

NOTE: This order is nonprecedential.

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

**ASTELLAS PHARMA, INC., ASTELLAS IRELAND
CO., LTD., ASTELLAS PHARMA GLOBAL
DEVELOPMENT, INC.,**
Plaintiffs-Appellees

v.

ASCENT PHARMACEUTICALS, INC.,
Defendant-Appellant

**MSN PHARMACEUTICALS, INC., MSN
LABORATORIES PRIVATE LTD.,**
Defendants

2026-1562

Appeal from the United States District Court for the
District of Delaware in Nos. 1:23-cv-00486-JFB-EGT, 1:23-
cv-00689-JFB-EGT, and 1:24-cv-01084-JFB-EGT, Senior
Judge Joseph F. Bataillon.

ON MOTION

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

PER CURIAM.

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O R D E R

Having “entered a settlement agreement that resolves all claims between them” in this matter, ECF No. 14 at 8, the parties jointly move to remand this appeal in light of the district court’s August 5, 2026 indicative ruling that it would partially vacate and modify its March 6, 2026 final judgment if this court remanded.

This court takes no position on the propriety or necessity of any vacatur, leaving it to the district court to consider the principles enunciated in *United States Bancorp Mortgage Co. v. Bonner Mall Partnership*, 513 U.S. 18, 29 (1994).

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted to the extent that the appeal is remanded.

(2) Each side shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

August 27, 2026
Date

ISSUED AS A MANDATE: August 27, 2026