

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WIRTGEN AMERICA, INC.  
Petitioner

v.

CATERPILLAR INC.  
Patent Owner

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Case IPR2022-01397  
U.S. Patent 9,975,538

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**PETITIONER WIRTGEN AMERICA, INC.'S  
SECOND UPDATED EXHIBIT LIST**

**Mail Stop PATENT BOARD**  
Patent Trial and Appeal Board  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Further to 37 C.F.R. § 42.63(e), Petitioner Wirtgen America, Inc. hereby submits a current listing of its exhibits to counsel for Patent Owner. Exhibit 1029 was filed on P-TACTS and is being served today via email to counsel of record for the Patent Owner.

<b>Exhibit No.</b>	<b>Description</b>
1001	U.S. Patent No. 9,975,538
1002	U.S. Patent No. 9,975,538 file history
1003	Declaration of Jeffrey L. Stein, Ph.D., P.E.
1004	Curriculum Vitae of Jeffrey Stein
1005	U.S. Patent Application Pub. No. US 2010/0014917 A1 to Willis <i>et al.</i> (“Willis”)
1006	U.S. Patent No. 9,656,656 to Xing <i>et al.</i> (“Xing”)
1007	N. Beachley, A. Frank, <i>Continuously Variable Transmissions Theory and Practice</i> , (Lawrence Livermore Laboratory Report UCRL-15037, 1979)
1008	US Patent No. 8,622,871 to Hoff (“Hoff”)
1009	<u>rotor</u> , The Concise Oxford Dictionary of Current English, 9th Ed., 1995
1010	E. Orshansky, W Weseloh, <i>Characteristics of Multiple Range Hydromechanical Transmissions</i> , SAE International, SAE Transactions, (1972), Vol. 81
1011	A. Rosetti and A. Macor, <i>Multi-objective optimization of hydro-mechanical power split transmissions</i> , Mechanism and Machine Theory 62 (2013)
1012	U.S. Patent No. 9,864,347 to Laux <i>et al.</i> (“Laux”);
1013	U.S. Patent No. 8,465,105 to Parker <i>et al.</i> (“Parker”)
1014	U.S. Patent No. 8,781,694 to Sheidler <i>et al.</i> (“Sheidler”)

1015	U.S. Patent Pub. No. 2009/0118912 to Hugenroth <i>et al.</i> (“Hugenroth”)
1016	U.S. Patent Pub 2015/0091363 to Reuter <i>et al.</i> (“Schomaker”)
1017	U.S. Patent No. 8,167,378 to Busely <i>et al.</i> (“Busely”)
1018	William Ross, <i>Designing a Hydromechanical Transmission for Heavy Duty Trucks</i> , Society of Automotive Engineers paper 72075 (1972)
1019	Director Vidal Memorandum, “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation,” June 21, 2022
1020	Dkt. 33, Amended Complaint, C.A. No. 17-770-RGA (Sept. 2, 2021)
1021	Dkt. 43, Answer to Amended Complaint and Counterclaims, C.A. No. 17-770-RGA-MPT (Oct. 14, 2021)
1022	Caterpillar Inc. v. Wirtgen Am., Inc., IPR2022-01264, Petition (P.T.A.B., July 22, 2022)
1023	Dkt. 92, Wirtgen Am., Inc. v. Caterpillar Inc., C.A. No. 17-770-RGA, Court’s Order Setting Claim Construction Hearing
1024	Dkt. 88, Stipulation Extending Fact Discovery Cutoff (Apr. 4, 2022)
1025	Federal Court Management Statistics (Mar. 31, 2022)
1026	Dkt. 56, <i>Wirtgen America, Inc. v. Caterpillar Inc.</i> , C.A. No. 17-770-RGA, (D. Del. Nov. 4, 2021) (“Motion to Sever and Transfer”)
1027	Dkt. 57, <i>Wirtgen America, Inc. v. Caterpillar Inc.</i> , C.A. No. 17-770-RGA, (D. Del. Nov. 4, 2021) (“Opening Brief in Support of Motion to Sever and Transfer”)
1028	Dr. Abid Kemal Deposition Transcript - September 12, 2023
1029	Petitioner’s Demonstratives

Respectfully submitted,

Date: December 6, 2023

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**CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))**

The undersigned hereby certifies that the foregoing **PETITIONER**  
**WIRTGEN AMERICA, INC.'S SECOND UPDATED EXHIBIT LIST**  
and associated exhibit were served in their entirety electronically via e-mail on  
December 6, 2023 on the following counsel of record for Patent Owner:

Matthew A. Argenti (Lead Counsel)  
Michael T. Rosato (Back-Up Counsel)  
Wesley E. Derryberry (Back-Up Counsel)  
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