

NOTE: This order is nonprecedential.

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

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**PETER V. BOESEN,**  
*Plaintiff-Appellant,*

v.

**GARMIN INTERNATIONAL, INC.,**  
*Defendant-Appellee,*

AND

**TOMTOM, INC.,**  
*Defendant-Appellee.*

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2010-1488

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Appeal from the United States District Court for the Northern District of Illinois in case no. 08-CV-3248, Judge Rebecca R. Pallmeyer.

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**ON MOTION**

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Before PROST, *Circuit Judge.*

**O R D E R**

Martha Trout, acting pro se, moves to substitute Peter V. Boesen for herself as plaintiff-appellant, whom she asserts is the real party in interest with respect to the

patent in suit, U.S. Patent No. 6,784,873 ('873 patent). Defendants-appellees Garmin International, Inc. and TomTom, Inc. (Garmin) do not oppose.

The original plaintiff-appellant, SP Technologies, LLC, assigned the '873 patent to Trout after the district court entered summary judgment of invalidity against SP Technologies. The district court granted SP Technologies' motion to substitute Trout for itself pursuant to Federal Rule of Civil Procedure 25(c). Subsequently, this court granted a motion by Trout, which we treated as motion to reform the caption, making Trout the named plaintiff-appellant in this appeal.

According to briefs on the merits submitted to the court by Boesen, acting pro se, and by Garmin, it would appear undisputed that Boesen is now the owner of the '873 patent. Garmin explains that Trout assigned the '873 patent to Boesen in "early 2011," presumptively after the appeal was initially recaptioned to reflect Trout's interest.

Accordingly,

IT IS ORDERED THAT:

- (1) Trout's motion is granted. The revised official caption is reflected above.
- (2) A copy of this order shall be transmitted to the merits panel assigned to this appeal.
- (3) Boesen's reply brief, if any, is due within fourteen days of the date of this order.

FOR THE COURT

AUG 01 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: B. Trent Webb, Esq.  
James H. Wallace, Jr., Esq.  
Martha Trout  
Peter V. Boesen  
Raymond P. Niro, Esq.

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

AUG 01 2011

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**JAN HORBALY**  
**CLERK**