

NOTE: This order is nonprecedential.

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

ALEXSAM, INC.,
Plaintiff-Cross Appellant,

v.

IDT CORPORATION,
Defendant-Appellant.

2012-1063, -1064

Appeals from the United States District Court for the Eastern District of Texas in case no. 07-CV-0420, Magistrate Judge Charles Everingham.

ON MOTION

Before LINN, *Circuit Judge.*

O R D E R

Alexsam Inc. moves for leave to file a surreply brief to address arguments raised by IDT Corporation ("IDT") for the first time in its reply brief and to strike certain arguments related to demonstrative aids and reexamination materials from IDT's reply brief and from

the joint appendix. IDT consents to a surreply limited to the issue of judicial estoppel and moves for leave to file a surreply of its own. Alexam replies.

Concerning the motion to strike, IDT states that it requested in its brief that the court take judicial notice of reexamination materials. The court treats Alexsam's motion to strike as a response to the request for judicial notice and defers that matter to the merits panel.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Alexsam's motion to file a surreply is granted. Alexsam may file a surreply brief limited to the issue of judicial estoppel and not to exceed 7 pages. Alexsam's surreply is due within 14 days of the date of this order.

(2) The motion to strike is deferred for consideration by the merits panel. Copies of the document shall be transmitted to the merits panel.

(3) IDT's motion to file a surreply is denied.

FOR THE COURT

JAN 03 2013

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Timothy P. Maloney, Esq.
Glen E. Summers, Esq.

s25

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

JAN 03 2013

JAN HORBALY
CLERK