

NOTE: This order is nonprecedential.

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

KARL STORZ IMAGING, INC.,
Plaintiff-Appellant,

v.

POINTE CONCEPTION MEDICAL, INC.,
Defendant-Appellee.

2012-1001

Appeal from the United States District Court for the Central District of California in case no. 09-CV-8070, Judge Gary A. Feess.

Before NEWMAN, LOURIE and O'MALLEY, *Circuit Judges.*
NEWMAN, *Circuit Judge.*

O R D E R

The parties jointly move to remand this case to the United States District Court for the Central District of California due to settlement.

The parties state they have settled the case and requested an indicative ruling indicating from the district court, pursuant to Fed. R. Civ. P. 62.1, whether the district court would defer, deny, or grant a motion to vacate the underlying judgment if the case were remanded. The

district court indicated pursuant to Rule 62.1(a)(3) that it would grant the motion.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to remand is granted. This court, however, takes no position on the propriety or necessity of vacator, leaving it to the district court to apply the principles enunciated in U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership, 513 U.S. 18, 29 (1994).

(2) Each side shall bear its own costs.

FOR THE COURT

JUL 16 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Wesley W. Whitmyer, Jr., Esq.
Marc Karish, Esq.

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Issued As A Mandate: JUL 16 2012

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JUL 16 2012

JAN HORBALY
CLERK