

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-1581

SCOTT PIVONKA and JOHN TOTTLEBEN,

Plaintiffs-Appellants,

v.

CENTRAL GARDEN & PET COMPANY,
NYLABONE CORPORATION, and TFH PUBLICATIONS, INC.,

Defendants-Appellees.

Appeal from the United States District Court for the District of Colorado in case no. 02-CV-02394, Senior Judge Richard P. Matsch.

ON MOTION

Before MOORE, Circuit Judge.

ORDER

TFH Publications, Inc. moves to supplement the joint appendix with this court's decision in Pivonka v. Axelrod, No. 2008-1413 (Feb. 19, 2009) or, in the alternative, for the court to take judicial notice of that decision. TFH states that Central Garden & Pet Company opposes. The court treats TFH's submission as a nonconforming citation of supplemental authorities pursuant to Fed. R. App. P. 28(j).

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted to the extent that TFH's submission is treated as a Rule 28(j) citation of supplemental authorities.

(2) A copy of TFH's submission, any response, and this order shall be transmitted to the merits panel assigned to decide this case.

FOR THE COURT

MAR 20 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

cc: Ramon L. Pizarro, Esq.
Russell S. Burnside, Esq.

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MAR 20 2009

JAN HORBALY
CLERK