

NOTE: This disposition is nonprecedential.

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

WIRTGEN AMERICA, INC.,
Appellant

v.

CATERPILLAR INC.,
Appellee

2020-1419

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. IPR2018-01091.

JUDGMENT

SETH R. OGDEN, Patterson Intellectual Property Law, PC, Nashville, TN, argued for appellant. Also represented by RYAN D. LEVY, MARK ANDREW KILGORE, WILLIAM E. SEKYL, JOHN FRANCIS TRIGGS; RICHARD D. COLLER, III, JASON A. FITZSIMMONS, RALPH WILSON POWERS, III, JON WRIGHT, Sterne Kessler Goldstein & Fox, PLLC, Washington, DC.

JOSHUA GOLDBERG, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Washington, DC, argued for

appellee. Also represented by CHRISTOPHER P. ISAAC,
Reston, VA.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, PLAGER and
O'MALLEY, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

February 9, 2021
Date

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