

NOTE: This order is nonprecedential.

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

**EMD MILLIPORE CORPORATION, FKA Millipore
Corporation, MILLIPORE AB, AND MILLIPORE
SAS,**
Plaintiffs-Appellants,

v.

ALLPURE TECHNOLOGIES, INC.,
Defendant-Appellee.

2014-1018

Appeal from the United States District Court for the
District of Massachusetts in No. 1:11-cv-10221-DPW,
Judge Douglas P. Woodlock.

ON MOTION

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

RADER, *Chief Judge.*

ORDER

AllPure Technologies, Inc. (“AllPure”) moves to dis-
miss this appeal for lack of jurisdiction. EMD Millipore

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Corporation et al. (“Millipore”) oppose and move to deactivate the appeal.

In 2014-1018, Millipore appealed a district court order that granted AllPure’s motion for summary judgment of non-infringement. Still unresolved were issues of invalidity and non-enforceability of the patent. Subsequent to this appeal, the district court entered final judgment and dismissed without prejudice Allpure’s claims of patent invalidity and unenforceability. Millipore timely appealed that final judgment, docketed as appeal no. 2014-1140.

While we have jurisdiction over appeal no. 2014-1140, the notice of appeal in the instant case was premature.

Accordingly,

IT IS ORDERED THAT:

- (1) 2014-1018 is dismissed for lack of jurisdiction.
- (2) The motion to deactivate the appeal is denied.
- (3) Each side shall bear its own costs.

FOR THE COURT

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

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ISSUED AS A MANDATE: December 16, 2013