

.NOTE: This order is nonprecedential.

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

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**3D SYSTEMS, INC.,**  
*Plaintiff-Appellee,*

v.

**ENVISIONTEC, INC., ENVISIONTEC GMBH, AND  
SIBCO, INC.,**  
*Defendants-Appellants,*

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2011-1340

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Appeal from the United States District Court for the  
Eastern District of Michigan in Case No. 05-CV-74891,  
Senior Judge Avern Cohn.

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**ON MOTION**

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Before BRYSON, LINN, and PROST, *Circuit Judges.*

PROST, *Circuit Judge.*

**O R D E R**

3D Systems, Inc. moves to dismiss Envisiontec's appeal for lack of appellate jurisdiction. Envisiontec opposes. 3D Systems replies.

3D Systems asserted 12 patents against Envisiontec. A pretrial order allowed 3D Systems to designate a limited number of claims for trial and stayed proceedings on the remaining claims and patents, pending further order of the court. Following trial, the district court entered judgment on only the designated claims, but it has not yet entered any judgment relating to the remaining claims and patents. The district court did not certify its judgment for immediate appeal pursuant to Fed. R. Civ. P. 54(b).

Because there are pending claims, there is no final judgment and this appeal is premature. *See Nystrom v. Trex Co.*, 339 F.3d 1347, 1350 (Fed. Cir. 2003) ("If a case is not fully adjudicated as to all claims for all parties and there is no express determination that there is no just reason for delay or express direction for entry of judgment as to fewer than all of the parties or claims, there is no final decision . . . and therefore no jurisdiction."). Any adversely affected party may, of course, file a notice of appeal after the district court disposes of all claims and enters final judgment.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT

AUG 17 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

AUG 17 2011

JAN HORBALY  
CLERK

3

3D SYSTEMS v. ENVISIONTEC

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ISSUED AS A MANDATE: AUG 17 2011