

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-1168

FAIRCHILD SEMICONDUCTOR CORPORATION,

Plaintiff-Appellee,

v.

THIRD DIMENSION (3D) SEMICONDUCTOR, INC.,

Defendant-Appellant.

Appeal from the United States District Court for the District of Maine  
in case no. 08-CV-158, Judge D. Brock Hornby.

ON MOTION

Before GAJARSA, FRIEDMAN, and LINN, Circuit Judges.

LINN, Circuit Judge.

## ORDER

Third Dimension Semiconductor, Inc. (3D) moves to stay proceedings in the United States District Court for the District of Maine pending disposition of 3D's petition for writ of certiorari by the United States Supreme Court. Fairchild Semiconductor Corporation opposes.

As the court informed 3D in its March 25, 2009 order, the filing of a notice of appeal of a district court order granting a preliminary injunction does not divest the district court of jurisdiction to continue with proceedings.

Accordingly,

IT IS ORDERED THAT:

The motion is denied.

