

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2008-1218, -1439

ULTIMAX CEMENT MANUFACTURING CORPORATION,  
HASSAN KUNBARGI and KA GROUP,

Plaintiffs/Counterclaim Defendants-  
Appellants,

and

HEARTLAND CEMENT SALES COMPANY,

Plaintiff/Counterclaim Defendant-  
Appellee,

and

RC CEMENT HOLDING COMPANY, SIGNAL MOUNTAIN CEMENT COMPANY,  
RIVER CEMENT COMPANY, HERCULES CEMENT COMPANY,  
and RC CEMENT COMPANY,

Counterclaim Defendants,

v.

CTS CEMENT MANUFACTURING CORPORATION  
(doing business as CTS Cement Manufacturing Company),  
EDWARD K. RICE, RAPID-SET PRODUCTS CO. (doing business as RSC, Inc.),  
CTS BULK TERMINALS CO., CHEM-COMP SYSTEMS, INC., JACK V. GOODMAN,  
PARAGON BUILDING PRODUCTS, INC., LAWRENCE B. COLLINS,  
BLUE DAISY CEMENT PRODUCTS, INC., KURT CAILLIER,  
A & A READY MIXED CONCRETE, INC., RYAN VANDERHOOK, SR.,  
SHORT LOAD CONCRETE, INC., SIR-MIX CONCRETE PRODUCTS,  
WHITE CAP INDUSTRIES, INC., THE QUIKRETE COMPANIES,  
and GRUPO CEMENTOS DE CHIHUAHUA,

Defendants/Counterclaimants-Cross  
Appellants.

Appeals from the United States District Court for the Central District of  
California in case no. 02-CV-578, Chief Judge Alicemarie Stotler.

ON MOTION

Before BRYSON, Circuit Judge.

ORDER

Foley & Lardner LLP and Saied Kashani (Foley) move for an extension of time to file their corrected brief amicus curiae or, in the alternative, to accept their previously submitted brief amicus curiae.\* The cross-appellants oppose. Foley replies. The appellants move for leave to file the joint appendix out of time. The cross-appellants oppose. The appellants reply.

The appellants state that they have now filed separate appendices for the two appeals.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion for an extension of time to file the corrected brief amicus curiae is granted and the corrected brief is accepted for filing.

(2) The motion for leave to file the joint appendix out of time is granted. The joint appendix for 2008-1218 and the joint appendix for 2008-1439 are accepted for filing. A copy of this order shall be transmitted to the merits panel to inform the panel that there are two sets of appendices in this case.

FOR THE COURT

JUN 30 2009  
Date

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

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

JUN 30 2009  
JAN HORBALY  
CLERK

\* Fed. R. App. P. 26(c) does not apply. The order rejecting the brief did not state that the corrected brief was due within 14 days of service of the order.

cc: Saied Kashani, Esq.  
James W. Geriak, Esq.  
Michael Ross Annis, Esq.  
William J. Robinson, Esq.

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