

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

In re: SWIRLATE IP LLC,
Petitioner

2023-107

On Petition for Writ of Mandamus to the United States District Court for the District of Delaware in Nos. 1:22-cv-00235-CFC and 1:22-cv-00249-CFC, Chief Judge Colm F. Connolly.

ON PETITION

PER CURIAM.

ORDER

Swirlate IP LLC submits a petition for a writ of mandamus directing the United States District Court for the District of Delaware to vacate its September 12, 2022, order setting an evidentiary hearing for December 6, 2022, which three named individuals are directed to attend, and to otherwise end proceedings relating to the district court's standing orders of April 18, 2022.

This court concludes that Swirlate has not shown that the standards for mandamus relief are currently met. This court notes three considerations, without suggesting

they are the only pertinent ones. First, the district court has, on December 1, 2022, itself stayed the September order. Second, the September order does not order disclosure of information for which privilege protections are claimed. Third, although Swirlate contends that this case has been dismissed, it has not substantiated the contention. The parties filed a stipulation to dismiss the claims with prejudice, and the counterclaims without prejudice, “subject to the approval and order of the” district court, under Fed. R. Civ. P. 41(a)(2) and (c). Appx. 134 (D. Ct. Dkt. # 28). But neither approval by the district court nor entry of a dismissal order has been shown.

Accordingly,

IT IS ORDERED THAT:

The petition for a writ of mandamus is denied.

FOR THE COURT

December 2, 2022

Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court