

389 U. S.

October 9, 1967.

BRENNER, COMMISSIONER OF PATENTS *v.*  
HOFSTETTER.CERTIORARI TO THE UNITED STATES COURT OF CUSTOMS  
AND PATENT APPEALS.

No. 46. Decided October 9, 1967.

53 C. C. P. A. (Pat.) 1545, 362 F. 2d 293, vacated and remanded  
with directions to dismiss the appeal as moot.*Solicitor General Marshall, Assistant Attorney General  
Sanders and Morton Hollander* for petitioner.*Paul N. Kokulis and Lawrence A. Hymo* for  
respondent.

PER CURIAM.

Upon consideration of the respondent's suggestion of  
mootness the judgment is vacated and the case is re-  
manded to the United States Court of Customs and  
Patent Appeals with directions to dismiss the appeal to  
that court as moot.

MR. JUSTICE MARSHALL took no part in the considera-  
tion or decision of this case.

KELLY *v.* LANE, WARDEN.APPEAL FROM THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF INDIANA.

No. 256, Misc. Decided October 9, 1967.

Appeal dismissed.

PER CURIAM.

The appeal is dismissed for want of jurisdiction.