EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

PECHINEY RHENALU, Plaintiff, v. ALCOA INC., Defendant.	)	Civil Action No. 99-301-SLR

O R D E R

At Wilmington, this 28th day of September, 2001, having reviewed the papers submitted regarding defendant's right to a jury trial;

IT IS ORDERED that plaintiff's motion to vacate the judgment based on the jury verdict (D.I. 462) is granted. Pursuant to the Federal Circuit's decision in Tegal Corp. v. Tokyo Electon Am., Inc., 257 F.3d 1331 (Fed. Cir. 2001), given that defendant-patentee voluntarily withdrew its claim for damages, it also waived its right to a jury trial.

IT IS FURTHER ORDERED that the parties shall file proposed findings of fact and conclusions of law on or before **October 19, 2001.**

United States District Judge