

NOTE: This order is nonprecedential.

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

FBA OPERATING CO.,
Plaintiff-Appellant

v.

ETN CAPITAL, LLC, dba Beech Lane, LLC,
Defendant-Appellee

2024-2070

Appeal from the United States District Court for the
Eastern District of North Carolina in No. 5:23-cv-00505-D-
RN, Judge James C. Dever, III.

ON MOTION

Before LOURIE, CUNNINGHAM, and STARK, *Circuit Judges*.
PER CURIAM.

ORDER

Upon consideration of ETN Capital, LLC's unopposed
motion to dismiss this appeal as premature,

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FBA OPERATING CO. v. ETN CAPITAL, LLC

IT IS ORDERED THAT:

- (1) The motion is granted, and the appeal is dismissed.
- (2) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

August 30, 2024
Date

ISSUED AS A MANDATE: August 30, 2024