IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CASSIDIAN COMMUNICATIONS, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 2:12-CV-162-JRG
	§	
MICRODATA GIS, INC., et al.,	§	
	§	
Defendants.	§	

MEMORANDUM OPINION AND ORDER

Before the Court is Cassidian Communication, Inc.'s Motion for an Indicative Ruling Pursuant to Federal Rule of Civil Procedure 62.1 (Dkt. No. 216, filed October 16, 2014.) For the reasons discussed below, the Court DENIES Cassidian's Motion (Dkt. No. 216) for an indicative ruling that the Court will grant an earlier Cassidian motion.

APPLICABLE LAW

Federal Rule of Civil Procedure ("F.R.C.P") 62.1 provides for an "Indicative Ruling on a motion for Relief that is Barred by a Pending Appeal":

> (a) Relief Pending Appeal. If a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may:
>
> (1) defer considering the motion;
>
> (2) deny the motion; or
>
> (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue.
>
> (b) Notice to the Court of Appeals. The movant must promptly notify the circuit clerk under Federal Rule of Appellate Procedure 12.1 if the district court states that it would grant the motion or that the motion raises a substantial issue.

> (c) Remand. The district court may decide the motion if the court of appeals remands for that purpose.

F.R.C.P. § 62.1 (2012).

DISCUSSION

Cassidian's Motion seeks an indicative ruling under F.R.C.P. § 62.1 that the Court will grant Cassidian's Motion to Correct Inventorship of U.S. Patent No. 6,744,858 According to Section 35 U.S.C. Section 256 and Federal Rule of Civil Procedure 60(b) Motion to Vacate the Judgment That Claims of the Patent Are Invalid (Dkt. No. 206, filed August 26, 2014) (hereinafter "Inventorship Motion"). Briefly, Cassadian's Inventorship Motion—filed after trial was completed and after all post-trial motions were resolved[1]—asks the Court to add a co-inventor—Mr. William Whitehurst—to the '858 patent and vacate the underlying verdict that the '858 patent is invalid. Prior to Cassidian's Inventorship Motion—in prior testimony, at trial, and in post-trial briefing)—Cassidian disputed Mr. Whitehurst's inventorship.

[1] In resolving the Parties' post-trial motions, the Court denied "Cassidian's motion for judgment as a matter of law that Defendants have failed to prove improper inventorship of the '858 Patent," found "that a verdict of improper inventorship [wa]s not against 'the great weight of the evidence,'" and denied Cassidian's motion for a new trial on that basis. (*See* Dkt. No. 201 at 4-11.)

Having considered the Parties' briefing on Cassidian's Motion, the Court hereby defers ruling on Cassidian's Inventorship Motion under F.R.C.P. § 62.1(a)(1) and therefore DENIES Cassidian's Motion (Dkt. No. 216) for an indicative ruling that the Court will grant Cassidian's Inventorship Motion.

So ORDERED and SIGNED this 5th day of November, 2014.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE