

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 remanded 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 consideration 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.