

NOTE: This order is nonprecedential.

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

SEIRUS INNOVATIVE ACCESSORIES, INC.,
Plaintiff-Appellant,

v.

CABELA'S INC.,
Defendant-Cross Appellant,

AND

ROSS GLOVE COMPANY,
Defendant-Cross Appellant,

AND

UNITED STATES,
Defendant-Appellee.

2012-1162, -1210, -1213

Appeals from the United States District Court for the Southern District of California in case no. 09-CV-0102, Judge Marilyn L. Huff.

ON MOTION

Before RADER, *Chief Judge*, LOURIE and SCHALL, *Circuit Judges.*

SCHALL, *Circuit Judge*.

ORDER

Seirus Innovative Accessories, Inc. moves without opposition to remand this case to the United States District Court for the Southern District of California.

Seirus Innovative Accessories, Inc. appeals from the district court's ruling, inter alia, that its patent is invalid as obvious and that the defendants do not infringe the other two patents at issue. Seirus Innovative Accessories, Inc. states that the parties have settled the case, conditioned upon the district court's grant of a Fed. R. Civ. P. 60(b) motion to vacate the underlying rulings and judgment, and moves to remand so that the district court can consider such a motion.

We grant the motion to remand to the extent that we remand for the limited purpose of the district court's consideration of Seirus Innovative Accessories, Inc.'s motion. *Ohio Willow Wood Co. v. Thermo-Ply, Inc.*, 629 F.3d 1374, 1375 (Fed. Cir. 2011). We retain jurisdiction so that any of the parties may seek appellate review by notifying the clerk of the court within thirty days of entry of the district court's decision on remand. The appeals are held in abeyance pending the resolution of the motion by the district court. The parties should promptly inform this court of the district court's ruling on the motion and should propose how they believe these appeals should proceed in light of the district court's ruling.

In granting the motion to remand, the United States Court of Appeals for the Federal Circuit takes no position whether the district court should grant the motion for vacatur.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to remand is granted to the limited extent explained above. The court retains jurisdiction over the appeals at this time.

(2) The briefing schedule is stayed.

FOR THE COURT

JAN 15 2013

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Matthew D. Murphey, Esq.
Adam C. Jed, Esq.
Nicole M. Murray, Esq.
Duane Scott Horning, Esq.

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

JAN 15 2013

JAN HORBALY
CLERK