

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:08-cv-00576-MR

PRECISION LINKS INCORPORATED,)
)
Plaintiff,)
)
vs.) ORDER
)
USA PRODUCTS GROUP, INC. and)
HOME DEPOT U.S.A., INC.,)
)
Defendants.)
)

THIS MATTER is before the Court on remand from the United States Court of Appeals for the Federal Circuit, __ F. App'x __, 2013 WL 2450630 (Fed. Cir. June 7, 2013), and the mandate thereof [Doc. 123].

In its Order, the Federal Circuit held as follows:

In sum, while we sustain most of the district court's findings, we disagree with its ruling with respect to whether Precision's infringement contention under claim 1 was baseless. Where, as in this case, the "underpinnings" of the district court's fee award "are partially reversed, we may remand for further evaluation by the trial court." Molins PLC v. Textron, Inc., 48 F.3d 1172, 1186 (Fed. Cir. 1995). Because the allegations as to claim 1 played a significant part in the litigation before the district court, and in the court's exceptional case determination, we vacate the attorney fee award and remand this case for consideration of "the

specific types of conduct" we have identified as potentially supporting a fee order. Id. On remand, the district court should determine whether it continues to regard this case as exceptional and deserving of an attorney fee award in light of our holding that Precision's infringement allegations as to claim 1 were not frivolous. If so, it should determine what award amount is appropriate for the remaining conduct.

Precision Links, 2013 WL 2450630, at *6.

In light of the Federal Circuit's remand, the Court enters the following Order.

IT IS, THEREFORE, ORDERED that within thirty (30) days of the entry of this Order, the parties shall submit supplemental briefs addressing the issues identified in the Federal Circuit's Order. Such supplemental briefs shall not exceed fifteen (15) pages and shall be double-spaced and in 14-point font.

IT IS SO ORDERED.

Signed: August 12, 2013



Martin Reidinger
United States District Judge

