

NOTE: This order is nonprecedential.

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

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**CARNEGIE INSTITUTION OF WASHINGTON, M7D  
CORPORATION,**  
*Plaintiffs-Appellants*

**v.**

**FENIX DIAMONDS LLC,**  
*Defendant-Cross-Appellant*

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2021-2249, 2021-2315

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Appeals from the United States District Court for the  
Southern District of New York in No. 1:20-cv-00200-JSR,  
Judge Jed S. Rakoff.

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**ON MOTION**

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Before DYK, PROST, and STARK, *Circuit Judges*.  
DYK, *Circuit Judge*.

**O R D E R**

Appellants move unopposed to voluntarily dismiss  
these appeals pursuant to Federal Rule of Appellate Proce-  
dure 42(b) and request remand to the United States

District Court for the Southern District of New York for further proceedings.

We find remand unnecessary here. Upon return of the appellate mandate, the district court may act on matters left open by the mandate. *Laitram Corp. v. NEC Corp.*, 115 F.3d 947, 951 (Fed. Cir. 1997) (citation omitted).

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted to the extent that the appeals are dismissed and the mandate issued forthwith.

(2) Each party shall bear its own costs for these appeals.

FOR THE COURT

September 5, 2023  
Date

/s/ Jarrett B. Perlow  
Jarrett B. Perlow  
Clerk of Court

cc: United States District Court for the Southern District of New York

ISSUED AS A MANDATE: September 5, 2023