NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

DENSYS LTD.,
Plaintiff-Appellee

v.

3SHAPE TRIOS A/S, 3SHAPE A/S,
Defendants-Appellants

2026-1221

Appeal from the United States District Court for the Western District of Texas in No. 6:19-cv-00680-ADA, Judge Alan D Albright.

ON MOTION

Before TARANTO, MAYER, and STARK, *Circuit Judges*.

MAYER, *Circuit Judge*.

O R D E R

Densys Ltd. moves to dismiss for lack of jurisdiction. 3Shape Trios A/S and 3Shape A/S (collectively, "3Shape") oppose dismissal and alternatively ask to stay proceedings pending consolidation of any future appeal from the underlying action. Densys replies.

In April 2022, the jury returned a verdict finding 3Shape liable for patent infringement. The parties filed post-judgment motions. While those motions were under consideration, the district court docketed a "Report on the Filing or Determination of an Action Regarding a Patent or Trademark" (Form AO 120) on May 8, 2024, which noted "04/08/2022 document 186 Jury verdict." ECF No. 7-2 at 3. The district court resolved the last of the parties' post-judgment motions on November 10, 2025, and directed the parties to file a proposed final judgment. Although no judgment has been entered and pre- and post-judgment interest remain unresolved, 3Shape filed this appeal.

The parties focus solely on whether the district court has entered a final decision under 28 U.S.C. § 1295(a)(1). A final decision "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." *Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 373 (1981). 3Shape has not demonstrated that such a decision has yet to occur in this case, as the district court has indicated that there is more left to do, including resolving the ongoing dispute about interest and entering a final judgment. We thus dismiss the appeal subject to reinstatement under the same docket number without the payment of an additional filing fee if, within 60 days, 3Shape appeals from the entry of a final, appealable decision.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to dismiss is granted. This appeal is dismissed for lack of jurisdiction, subject to reinstatement under the same docket number without the payment of an additional filing fee if, by no later than 60 days from the date of filing of this order, 3Shape files an appeal from the entry of a final, appealable decision.

(2) Each side shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

February 13, 2026
Date