

NOTE: This order is nonprecedential.

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

JUNIPER NETWORKS, INC.,
Plaintiff-Appellant,

v.

**ALTITUDE CAPITAL PARTNERS, L.P. AND
SECURITY RESEARCH HOLDINGS, LLC,**
Defendants-Cross Appellants.

2011-1418, -1468

Appeals from the United States District Court for the
Northern District of California in case no. 09-CV-3449,
Judge Jeffrey S. White.

ON MOTION

O R D E R

Juniper Networks, Inc. moves to reform the caption to designate it as the appellant. Altitude Capital Partners, L.P. et al.'s (Altitude Capital) moves for an extension of time to file its brief.

Upon review of the papers submitted, it appears that Altitude Capital's cross-appeal may be seeking review of a judgment in the favor of the defendants and that the

defendants could argue as an alternative ground for affirmance of the dismissal judgment that the district court could have dismissed the action for lack of personal jurisdiction. A cross-appeal may only be filed "when a party seeks to enlarge its own rights under the judgment or to lessen the rights of its adversary under the judgment." *Bailey v. Dart Container Corp.*, 292 F.3d 1360, 1362 (Fed. Cir. 2002). "A party may cross-appeal if adversely affected by the appealed judgment in some particular which it seeks to have modified." *TypeRight Keyboard Corp. v. Microsoft Corp.*, 374 F.3d 1151, 1156-57 (Fed. Cir. 2004). See also *Aventis Pharma S.A. v. Hospira, Inc.*, 637 F.3d 1341 (Fed. Cir. 2011) (dismissing improper cross-appeal).

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motions are granted. The revised official caption is reflected above.

(2) Altitude Capital is directed to show cause, within 14 days of the date of filing of this order, why its cross-appeal should not be dismissed for lack of jurisdiction. Juniper Networks may also respond within that time. The briefing schedule is stayed, pending this court's receipt of any responses and the court's consideration of the papers submitted.

FOR THE COURT

AUG 17 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Jonathan S. Kagan, Esq.
Sara A. Poulos, Esq.

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

AUG 17 2011

JAN HORBALY
CLERK