

NOTE: This order is nonprecedential.

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

ALTAIRE PHARMACEUTICALS, INC.,
Appellant

v.

PARAGON BIOTECK, INC.,
Appellee

2017-1487

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. PGR2015-00011.

Before O'MALLEY, SCHALL, and WALLACH, *Circuit Judges*.
PER CURIAM.

ORDER

Upon consideration of the parties' September 24, 2018 response to this court's order to show cause,

IT IS ORDERED THAT:

We do not typically vacate an issued opinion. *Cf. Tivo Inc. v. EchoStar Corp.*, 429 F. App'x 975, 976 (Fed. Cir. 2011). However, in light of the parties' settlement in this case, the court shall modify the precedential opinion and

judgment issued May 2, 2018, by vacating only the portion that orders remand to the U.S. Patent and Trademark Office's Patent Trial and Appeal Board. Any citation to our underlying opinion should read: *Altaire Pharmaceuticals, Inc. v. Paragon Biotech, Inc.*, 889 F.3d 1274 (Fed. Cir. 2018), *remand order modified by stipulation*, [this order].

FOR THE COURT

October 2, 2018

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner
Clerk of Court