

NOTE: This order is nonprecedential.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

## ORDER

Third Dimension Semiconductor, Inc. (3D) moves to dismiss its appeal. 3D states that Fairchild Semiconductor Corporation consents.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is granted.
- (2) Each side shall bear its own costs.
- (3) All pending motions are moot.

FOR THE COURT

**JUN 26 2009**

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Robert H. Stier, Jr., Esq.  
Michael W. Shore, Esq.

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

s17

ISSUED AS A MANDATE: \_\_\_\_\_

**JUN 26 2009**

**JUN 26 2009**

**JAN HORBALY  
CLERK**