

NOTE: This disposition is nonprecedential.

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

INLAND DIAMOND PRODUCTS CO.,
Plaintiff-Appellee

v.

CHERRY OPTICAL INC.,
Defendant-Appellant

2024-1560

Appeal from the United States District Court for the
Eastern District of Wisconsin in No. 1:20-cv-00352-WCG,
Chief Judge William C. Griesbach.

Decided: October 15, 2025

MARK A. JOTANOVIC, Dickinson Wright PLLC, Troy,
MI, argued for plaintiff-appellee. Also represented by
JOHN S. ARTZ, Ann Arbor, MI.

JASON JUST, Amundsen Davis LLC, Green Bay, WI, ar-
gued for defendant-appellant. Also represented by SHERRY
DAWN COLEY, TIFFANY WOELFEL.

Before PROST, REYNA, and CHEN, *Circuit Judges*.

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PER CURIAM.

Appellant Cherry Optical Inc. (“Cherry”) appeals the denial of its motion for attorneys’ fees under 35 U.S.C. § 285 by the U.S. District Court for the Eastern District of Wisconsin. The district court had granted summary judgment in Cherry’s favor but determined that the case was not “exceptional” so as to warrant an award of attorneys’ fees to Cherry under § 285. *See Inland Diamond Prods. Co. v. Cherry Optical Inc.*, No. 20-C-352, 2024 WL 448307 (E.D. Wis. Feb. 6, 2024).

In a separate opinion issued today, we vacated the district court’s summary judgment and remanded. *See Inland Diamond Prods. Co. v. Cherry Optical Inc.*, No. 24-1106 (Fed. Cir. Oct. 15, 2025). At oral argument in this appeal, Cherry sensibly allowed that, if we were to vacate the summary judgment, this appeal would become moot. *See Oral Arg.* at 0:33–1:07.¹ We agree and therefore dismiss this appeal as moot.

DISMISSED

¹ No. 24-1560, https://www.cafc.uscourts.gov/oral-arguments/24-1560_06022025.mp3.