
**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**

Washington, D.C. 20549

FORM 8-K

**CURRENT REPORT
PURSUANT TO SECTION 13 OR 15(d)
OF THE SECURITIES EXCHANGE ACT OF 1934**

Date of Report (Date of earliest event reported): July 11, 2014

Gevo, Inc.

(Exact Name of Registrant as Specified in Charter)

Delaware
(State or Other Jurisdiction
of Incorporation)

001-35073
(Commission
File Number)

87-0747704
(I.R.S. Employer
Identification Number)

345 Inverness Drive South, Building C, Suite 310, Englewood, CO 80112
(Address of Principal Executive Offices) (Zip Code)

Registrant's telephone number, including area code: (303) 858-8358

N/A
(Former Name, or Former Address, if Changed Since Last Report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
 - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
 - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
 - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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Item 8.01. Other Events.

On July 11, 2014, the United States District Court for the District of Delaware (the "District Court") granted a motion by Gevo, Inc. (the "Company") to stay the patent litigation action brought by Butamax Advanced Biofuels, LLC ("Butamax") involving U.S. Patent Nos. 7,851,188 and 7,993,889. The District Court's decision postpones the trial in this action, which was scheduled to begin on July 21, 2014. The decision by the District Court was based on the status of the Company's petition for a writ of certiorari in the United States Supreme Court (the "Supreme Court"). The Supreme Court has neither granted nor denied the Company's petition, but appears to be holding the petition pending its decision in *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, a case that could change the Federal Circuit's standard of review of district court claim construction, and could ultimately negate any jury verdict obtained under the current interpretation of the patent claims.

Oral argument in *Teva* is expected to occur this fall and an opinion from the Supreme Court is anticipated in the spring of 2015.

Item 9.01. Financial Statements and Exhibits.

(d) Exhibits.

99.1 Order, dated July 11, 2014.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Gevo, Inc.

By: /s/ Brett Lund

Brett Lund

Chief Licensing Officer, General Counsel & Secretary

Date: July 14, 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BUTAMAX™ ADVANCED)	
BIOFUELS LLC,)	
)	
Plaintiff/Counterclaim)	
Defendant,)	
)	
v.)	Civ. No. 11-54-SLR
)	
GEVO, INC.,)	
)	
Defendant/Counterclaim)	
Plaintiff,)	
)	
v.)	
)	
E.I. DUPONT DE NEMOURS AND)	
COMPANY,)	
)	
Counterclaim Defendant.)	

ORDER

At Wilmington this ~~14~~¹⁶ day of July, 2014, having considered Gevo, Inc.'s ("Gevo") motion to stay¹ (D.I. 759), the papers submitted in connection therewith, and the arguments of counsel; the court issues its decision consistent with the reasoning that follows:

1. Background. On June 26, 2014, Gevo's petition for a writ of certiorari ("petition") regarding the United States Court of Appeals for the Federal Circuit's decision, *Butamax Advanced Biofuels LLC v. Gevo, Inc.*, Civ. No. 2013-1342, 2014 WL 593486 (Fed. Cir. Feb. 18, 2014), was on the Supreme Court's docket. (D.I. 790 at ¶

¹On May 20, 2014, the court declined to decide the motion to stay until the United States Supreme Court issued its decision on Gevo's petition for a writ of certiorari. (D.I. 767)

11 & ex. A, Supreme Court Docket Entry for Case No. 13-1286, *Gevo, Inc. v. Butamax Advanced Biofuels LLC*, showing petition distributed for June 26, 2014 conference) As the date of decision of Gevo's petition, June 30, 2014, has passed, it appears that the Supreme Court is holding Gevo's petition pending its decision in *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, Civ. No. 13-854, 2014 U.S. LEXIS 2312 (S. Ct. Mar. 31, 2014).

2. Standard. Motions to stay invoke the broad discretionary powers of the court. See *Dentsply Int'l, Inc. v. Kerr Mfg. Co.*, 734 F.Supp. 656, 658 (D. Del. 1990) (citing *Bechtel Corp. v. Laborers' Int'l Union*, 544 F.2d 1207, 1215 (3d Cir. 1976)); see also *Monsanto Co. v. Syngenta Seeds, Inc.*, Civ. No. 04-305, 2006 U.S. Dist. LEXIS 84963, at *3 (D. Del. Nov. 8, 2006) (citing *In re Innotron Diagnostics*, 800 F.2d 1077, 1085 (Fed. Cir. 1986)). Three general factors inform the court in this regard:

(1) whether the granting of a stay would cause the non-moving party to suffer undue prejudice from any delay or allow the moving party to gain a clear tactical advantage over the non-moving party; (2) whether a stay will simplify the issues for trial; and (3) whether discovery is complete and a trial date set.

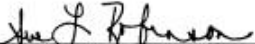
Enhanced Security Research, LLC v. Cisco Sys., Inc., Civ. No. 09-571, 2010 WL 2573925, at *3 (D. Del. June 25, 2010) (citing *St. Clair Intellectual Prop. Consultants v. Sony Corp.*, Civ. No. 01-557, 2003 WL 25283239, at *1 (D. Del. Jan. 30, 2003)).

3. Discussion. The Federal Circuit reversed-in-part, vacated-in-part, and remanded the case at bar, specifically issuing a new claim construction for a certain claim limitation. The parties agree that the new claim construction is central to their dispute and to the issues of infringement and invalidity, which are to be tried to a jury.

As the standard of review on claim construction is the subject of the petition to the Supreme Court, the case at bar is left in a state of flux. The parties agree that a potential outcome of the Supreme Court's review is a grant of Gevo's petition, vacatur of the Federal Circuit's decision, and remand back to the Federal Circuit ("GVR"). The parties have not located helpful case law² to address the impact of such an outcome on a jury verdict obtained in the interim. In *Lockheed Martin v. Space Sys./Loral*, 324 F.3d 1308, 1310 (Fed. Cir. 2003), the Federal Circuit explained that after a GVR, "the case on remand stands in the same posture as it did in the earlier appeal before our decision there." *Id.* at 1310.

4. While the trial date is upcoming on July 21, 2014, any future change in the claim construction would negate the interim jury verdict. Moreover, many of the disputed pre-trial issues are colored by the new claim construction.

For these reasons, IT IS ORDERED THAT, Gevo's motion to stay (D.I. 759) is granted.


United States District Judge

²Nor has the court found any.