

NOTE: This order is nonprecedential.

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

HTC CORPORATION AND HTC AMERICA, INC.,
Plaintiffs-Appellees,

v.

IPCOM GMBH & CO., KG,
Defendant-Appellant.

2012-1358

Appeal from the United States District Court for the
District of Columbia in case no. 08-CV-1897, Judge Rose-
mary M. Collyer.

ON MOTION

Before LOURIE, SCHALL, and DYK, *Circuit Judges.*

LOURIE, *Circuit Judge.*

ORDER

HTC Corporation and HTC America, Inc. (collectively
“HTC”) move to dismiss IPCom GmbH & Co., KG’s appeal
for lack of jurisdiction. IPCom responds. HTC replies.

IPCom concedes that the district court's judgment is not final, and that IPCom's motion for certification of final judgment under Federal Rule of Civil Procedure 54(b) remains pending. IPCom may re-file a notice of appeal within 30 days if the district court grants the Rule 54(b) motion or, if that motion is denied, after entry of final judgment.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

AUG 02 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Michael A. Oblon, Esq.
Mitchell G. Stockwell, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

AUG 02 2012

JAN HORBALY
CLERK

Issued as a Mandate: AUG 02 2012