

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2008-1599

EXCEL INNOVATIONS, INC.,

Plaintiff/Counterclaim Defendant-  
Appellant,

and

AVIV LLC and NED HOFFMAN,

Counterclaim Defendants,

v.

YOU TECHNOLOGY INC. (formerly known as YT ACQUISITION CORPORATION),

Defendant/Counterclaimant-  
Appellee.

Appeal from the United States District Court for the Northern District of  
California in case no. 03-CV-3125, Judge Maxine M. Chesney.

ON MOTION

ORDER

You Technology Inc. moves without opposition to substitute itself as the appellee pursuant to Rule 43(b) of the Federal Rules of Appellate Procedure.

Upon consideration thereof,,

IT IS ORDERED THAT:

The motion is granted. The revised official caption is reflected above.

FOR THE COURT

**MAR 17 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

cc: Greg J. Charles, Esq.  
Alfred C. Pfeiffer, Jr., Esq.  
Mark S. Davies, Esq.  
s19

**MAR 17 2009**

JAN HORBALY  
CLERK