

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-1530, 2009-1137

IN RE ELECTRO-MECHANICAL INDUSTRIES

ELECTRO-MECHANICAL INDUSTRIES, INC.

Plaintiff-Appellant,

v.

UNIVERSAL SUPPORT SYSTEMS, LLC,

Defendant-Cross Appellant.

Appeals from the United States District Court for the Southern District of Texas in case no. 08-CV-0646, Judge Vanessa D. Gilmore.

ON MOTION

Before MOORE, Circuit Judge.

ORDER

Electro-Mechanical Industries, Inc. (EMI) moves to dismiss Universal Support Systems, LLC's (USS) appeal, no. 2009-1137, and to strike portions of USS's appellee brief in 2008-1530. USS opposes. EMI replies. USS moves to consolidate 2008-1530 with 2009-1137. Jessica L. Wilson moves to withdraw as counsel for USS.

The court determines that the better course is for the parties to address their arguments concerning the timeliness of USS's appeal in their briefs. Absent objection, USS's appellee brief in 2008-1530 will be treated as its principal and response brief.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to dismiss is denied.
- (2) The motion to strike is denied.
- (3) The motion to consolidate is granted. The revised official caption is reflected above.
- (4) The motion to withdraw as counsel is granted.
- (5) Absent objection received within 14 days of the date of this order, USS's appellee brief in 2008-1530 will be treated as its principal and response brief in these consolidated appeals.
- (6) EMI should calculate the due date for its response and reply brief from the date of filing of this order.

FOR THE COURT

APR 2 2009

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

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

cc: Gregory S. Coleman, Esq.
Jack C. Nickens, Esq.

APR 02 2009

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**JAN HORBALY
CLERK**