

NOTE: This order is nonprecedential.

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

In Re AMSTED RAIL COMPANY, INC.,
Appellant

2024-2345, 2025-1067

Appeals from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in Nos. IPR2023-
00538 and IPR2023-00539.

HUM INDUSTRIAL TECHNOLOGY, INC.,
Appellant

v.

AMSTED RAIL COMPANY, INC.,
Appellee

2025-1062

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2023-
00538.

ON MOTION

Before PROST, *Circuit Judge*.

O R D E R

The parties move jointly to deconsolidate Appeal No. 2024-2345 from Appeal Nos. 2025-1062 and 2025-1067 and to have the cases proceed as companions. ECF No. 27. Hum Industrial Technology, Inc. separately moves unopposed to dismiss its cross-appeal, Appeal No. 2025-1062, and to withdraw from these appeals from the Patent Trial and Appeal Board, ECF No. 28 at 5.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The parties' motion to deconsolidate and companion, ECF No. 27, is denied.

(2) Hum's motion to dismiss its cross-appeal and withdraw from the proceeding, ECF No. 28, is granted. Appeal No. 2025-1062 is dismissed. The revised official caption and short caption for the remaining consolidated appeals, Appeal Nos. 2024-2345 and 2025-1067, are reflected in this order.

(3) Each side shall bear its own costs as to Appeal No. 2025-1062.

(4) Amsted Rail Company, Inc.'s opening brief in Appeal Nos. 2024-2345 and 2025-1067 is due within 30 days of the date of entry of this order.

(5) The United States Patent and Trademark Office (PTO) is directed to inform this court within 30 days of the date of entry of this order whether the PTO will participate in Appeal Nos. 2024-2345 and 2025-1067.

(6) If the PTO elects to participate as intervenor, its docketing statement is due within 14 days after its notice of election to intervene, and its brief is due within 40 days

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of the date of service of Amsted's opening brief. Amsted will have 21 days after the filing of the PTO's brief to file its reply brief.

(7) If the PTO elects not to intervene, the appendix is due within seven days of either the date of filing of Amsted's opening brief or the PTO's notice of non-election, whichever is later.

(8) The Clerk of Court shall transmit a copy of this order to the merits panel assigned to Appeal Nos. 2024-2345 and 2025-1067.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

March 27, 2025
Date

ISSUED AS A MANDATE (as to 2025-1062 only):
March 27, 2025

cc: United States Patent and Trademark Office