

NOTE: This order is nonprecedential.

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

CHICO'S FAS, INC., A FLORIDA CORPORATION,
Plaintiff-Cross-Appellant

v.

**ANDREA CLAIR, ANASTASIOS KOSKINAS, 1654754
ONTARIO, INC., DBA WINK INTIMATES,**
Defendants-Appellants

2016-1579, 2016-1581

Appeals from the United States District Court for the
Middle District of Florida in No. 2:13-cv-00792-SPC-
MRM, Judge Sheri Polster Chappell.

Before DYK, CLEVINGER, and HUGHES, *Circuit Judges*.
DYK, *Circuit Judge*.

O R D E R

IT IS ORDERED THAT:

The judgment of the United States District Court for the Middle District of Florida (“district court”) is affirmed on the ground that the district court properly granted summary judgment that Beverly Johnson is an inventor of the design patent, U.S. Patent No. D622,478, and the utility patents, U.S. Patent No. 8,506,347 (“347 patent”)

and U.S. Patent No. 8,182,310 ("310 patent"), that Anastasios Koskinas is not an inventor of these patents, and that the district court properly found that Johnson did not abandon her ownership rights in the aforementioned patents and that Chico's had acquired these rights. We remand to the district court to correct inventorship as appropriate pursuant to 35 U.S.C. § 256.

We dismiss as moot the appeal from the district court's order determining that the '347 patent and claims 1–2, 4–9, and 11–20 of the '310 patent are invalid as anticipated by the Natori Peony Contour prior art.

In light of this disposition, as Chico's cross appeal is conditional, we do not reach the issue of whether Clair engaged in inequitable conduct.

No costs.

FOR THE COURT

February 9, 2017

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner
Clerk of Court