

NOTE: This order is nonprecedential.

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

DICAM, INC.,
Plaintiff-Appellant,

v.

**CELLCO PARTNERSHIP (DOING BUSINESS AS
VERIZON WIRELESS),**
Defendant-Appellee,

and

**AT&T MOBILITY LLC (FORMERLY KNOWN AS
CINGULAR WIRELESS, LLC), SPRINT SPECTRUM,
LP, AND NEXTEL OPERATIONS, INC.,**
Defendants-Appellees,

and

**PERSONAL COMMUNICATIONS DEVICES, LLC
(FORMERLY KNOWN AS UTSTARCOM),**
Defendant-Appellee,

and

PALM, INC.,
Defendant-Appellee.

2011-1034

Appeal from the United States District Court for the Western District of Virginia in case no. 08-CV-0053, Judge James C. Turk.

ON MOTION

Before LINN, *Circuit Judge*.

ORDER

The appellant submits an unopposed motion to remand this case to the United States District Court for the Western District of Virginia and to dismiss this appeal.

The court notes that the appeal cannot be both remanded and dismissed, as these are mutually exclusive dispositions. The only explanation provided by the movant for the requested relief is that the parties "have reached a resolution of this case and request that the matter be remanded to the trial court for further proceedings in the District Court below and that the above-captioned appeal be dismissed."

The movant does not explain why the case should be remanded rather than dismissed, in view of the voluntary resolution of the case, and does not explain what "further proceedings" it requests that this court remand for the trial court to undertake. Absent an adequate explanation, this court denies the motion without prejudice to renewal within 14 days of the date of filing of this order.

Accordingly,

IT IS ORDERED THAT:

The motion is denied without prejudice to renewal within 14 days of the date of filing of this order. The briefing schedule is stayed.

FOR THE COURT

JAN 26 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Michael T. Cooke, Esq.
David L. Witcoff, Esq.
Brian C. Riopelle, Esq.
Mark V. Campagna, Esq.
David C. Doyle, Esq.
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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JAN 26 2011

JAN HORBALY
CLERK