

NOTE: This order is nonprecedential.

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

BENNETT MARINE, INC.,
Plaintiff-Appellee,

v.

**LENCO MARINE, INC., RICHARD DEVITO, JR.,
AND RINKER BOAT COMPANY,**
Defendants-Appellants,

AND

KIM SLOCUM,
Defendant.

2013-1297

Appeal from the United States District Court for the
Southern District of Florida in No. 04-CV-60326, Judge
Kenneth A. Marra.

ON MOTION

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

RADER, *Chief Judge.*

BENNETT MARINE, INC. V. LENCO MARINE, INC.

2

ORDER

Lenco Marine, Inc., Richard Devito, Jr., and Rinker Boat Company (collectively “Appellants”) respond to the court’s June 5, 2013 order staying proceedings in this appeal pending the final disposition of *Bennett Marine, Inc. v. Lenco Marine, Inc.*, No. 2012-1336, -1354 (the “Related Appeals”). Appellants move unopposed to lift the stay and request this appeal be summarily disposed of consistent with the rulings of the panel in the Related Appeal.

The Related Appeals are from the same district court case. In the Related Appeals, on September 29, 2013 a panel of this court reversed the district court’s finding of infringement, including willful infringement. As a result, the appellant asserts without opposition that there is no longer any basis for the award of attorney fees and costs, which is the issue raised by this appeal.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion to lift proceedings in 2013-1297 is granted.
- (2) The motion for summary disposition is granted. The district court’s fees and costs judgment is reversed.
- (3) Each side shall bear its own costs in this appeal.

FOR THE COURT

/s/ Daniel E. O’Toole
Daniel E. O’Toole
Clerk of Court

s25