

NOTE: This order is nonprecedential.

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

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**M2M SOLUTIONS LLC,**  
*Plaintiff*

**BLACKBIRD TECH LLC, dba Blackbird Technolo-  
gies,**  
*Plaintiff-Appellant*

v.

**SIERRA WIRELESS AMERICA, INC., SIERRA  
WIRELESS, INC.,**  
*Defendants-Appellees*

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2022-1437

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Appeal from the United States District Court for the  
District of Delaware in No. 1:14-cv-01102-RGA, Judge  
Richard G. Andrews.

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**ON MOTION**

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Before PROST, REYNA, and CUNNINGHAM, *Circuit Judges*.  
CUNNINGHAM, *Circuit Judge*.

## O R D E R

Appellant Blackbird Tech LLC, d/b/a Blackbird Technologies (“Blackbird”) states that “the filing of this appeal may have been premature” and thus moves unopposed to voluntarily dismiss its appeal under Federal Rule of Appellate Procedure 42(b). Blackbird further requests that if its appeal is premature, no additional filing fees be required for filing a subsequent appeal.

Blackbird appeals from the district court’s January 3, 2022, decision granting Sierra Wireless America, Inc. and Sierra Wireless Inc.’s motion for attorney fees pursuant to 35 U.S.C. § 285. Neither that decision nor any subsequent filing has yet quantified the amount of the attorney fees, however, and “[w]e lack jurisdiction over the unquantified attorney’s fees decision.” *Elbit Sys. Land & C4I Ltd. v. Hughes Network Sys., LLC*, 927 F.3d 1292, 1294 (Fed. Cir. 2019). This appeal thus is premature, though we will allow it to be reinstated under the same docket number, without the payment of an additional filing fee, if, within 60 days of this order, Blackbird appeals from the entry of a final attorney fees award.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted to the extent that the appeal is dismissed for lack of jurisdiction, subject, however, to reinstatement under the same docket number, without payment of any additional filing fee, if, within 60 days of this order, Blackbird appeals from the entry of a final attorney fees award. The mandate shall issue simultaneously with this order.

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(2) Each side shall bear its own costs.

FOR THE COURT

April 19, 2022

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner  
Clerk of Court

ISSUED AS A MANDATE: April 19, 2022