

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**TOBI GELLMAN, AS TRUSTEE OF THE MAYER
MICHAEL LEBOWITZ TRUST,**
Plaintiff-Appellant,

v.

TELULAR CORPORATION,
Defendant-Appellee,

AND

NAPCO SECURITY SYSTEMS, INC.,
Defendant-Appellee,

AND

VISONIC INC.,
Defendant-Appellee.

2011-1196

Appeal from the United States District Court for the
Eastern District of Texas in case no. 07-CV-0282, Magis-
trate Judge Charles Everingham, IV.

ON MOTION

ORDER

The appellees move for the court to find this appeal frivolous and to award damages and costs. Tobi Gellman responds.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is deferred to the merits panel assigned to hear this case. Copies of this order, the motion, and the opposition shall be transmitted to the merits panel.

FOR THE COURT

AUG 26 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: John R. Mugno, Esq.
James P. Hanrath, Esq.
Thomas I. Ross, Esq.
Edward W. Goldstein, Esq.

s20

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

AUG 26 2011

**JAN HORBALY
CLERK**