

NOTE: This order is nonprecedential.

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

ACOUSTIC TECHNOLOGIES, INC.,
Plaintiff-Appellant,

v.

ITRON, INC.,
Defendant-Appellee.

2011-1315

Appeal from the United States District Court for the District of Massachusetts in case no. 10-CV-10500, Judge Nathaniel M. Gorton.

ON MOTION

Before LOURIE, MOORE, and REYNA, *Circuit Judges.*
LOURIE, *Circuit Judge.*

O R D E R

The parties jointly move to remand this case to the United States District Court for the District of Massachusetts.

Acoustic Technologies, Inc. (ATI) appeals the district court's judgment that dismissed its complaint without

prejudice. The district court held that ATI lacked standing to sue alone for patent infringement because it was only a co-owner of the patent. The parties state that they have now settled the case and requested an indicative ruling from the district court, pursuant to Fed. R. Civ. P. 62.1, whether the district court would defer, deny, or grant a motion to vacate the underlying judgment if the case were remanded. The district court indicated pursuant to Rule 62.1(a)(3) that it would grant the motion.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted. The case is remanded to the district court for further proceedings as may be appropriate.

(2) Each side shall bear its own costs.

FOR THE COURT

SEP 06 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Robert W. Hayes, Esq.
Ramsey M. Al-Salam, Esq.

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Issued As A Mandate: SEP 06 2011

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

SEP 06 2011

JAN HORBALY
CLERK