

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 03-cv-02579-RPM

NATIONAL OILWELL VARCO, L.P.

Plaintiff,

v.

PASON SYSTEMS USA CORP.

Defendant.

ORDER VACATING JUDGMENT

Final judgment pursuant to Fed.R.Civ.P. 54(b) entered on April 30, 2009. On May 22, 2009, the Defendant filed a notice of appeal. On June 4, 2009, Plaintiff filed a notice of cross-appeal. On September 3, 2009, the United States Court of Appeals for the Federal Circuit dismissed the appeals, stating that the Plaintiff's patent infringement claim has not been finally adjudicated because the defense of inequitable conduct is pending, and thus the entry of final judgment pursuant to Rule 54(b) was improper.

Accordingly, it is

ORDERED that the Final Judgment Pursuant to Rule 54(b), dated April 30, 2009 [dkt. 257] is vacated.

Dated: September 8, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge