

NOTE: This order is nonprecedential.

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

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**GEORGE PIECZENIK,**  
*Plaintiff-Appellant,*

v.

**BAYER CORPORATION, BAYER CROPSCIENCE  
(NEW JERSEY) INC., BAYER HEALTHCARE  
PHARMACEUTICALS, INC.,  
BAYER HEALTHCARE, LLC, BAYER  
MATERIALSCIENCE LLC,  
BAYER PHARMA CHEMICALS INC., BAYER  
PHARMACEUTICALS CORPORATION, AND  
SCHERING BERLIN INC.,**  
*Defendants-Appellees,*

AND

**ABBOTT LABORATORIES, ABBOTT  
LABORATORIES, INC., AND SOLVAY  
PHARMACEUTICALS, INC.,**  
*Defendants-Appellees,*

AND

**ALLERGAN USA, INC., CORNING  
INCORPORATED, GILEAD SCIENCES, INC.,  
HOWARD HUGHES MEDICAL INSTITUTE,  
IDEXX REFERENCE LABORATORIES, INC.,  
QIAGEN INCORPORATED, SHIONOGI PHARMA  
SALES, INC., SHIONOGI PHARMA, INC.,  
SHIONOGI USA HOLDINGS, INC.,  
AND SHIONOGI USA, INC.,**

*Defendants-Appellees,*

AND

AMGEN USA, INC., AMGEN, INC., PHARMACIA &  
UPJOHN COMPANY LLC, PHARMACIA  
CORPORATION, SYNGENTA CROP PROTECTION,  
INC., SYNGENTA SEEDS, INC., WYETH HOLDINGS  
CORPORATION, AND WYETH PHARMACEUTICALS  
INC.,

*Defendants-Appellees,*

AND

ANTYRA, INC.,  
*Defendant-Appellee,*

AND

ASTELLAS PHARMA US, INC., ASTRAZENECA LP,  
ASTRAZENECA PHARMACEUTICALS LP,  
AVENTIS INC., AVENTIS PHARMACEUTICALS  
INC., BOEHRINGER INGELHEIM  
VETMEDICA, INC., BOEHRINGER  
INGELHEIMROXANE, INC., CANON U.S.A., INC.,  
DAIICHI SANKYO, INC., DAINIPPON SUMITOMO  
PHARMA AMERICA HOLDINGS, INC., DAINIPPON  
SUMITOMO PHARMA AMERICA, INC.,  
MEDIMMUNE LLC, MITSUBISHI TANABE  
PHARMA AMERICA, INC., MITSUBISHI TANABE  
PHARMA DEVELOPMENT AMERICA,  
INC., MITSUBISHI TANABE PHARMA HOLDINGS  
AMERICA, INC., NOVARTIS CORPORATION,  
NOVARTIS PHARMACEUTICAL CORPORATION,  
NOVARTIS VACCINES AND DIAGNOSTICS, INC.,  
OSI PHARMACEUTICALS, INC., SANOFI-AVENTIS  
U.S. INC., SANOFI-AVENTIS U.S. LLC, SCHERING  
CORPORATION, SCHERING-PLOUGH  
BIOPHARMA, SCHERING-PLOUGH  
INTERNATIONAL, INC., SCHERING-PLOUGH

**PRODUCTS, INC., SIEMENS CORPORATION,  
SIEMENS DIAGNOSTICS FINANCE CO. LLC,  
SIEMENS HEALTHCARE DIAGNOSTICS INC., AND  
SIEMENS MEDICAL SOLUTIONS USA, INC.,**  
*Defendants-Appellees,*

AND

**BAXTER DIAGNOSTICS INC., BIOGEN IDEC INC.,  
BIOGEN IDEC U.S. CORPORATION, MEDAREX,  
INC., MILLENIUM PHARMACEUTICALS,  
INC., MONSANTO AG PRODUCTS LLC,  
MONSANTO COMPANY, ONYX  
PHARMACEUTICALS, INC., ZYMOGENETICS,  
INC., AND ZYMOGENETICS, LLC,**  
*Defendants-Appellees,*

