

NOTE: This order is nonprecedential.

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

**WSOU INVESTMENTS LLC, DBA BRAZOS
LICENSING AND DEVELOPMENT,**
Plaintiff-Appellant

v.

F5, INC., FKA F5 NETWORKS, INC.,
Defendant-Appellee

2023-1427

Appeal from the United States District Court for the
Western District of Washington in No. 2:21-cv-00126-BJR,
Senior Judge Barbara Jacobs Rothstein.

SUA SPONTE

PER CURIAM.

ORDER

On February 21, 2025, we entered an Order directing the parties to address whether there is no appealable judgment in this case in light of F5's assertion of invalidity counterclaims. ECF No. 64. The parties have responded, agreeing that at present there is no appealable judgment and reporting that they have jointly requested that the district court dismiss the invalidity counterclaims without prejudice. ECF No. 66.

Having considered the parties' joint response, we deem the most appropriate course to be to dismiss the appeal so that the district court may act on the parties' joint request to enter an order that dismisses outstanding counterclaims without prejudice to the counterclaims being reinstated if the judgment dated and entered December 13, 2022 (District Court Docket No. 217) is disturbed on appeal.

Accordingly,

IT IS ORDERED THAT:

(1) This appeal is dismissed for lack of jurisdiction, but this court will reinstate the appeal under the same docket number without the payment of an additional filing fee if, no later than 3 p.m. eastern time, March 4, 2025, WSOU Investments LLC has filed a notice of appeal from the entry of an appealable order entered by the district court and so notified this court.

(2) If the appeal is reinstated, the oral argument scheduled for March 5, 2025, will go forward, and the case will be decided by this court based on that oral argument and the briefs already filed.

(3) Each side shall bear its own costs.

(4) The mandate shall issue forthwith.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

February 28, 2025
Date