

NOTE: This order is nonprecedential.

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

**BAYERISCHE MOTOREN WERKE
AKTIENGESELLSCHAFT,**
Plaintiff-Appellee

v.

ONESTA IP, LLC,
Defendant-Appellant

2026-1338

Appeal from the United States District Court for the
Western District of Texas in No. 6:25-cv-00581-ADA, Judge
Alan D. Albright.

ON MOTION

Before LOURIE, CHEN, and STARK, *Circuit Judges*.
STARK, *Circuit Judge*.

O R D E R

The appellee (“BMW”) moves to dismiss. ECF No. 29.
In its response, Onesta IP, LLC agrees that dismissal is
appropriate and requests that each side bear its own costs,
noting that the appeal has become moot by way of its

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settlement agreement with a third party. In its reply, BMW asks the court to award it costs per the default rule of Federal Rule of Appellate Procedure 39(a)(1), contending that Onesta unnecessarily prolonged these proceedings after disclosing that agreement.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is granted. The appeal is dismissed.
- (2) Costs to BMW.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

April 20, 2026
Date