

NOTE: This disposition is nonprecedential.

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

REALVIRT, LLC,
Plaintiff-Appellant

v.

**ANDREI IANCU, UNDER SECRETARY OF
COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE,**
Defendant-Appellee

2017-1159

Appeal from the United States District Court for the Eastern District of Virginia in No. 1:15-cv-00963-TSE-MSN, Judge T. S. Ellis, III.

Decided: August 14, 2018

PATRICK RICHARD DELANEY, Devlin Law Firm, Wilmington, DE, for plaintiff-appellant.

THOMAS W. KRAUSE, Office of the Solicitor, United States Patent and Trademark Office, Alexandria, VA, for defendant-appellee. Also represented by MICHAEL S. FORMAN, PHILIP J. WARRICK; JAYNIE RANDALL LILLEY,

MARK R. FREEMAN, DANA J. BOENTE, CHAD A. READLER,
Appellate Staff, Civil Division, United States Department
of Justice, Washington, DC.

Before NEWMAN, CLEVINGER, and BRYSON, *Circuit Judges*.

PER CURIAM.

On September 8, 2017, this court granted Realvirt, LLC's motion to stay proceedings in appeal no. 17-1159 pending this court's entry of judgment, en banc, in *NantKwest, Inc. v. Matal*, No. 16-1794. In light of this court's decision in *NantKwest, Inc. v. Iancu*, No. 2016-1794, 2018 WL 3596124 (Fed. Cir. July 27, 2018) (en banc), the court hereby lifts the stay in appeal no. 17-1159, vacates the judgment of the district court, and remands this case for further proceedings consistent with *NantKwest*.

No costs.