

NOTE: This order is nonprecedential.

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

ENDOTACH LLC,
Plaintiff-Appellant

v.

COOK MEDICAL LLC,
Defendant-Appellee

2015-1357

Appeals from the United States District Court for the Southern District of Indiana in No. 1:13-cv-01135-LJM-DKL, Judge Larry J. McKinney.

Before DYK, MOORE, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

The court has received a certified copy of the judgment from the Clerk of the Supreme Court of the United States in *Endotach LLC v. Cook Medical, LLC*, No. 16-127 (2017). The Supreme Court granted certiorari, vacated, and remanded for further consideration our May 6, 2016 judgment in light of *SCA Hygiene Products Aktiebolag v. First Quality Baby Products, LLC*, 580 U.S. __ (2017).

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The mandate issued on June 13, 2016, is hereby recalled and the appeal is reinstated.

(2) The January 27, 2015 summary judgment of the United States District Court for the Southern District of Indiana holding that Endotach cannot recover damages for any alleged infringement of U.S. Patent No. 5,122,154 due to the defense of laches is vacated.

(3) The case is remanded to that court for further proceedings consistent with the Supreme Court's opinion and to address Cook Medical's noninfringement and invalidity defenses with respect to U.S. Patent No. 5,122,154.

(4) In light of our decision in *Endotach LLC v. Medtronic, Inc.*, 639 F. App'x 644 (Fed. Cir. 2016), we need not reach the issue of non-infringement with respect to U.S. Patent No. 5,593,417.

FOR THE COURT

May 3, 2017
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court