

NOTE: This order is nonprecedential.

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

ICON HEALTH & FITNESS, INC.,
Plaintiff-Appellant,

v.

OCTANE FITNESS, LLC,
Defendant-Cross-Appellant.

2011-1521, -1636

Appeals from the United States District Court for the District of Minnesota in No. 0:09-CV-0319-ADM-SER, Judge Ann D. Montgomery.

SUA SPONTE

Before NEWMAN and LOURIE, *Circuit Judges*.*

PER CURIAM.

O R D E R

* Randall R. Rader, who retired from the position of Circuit Judge on June 30, 2014, did not participate in this decision.

The court *sua sponte* enters the following order in *ICON Health & Fitness, Inc. v. Octane Fitness, LLC* (No. 2011-1521, -1636).

IT IS ORDERED THAT:

The parties are hereby directed to file briefs, not to exceed fifteen pages each, addressing the impact of the Supreme Court's decisions in *Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 573 U.S. ___, 134 S. Ct. 1749 (2014) and *Highmark Inc. v. Allcare Health Management System, Inc.*, 572 U.S. ___, 134 S. Ct. 1744 (2014) on the issue of attorney fees under 35 U.S.C. § 285 in this case and how the court should proceed following the remand of the case from the Supreme Court. The briefs shall be filed no later than August 12, 2014.

FOR THE COURT

July 14, 2014
Date

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court

cc: David R. Wright
Rudolph A. Telsher, Jr.