

NOTE: This order is nonprecedential.

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

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**FBA OPERATING CO.,**  
*Plaintiff-Appellant*

**v.**

**ETN CAPITAL, LLC, dba Beech Lane, LLC,**  
*Defendant-Appellee*

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2025-1402

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Appeal from the United States District Court for the  
Eastern District of North Carolina in No. 5:23-cv-00505-D-  
RN, Judge James C. Dever, III.

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**ON MOTION**

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Before TARANTO, CUNNINGHAM, and STARK, *Circuit  
Judges.*

PER CURIAM.

**O R D E R**

Upon consideration of the parties' joint notice of settle-  
ment and motion to dismiss this appeal and remand for  
ETN Capital, LLC to withdraw its motion for attorneys'

fees and so the parties can move the district court to vacate its decisions dismissing the first and second complaints,

IT IS ORDERED THAT:

(1) The motion is granted to the extent that the case is remanded. In granting the motion, this court takes no position as to whether the district court should grant vacatur.

(2) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

July 18, 2025  
Date

cc: United States District Court for the Eastern District of North Carolina