

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-1462, -1463, -1464, -1465

TAURUS IP, LLC (now known as Manufacturing System Technologies, LLC),

Plaintiff/Third Party Defendant-
Appellant,

and

ORION IP, LLC (now known as Clear With Computers LLC)
and ERICH SPANGENBERG,

Third Party Defendant-Appellants,

v.

DAIMLERCHRYSLER CORPORATION, CHRYSLER FINANCIAL, LLC, and
DAIMLERCHRYSLER COMPANY, LLC,

Defendants-Appellees,

and

CHRYSLER HOLDING, LLC,

Defendant/Third Party Plaintiff-Appellee,

and

MERCEDES-BENZ USA, INC. and CHRYSLER LLC,

Defendants/Third Party Plaintiffs-Cross
Appellants.

Appeals from the United States District Court for the Western District of
Wisconsin in case no. 07-CV-158, Chief Judge Barbara B. Crabb.

2008-1474,-1477

TAURUS IP, LLC (now known as Manufacturing System Technologies, LLC),

Plaintiff-Appellant,

v.

HYUNDAI MOTOR AMERICA,

Defendant-Cross Appellant,

and

REEBOK INTERNATIONAL, LTD.,

Defendant,

and

POLO RALPH LAUREN CORP.,

Defendant,

and

MICHELIN NORTH AMERICA, INC.,

Defendant-Appellee.

Appeals from the United States District Court for the Western District of
Wisconsin in case no. 07-CV-477, Chief Judge Barbara B. Crabb.

ON MOTION

Before MOORE, Circuit Judge.

ORDER

The parties submit various motions for extensions of time to file their briefs. Michelin North America, Inc. moves for leave to correct its brief so that it may expressly incorporate arguments made in a now-rejected brief previously submitted by DaimlerChrysler Corporation et al., Chrysler Holding LLC, and Mercedes-Benz USA, Inc. et al. (DaimlerChrysler). Hyundai Motor Company moves for leave to file a

replacement opening brief. DaimlerChrysler moves for leave to file separate opening briefs on the patent infringement claims and contract claims.

On August 18, 2008, because Orion IP, LLC and Erich Spangenberg (Orion) and Taurus IP, LLC, were then represented by a single law firm, the court denied their motion to for leave to file separate briefs. See Practice Note following Fed. Cir. R. 28 ("When there are multiple parties represented by the same counsel, only one brief can be filed"). Subsequently, because Orion obtained principal counsel from a different firm than Taurus's principal counsel, the court permitted Orion and Taurus to file separate opening briefs.

Subsequently, DaimlerChrysler attempted to file two separate opening briefs, one in response to Orion's opening brief and one in response to Taurus's opening brief. The clerk's office properly rejected the separate briefs. Michelin, who is represented by the same firm and principal counsel that represents DaimlerChrysler, also filed a separate brief, and incorporated by reference some of the arguments made by DaimlerChrysler in one of its two now-rejected briefs.

All of the DaimlerChrysler parties are represented by the same firm and principal counsel. Thus, DaimlerChrysler is limited to filing one brief in response to the appellants' opening briefs. Because some of the parties in that group are cross-appellants, DaimlerChrysler's opening brief may contain up to 16,500 words. Fed. R. App. P. 28.1(c)(2)(B). For the same reason, because Michelin is represented by the same principal counsel that represents DaimlerChrysler, it may not file a brief separate from the 16,500-word brief filed by its counsel on behalf of DaimlerChrysler. All arguments presented by counsel who represent any group of parties must be included in a single brief.

Accordingly,

IT IS ORDERED THAT:

- (1) Hyundai's motion for leave to file a replacement opening brief is granted.
- (2) The motions for extensions of time are moot.
- (3) All other motions are denied.
- (4) Michelin's brief is rejected. DaimlerChrysler and Michelin are directed to file a corrected single opening brief, not to exceed 16,500 words, within 30 days of the date of filing of this order.
- (5) Taurus and Orion should calculate their remaining brief due dates from the date of service of DaimlerChrysler and Michelin's corrected opening brief.

FOR THE COURT

MAR 19 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

MAR 19 2009

**JAN HORBALY
CLERK**

cc: Kenneth C. Bass, III, Esq.
Mitchell G. Stockwell, Esq.
Gene C. Schaerr, Esq.
Elizabeth A. Wiley, Esq.

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