

NOTE: This order is nonprecedential.

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

ARLINGTON INDUSTRIES, INC.,
Plaintiff-Cross Appellant,

v.

BRIDGEPORT FITTINGS, INC.,
Defendant-Appellant.

2010-1377, -1400, -1408

Appeal from the United States District Court for the Middle District of Pennsylvania in consolidated case nos. 01-CV-0485 and 05-CV-2622, Judge Christopher C. Conner.

ON MOTION

Before BRYSON, SCHALL, and PROST, *Circuit Judges*.
SCHALL, *Circuit Judge*.

O R D E R

Arlington Industries, Inc. moves without opposition to remand this case to the United States District Court for the Middle District of Pennsylvania pursuant to Rule 12(b)(1) of the Rules of Federal Appellate Procedure.

Arlington appeals, inter alia, from the district court's ruling that certain of Bridgeport Fittings, Inc.'s products, including the Duplex Connectors product, do not infringe Arlington's patent. This appeal was stayed pending disposition of *Arlington Indus., Inc. v. Bridgeport Fittings, Inc.*, 632 F.3d 1246 (Fed. Cir. 2011), a separate appeal involving the same patent and Duplex Connectors product, in which this court vacated a finding of non-infringement due to an erroneous claim construction.

Arlington states that it moved for an indicative ruling pursuant to Fed. R. Civ. P. 62.1, whether the district court would vacate the portion of its underlying judgment relating to the Duplex Connectors in light of this court's decision in the prior appeal. The district court indicated pursuant to Rule 62.1(a)(3) that it would grant the motion, and Arlington states that "the parties have agreed that if the Court remands, they will stipulate to the dismissal without prejudice of their claims regarding the Duplex Connectors." Briefing in this case on the remaining issues will proceed.

The court grants the motion. We retain jurisdiction over these appeals and the remaining issues currently being briefed. See Fed. R. App. P. 12(b)(1).

Accordingly,

IT IS ORDERED THAT:

The motion to remand is granted to limited extent explained above. The court retains jurisdiction over these appeals.

FOR THE COURT

NOV 04 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Kathryn L. Clune, Esq.
Deanne E. Maynard, Esq.

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

NOV 04 2011

JAN HORBALY
CLERK