

NOTE: This order is nonprecedential.

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

JODI A. SCHWENDIMANN, FKA JODI A. DALVEY,
Appellant

v.

STAHL'S, INC.,
Appellee

2022-1335, 2022-1336, 2022-1429, 2022-1431

Appeals from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in Nos. IPR2020-
00633, IPR2020-00635, IPR2020-00641, IPR2020-00644.

JODI A. SCHWENDIMANN, FKA JODI A. DALVEY,
Appellant

v.

STAHL'S, INC.,
Appellee

2022-1652

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. IPR2020-01122.

Before PROST, CLEVENGER, and CUNNINGHAM, *Circuit Judges*.

CLEVENGER, *Circuit Judge*.

ORDER

Jodi A. Schwendimann owns U.S. Patent Nos. RE41,623 (the “623 patent”), 7,754,042 (the “042 patent”), 7,766,475 (the “475 patent”), and 7,749,581 (the “581 patent”) (collectively, the “Appealed Patents”). Stahls’, Inc. (“Stahls”) petitioned for *inter partes* review of claims 1–5 and 6–14 and 16 of the ’623 patent, claims 16–22 of the ’042 patent, claims 1–16 and 18–19 of the ’475 patent, and claims 1–2, 4–6, 8, and 11–12 of the ’581 patent. In its final written decisions, the Patent Trial and Appeal Board (“Board”) held claims 1–3 and 5¹ and 6–7, 9–14, and 16² of the ’623 patent, claims 16–22 of the ’042 patent,³ claims 1–15 and 18 of the ’475 patent,⁴ and claims 1–2, 4–6, 8, and 11–12 of the ’581 patent⁵ unpatentable. Ms. Schwendimann appeals the Board’s decisions.

¹ *Stahls’, Inc. v. Schwendimann*, No. IPR2020-00641, 2021 WL 4877584 (P.T.A.B. Oct. 1, 2021).

² *Stahls’, Inc. v. Schwendimann*, No. IPR2020-00633, 2021 WL 4860346 (P.T.A.B. Oct. 1, 2021).

³ *Stahls’, Inc. v. Schwendimann*, No. IPR2020-00635, 2021 WL 6300440 (P.T.A.B. Sept. 10, 2021).

⁴ *Stahls’, Inc. v. Schwendimann*, No. IPR2020-01122, 2021 WL 6340143 (P.T.A.B. Dec. 14, 2021).

⁵ *Stahls’, Inc. v. Schwendimann*, No. IPR2020-00644, 2021 WL 6297786 (P.T.A.B. Sept. 10, 2021).

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In a decision issued today in an appeal from separate *inter partes* reviews on the Appealed Patents, we affirmed the Board's decisions holding all claims of the '623 patent, the '042 patent, and the '475 patent and claims 1–6, 8–21, and 24–31 of the '581 patent unpatentable. *Schwendimann v. Neenah, Inc.*, No. 2022-1333, slip op. 22, — F.4th —, — (Fed. Cir. Oct. 6, 2023). Thus, these appeals are moot in light of that decision. See *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013) (“A case becomes moot—and therefore no longer a Case or Controversy for purposes of Article III—when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.” (cleaned up)); see also *ArcelorMittal v. AK Steel Corp.*, 856 F.3d 1365, 1370 (Fed. Cir. 2017); *Cisco Sys., Inc. v. TQ Delta, LLC*, 928 F.3d 1359, 1361 (Fed. Cir. 2019); *Lone Star Silicon Innovations, LLC v. Nanya Tech. Corp.*, 810 F. App'x 878, 879 (Fed. Cir. 2020) (nonprecedential).

IT IS ORDERED THAT:

Accordingly, these appeals are dismissed as moot in light of our affirmance in *Schwendimann v. Neenah, Inc.*, No. 2022-1333, slip op. 22, — F.4th —, — (Fed. Cir. Oct. 6, 2023), which renders unpatentable all of the claims at issue in these appeals.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

October 6, 2023
Date