

NOTE: This order is nonprecedential.

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

RESQNET.COM, INC.,
Plaintiff-Appellant,

v.

LANSА, INC.,
Defendant-Cross Appellant.

2012-1189, -1190

Appeals from the United States District Court for the Southern District of New York in case no. 01-CV-3578, Senior Judge Robert W. Sweet.

Before BRYSON, MOORE and O'MALLEY, *Circuit Judges.*
O'MALLEY, *Circuit Judge.*

O R D E R

The parties jointly move to remand this case to the United States District Court for the Southern District of New York due to settlement.

The parties state they have settled the case and requested an indicative ruling indicating from the district court, pursuant to Fed. R. Civ. P. 62.1, whether the district court would defer, deny, or grant a motion to vacate the underlying judgment if the case were remanded. The

district court indicated pursuant to Rule 62.1(a)(3) that it would grant the motion.

In remanding this case to the District Court to consider the motion for vacatur, the Federal Circuit takes no position as to whether the District Court should grant the motion for vacatur.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is granted.

FOR THE COURT

SEP 20 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: James H. Hulme Esq.
Jeffrey I. Kaplan, Esq.

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Issued As A Mandate: SEP 20 2012

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

SEP 20 2012

JAN HORBALY
CLERK