

NOTE: This order is nonprecedential.

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

EUGENE H. LUOMA,
Appellant

v.

GT WATER PRODUCTS, INC.,
Appellee

**ANDREI IANCU, Director, U.S. Patent and Trade-
mark Office,**
Intervenor

2019-2315

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. 95/001,754.

ON MOTION

Before MOORE, O'MALLEY, and STOLL, *Circuit Judges*.
O'MALLEY, *Circuit Judge*.

ORDER

Eugene H. Luoma moves to vacate the decision of the
Patent Trial and Appeal Board and remand for further

proceedings in light of *Arthrex, Inc. v. Smith & Nephew, Inc.*, 941 F.3d 1320 (Fed. Cir. 2019). Mr. Luoma states that GT Water Products, Inc. “neither consents nor objects” to the motion and “takes the position that the patent should remain invalid.” The Director of the United States Patent and Trademark Office intervenes and opposes.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The Director of the United States Patent and Trademark Office is added as an intervenor. The revised official caption is reflected above.

(2) Mr. Luoma’s motion to vacate and remand is granted. The Patent Trial and Appeal Board’s decision is vacated, and the case is remanded to the Board for proceedings consistent with this court’s decision in *Arthrex*.

(3) Each side shall bear its own costs.

FOR THE COURT

January 17, 2020
Date

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