

NOTE: This order is nonprecedential.

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

**STYLWAN IP HOLDING, LLC, STYLWAN, INC.,
STYLWAN IIT, LLC,**
Plaintiffs-Appellants

v.

STRESS ENGINEERING SERVICES, INC.,
Defendant-Cross-Appellant

2023-1269, 2023-1271

Appeals from the United States District Court for the Southern District of Texas in No. 4:20-cv-03297, Judge Keith P. Ellison.

Before DYK, TARANTO, and STOLL, *Circuit Judges*.

STOLL, *Circuit Judge*.

O R D E R

In response to the court's order to show cause in light of Stress Engineering Services, Inc.'s pending counterclaims, Stylwan Ip Holding, LLC; Stylwan, Inc.; and Stylwan IIT, LLC request dismissal of this appeal for lack of jurisdiction. ECF No. 20 at 4.

We agree the court currently lacks jurisdiction because of the absence of a final judgment, *see Pandrol USA, LP v.*

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Airboss Ry. Prods., Inc., 320 F.3d 1354, 1362 (Fed. Cir. 2003); *Pause Tech. LLC v. TiVo Inc.*, 401 F.3d 1290, 1293 (Fed. Cir. 2005), and dismiss for lack of jurisdiction, subject to reinstatement under the same docket number(s) without the payment of an additional filing fee if, within 60 days of this order, either party appeals from the entry of a final judgment or obtains a certification for appeal pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

Accordingly,

IT IS ORDERED THAT:

(1) The appeals are dismissed for lack of jurisdiction, subject to reinstatement under the same docket number(s) without the payment of an additional filing fee if, within 60 days of this order, either party appeals from the entry of a final judgment or obtains a certification for appeal pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

(2) Each side shall bear its own costs.

FOR THE COURT

May 18, 2023

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

cc: United States District Court for the Southern District
of Texas