

NOTE: This order is nonprecedential.

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

CONCEPTUS, INC.,
Plaintiff-Cross Appellant,

v.

HOLOGIC, INC.,
Defendant-Appellant.

2012-1209, -1219

Appeals from the United States District Court for the Northern District of California in case no. 09-CV-2280, Judge William H. Alsup.

ON MOTION

Before NEWMAN, LOURIE and O'MALLEY, *Circuit Judges.*
PER CURIAM.

O R D E R

The parties jointly move to dismiss their appeals and to remand to the United States District Court for the Northern District of California due to settlement.

We cannot both dismiss the entire appeal and remand, as those are mutually exclusive dispositions. We

understand that the parties seek a remand so that the district court can consider further proceedings pursuant to their settlement agreement. Thus, we grant the motion to remand and deny the motion to dismiss as unnecessary.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to remand is granted.
- (2) The motion to dismiss is denied as unnecessary.
- (3) Each side shall bear its own costs.

FOR THE COURT

JUL 12 2012

Date

/s/ Jan Horbaly

Jan Horbaly,
Clerk

cc: Eric A. Shumsky, Esq.
Matthew M. Wolf, Esq.

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Issued As A Mandate: JUL 12 2012

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

JUL 12 2012

JAN HORBALY
CLERK