

NOTE: This order is nonprecedential.

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

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**ALAN STUART, Trustee for the Cecil G. Stuart and  
Donna M. Stuart Revocable Living Trust Agree-  
ment, CDS DEVELOPMENT LLC,**  
*Appellants*

v.

**RPM INTERNATIONAL, INC., RUST-OLEUM  
CORPORATION,**  
*Appellees*

**KATHERINE K. VIDAL, Under Secretary of Com-  
merce for Intellectual Property and Director of the  
United States Patent and Trademark Office,**  
*Intervenor*

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2019-1994

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. IPR2017-  
02158.

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**RUST-OLEUM CORPORATION, RPM  
INTERNATIONAL, INC.,**  
*Appellants*

v.

**KATHERINE K. VIDAL, Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office,**  
*Intervenor*

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2019-2238

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Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. IPR2017-02158.

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### **O R D E R**

Upon consideration of Alan Stuart and CDS Development LLC's failure to have counsel file an entry of appearance in accordance with this court's March 1, 2022 order, ECF No. 80 in Appeal No. 2019-1994,

IT IS ORDERED THAT:

- (1) Pursuant to the court's March 1, 2022 order, Appeal No. 2019-1994 is dismissed.
- (2) The official captions are revised as above to reflect dismissal of Appeal No. 2019-1994 and the non-participation of Alan Stuart and CDS Development LLC in Appeal No. 2019-2238.
- (3) Rust-Oleum Corporation and RPM International, Inc.'s opening brief in Appeal No. 2019-2238 is due no later

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than 60 days from the date of filing of this order.

(4) Kasowitz Benson Torres LLP is directed to serve a copy of this order on Stuart and CDS Development within three days of the date of filing of this order.

FOR THE COURT

May 6, 2022  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court