



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-17-00269-CV

**PHYTON BIOTECH, LLC** and **Phyton Biotech, GmbH**,  
Appellants

v.

**DIATHEGEN, LLC**,  
Appellee

From the 57th Judicial District Court, Bexar County, Texas  
Trial Court No. 2013-CI-17463  
Honorable Stephani A. Walsh, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice  
Luz Elena D. Chapa, Justice

Delivered and Filed: July 26, 2017

DISMISSED

Appellants have filed an unopposed motion to dismiss this appeal due to settlement. The motion contains a certificate of service to appellee, who has not opposed the motion. Therefore, we grant the motion and dismiss the appeal. TEX. R. APP. P. 42.1(a)(1). Costs of the appeal are taxed against the party who incurred them.

PER CURIAM