

NOTE: This order is nonprecedential.

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

VB ASSETS, LLC,
Plaintiff-Cross-Appellant

v.

AMAZON.COM SERVICES LLC,
Defendant-Appellant

2025-1113, 2025-1142, 2025-1357

Appeals from the United States District Court for the District of Delaware in No. 1:19-cv-01410-MN, Judge Maryellen Noreika.

ON MOTION

Before LOURIE, TARANTO, and STOLL, *Circuit Judges*.

PER CURIAM.

ORDER

The parties jointly move to stay or deactivate Appeal Nos. 2025-1113, 2025-1142, and 2025-1357 pending entry of final judgment. We dismiss for lack of jurisdiction.

VB Assets, LLC sued Amazon.com Services LLC asserting infringement of several patents, including U.S.

Patent Nos. 8,886,536 and 9,015,049. *See* Dkt. No. 22 at 48–52, 60–64. Following trial, judgment was entered on the other patents but not the ’536 and ’049 patents, which do not appear to have been part of the trial. *See* Dkt. No. 293. The parties have recently taken opposing positions on the proper disposition of those pending claims before the district court. *See* Dkt. No. 346 at 4, 7 (disagreeing on whether dismissal should be with or without prejudice).

In general, this court has jurisdiction only after a “final decision” from a district court, 28 U.S.C. § 1295(a)(1), i.e., one that “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment,” *Catlin v. United States*, 324 U.S. 229, 233 (1945). “If a case is not fully adjudicated as to all claims for all parties and there is no express determination that there is no just reason for delay or express direction for entry of judgment as to fewer than all of the parties or claims, there is no ‘final decision’ under [] § 1295(a)(1) and therefore no jurisdiction.” *Nystrom v. TREX Co.*, 339 F.3d 1347, 1350 (Fed. Cir. 2003). Here, the district court has not fully adjudicated all claims and has not otherwise entered partial judgment pursuant to Fed. R. Civ. P. 54(b). Nor is there any other evident basis for this court’s jurisdiction. Under the circumstances, dismissal, rather than deactivation, is appropriate.

Accordingly,

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IT IS ORDERED THAT:

(1) Appeal No. 2025-1357 is consolidated with Appeal Nos. 2025-1113 and 2025-1142, and the official caption is revised as reflected in this order.

(2) The motion to stay is denied. The appeals are dismissed for lack of jurisdiction.

(3) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

March 10, 2025
Date