AND

**BRACCO DIAGNOSTICS INC.,**  
*Defendant-Appellee,*

AND

**CENTOCOR ORTHO BIOTECH PRODUCTS, L.P.,  
CENTOCOR ORTHO BIOTECH SERVICES,  
CENTOCOR ORTHO BIOTECH, INC.,  
JOHNSON & JOHNSON, ORTHO-MCNEIL  
JANSSEN SCIENTIFIC AFFAIRS, LLC, ORTHO-  
MCNEIL PHARMACEUTICAL, INC.,  
AND ORTHO-MCNEIL, INC.,**  
*Defendants-Appellees,*

AND

**DYAX CORPORATION, FOREST LABORATORIES,  
INC., GENZYME CORPORATION,  
GLAXOSMITHKLINE LLC, KYOWA HAKKO  
KIRIN AMERICA, INC., KYOWA HAKKO KIRIN  
PHARMA, INC., AND PERKINELMER HEALTH  
SCIENCES, INC.,**

*Defendants-Appellees,*

AND

**E.I. DUPONT DE NEMOURS & COMPANY,**  
*Defendant-Appellee,*

AND

**GE HEALTHCARE BIOSCIENCES BIOPROCESS  
CORP., GE HEALTHCARE BIOSCIENCES CORP.,  
GE HEALTHCARE INC., AND GE HEALTHCARE  
STRATEGIC SOURCING CORPORATION,**  
*Defendants-Appellees,*

AND

**INTERNATIONAL BUSINESS MACHINES  
CORPORATION,**  
*Defendant-Appellee,*

AND

**INVITROGEN CORPORATION,**  
*Defendant-Appellee,*

AND

**SOLVAY CHEMICALS, INC.,**  
*Defendant-Appellee,*

AND

**TAIHO PHARMA U.S.A., INC.,**  
*Defendant-Appellee,*

AND

**THE DOW AGROSCIENCES LLC, THE DOW  
CHEMICAL COMPANY (DELAWARE), AND THE  
DOW CORNING CORPORATION,**  
*Defendants-Appellees,*

AND  
NOVO NORDISK, INC. AND JOHN DOES 1  
THROUGH 61,  
*Defendants.*

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Appeals from the United States District Court for the District of New Jersey in case no. 10-CV-2230, Judge Joel A. Pisano.

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ON MOTION

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O R D E R

Before RADER, *Chief Judge*, NEWMAN and BRYSON, *Circuit Judges*.

PER CURIAM.

The Defendants-Appellees move to dismiss George Pieczenik's appeals. Pieczenik opposes.

Pieczenik has appealed from orders denying his motion "in limine to expunge plaintiff's copyright lecture proffered by defendants' counsel and to charge them with digital copyright infringement," denying his motion for mediation, and his motion for reconsideration. Proceedings before the trial court remain ongoing. With the exception of certain interlocutory orders not at issue here, this court only has jurisdiction to decide appeals only from a "final decision of a district court." 28 U.S.C. § 1295. The Supreme Court has defined a final judgment as a decision by the district court that "ends the litigation on the merits and leaves

nothing for the court to do but execute judgment." *Catlin v. United States*, 324 U.S. 229, 233 (1945). Because the district court has not entered final judgment, the appeals are dismissed as premature.

Accordingly,

IT IS ORDERED THAT:

- (1) These appeals are dismissed.
- (2) Each side shall bear its own costs.
- (3) All other pending motions are moot.

FOR THE COURT

MAY 03 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Chad J. Peterman, Esq.  
Liza M. Walsh, Esq.  
Daniel J. Thomasch, Esq.  
Jane E. Keene, Esq.  
Robert L. Baechtold, Esq.  
Susan Haberman Griffen, Esq.  
David W. Field, Esq.  
Robert J. Koch, Esq.  
Robert M. Goodman, Esq.  
Donald R. Ware, Esq.  
Mark A. Pals, Esq.  
Alexander A. Anglim, Esq.  
Lisa A. Schneider, Esq.  
Christopher J. Harnett, Esq.  
Matthew M. Wolf, Esq.  
Robert J. Schoenberg, Esq.  
Matthew Daniel Murphey, Esq.

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

**MAY 03 2011**

**JAN HORBALY  
CLERK**

William F. Lee, Esq.  
Eric J. Marandett, Esq.  
David Keith Barr, Esq.  
David E. De Lorenzi, Esq.  
Keith J. Miller, Esq.  
Kevin J. McKenna, Esq.  
Joseph A. Mahoney, Esq.  
Heather D. Redmond, Esq.  
Michael D. Kaminski, Esq.  
Robert M. Isackson, Esq.  
George Pieczenik