES OF THE UNDER
SECRETARY OF COMMERCE FOR
INTELLECTUAL PROPERTY AND DIRECTOR OF
THE UNITED STATES PATENT AND TRADEMARK
OFFICE,**
Intervenor

2019-2206

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2017-
02188.

JUDGMENT

DAVID MROZ, Finnegan, Henderson, Farabow, Garrett
& Dunner, LLP, Washington, DC, argued for appellant.

Also represented by JAMES R. BARNEY, JOSHUA GOLDBERG.

RYAN D. LEVY, Patterson Intellectual Property Law, PC, Nashville, TN, argued for appellee. Also represented by MARK ANDREW KILGORE, SETH R. OGDEN, WILLIAM E. SEKVI, JOHN FRANCIS TRIGGS; RALPH WILSON POWERS, III, JON WRIGHT, DANIEL YONAN, Sterne Kessler Goldstein & Fox, PLLC, Washington, DC.

MAI-TRANG DUC DANG, Office of the Solicitor, United States Patent and Trademark Office, Alexandria, VA, for intervenor. Also represented by THOMAS W. KRAUSE, FARHEENA YASMEEN RASHEED.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (O'MALLEY, MAYER, and TARANTO, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

February 3, 2021
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court