

NOTE: This order is nonprecedential.

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

REMBRANDT VISION TECHNOLOGIES, L.P.,
Plaintiff-Appellant,

v.

JOHNSON & JOHNSON VISION CARE, INC.,
Defendant-Appellee.

2014-1715

Appeal from the United States District Court for the
Middle District of Florida in No. 3:11-cv-00819-TJC-JRK,
Judge Timothy J. Corrigan.

ON MOTION

Before PROST, *Chief Judge*, DYK and MOORE, *Circuit
Judges.*

PROST, *Chief Judge.*

O R D E R

Rembrandt Vision Technologies, L.P., moves without
opposition to dismiss its appeal as premature. Rem-
brandt Vision Technologies also moves without opposition
for a 30-day extension of time to file its opening brief.

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VISION CARE

Rembrandt had moved in the district court to set aside an earlier judgment, pursuant to Fed. R. Civ. P. 60(b). On July 10, 2014, the district court entered an order regarding the motion and stated "[i]t is the Court's intention to deny Plaintiff's Motion to Set Aside the Judgment" after other matters concerning fees and costs are determined. Rembrandt filed a protective notice of appeal, and now asks this court to dismiss the appeal as premature because the pending motion and fees and costs has not yet been finally decided. We agree that the matter remains pending before the district court.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to dismiss is granted.
- (2) The motion for an extension of time is denied as moot.
- (3) Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O'Toole

Daniel E. O'Toole

Clerk of Court

ISSUED AS A MANDATE: October 6, 2014

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