

NOTE: This disposition is nonprecedential.

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

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**REALVIRT, LLC,**  
*Plaintiff-Appellant*

v.

**ANDREI IANCU, UNDER SECRETARY OF  
COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE,**  
*Defendant-Appellee*

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2017-1159

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Appeal from the United States District Court for the Eastern District of Virginia in No. 1:15-cv-00963-TSE-MSN, Judge T. S. Ellis, III.

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Decided: August 14, 2018

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PATRICK RICHARD DELANEY, Devlin Law Firm, Wilmington, DE, for plaintiff-appellant.

THOMAS W. KRAUSE, Office of the Solicitor, United States Patent and Trademark Office, Alexandria, VA, for defendant-appellee. Also represented by MICHAEL S. FORMAN, PHILIP J. WARRICK; JAYNIE RANDALL LILLEY,

MARK R. FREEMAN, DANA J. BOENTE, CHAD A. READLER,  
Appellate Staff, Civil Division, United States Department  
of Justice, Washington, DC.

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Before NEWMAN, CLEVINGER, and BRYSON, *Circuit Judges*.

PER CURIAM.

On September 8, 2017, this court granted Realvirt, LLC's motion to stay proceedings in appeal no. 17-1159 pending this court's entry of judgment, en banc, in *NantKwest, Inc. v. Matal*, No. 16-1794. In light of this court's decision in *NantKwest, Inc. v. Iancu*, No. 2016-1794, 2018 WL 3596124 (Fed. Cir. July 27, 2018) (en banc), the court hereby lifts the stay in appeal no. 17-1159, vacates the judgment of the district court, and remands this case for further proceedings consistent with *NantKwest*.

No costs.