

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-5111

L-3 COMMUNICATIONS EOTECH, INC.,

Plaintiff-Appellee,

v.

UNITED STATES,

Defendant-Appellee,

v.

AIMPOINT, INC.,

Defendant-Appellant.

Appeal from the United States Court of Federal Claims in 08-CV-515,
Judge Lynn J. Bush

ON MOTION

Before DYK, Circuit Judge.

ORDER

L-3 Communications EOTech, Inc. (L-3) moves to dismiss Aimpoint, Inc.'s appeal for lack of jurisdiction. Aimpoint and the United States oppose. L-3 replies.

We deem the better course is to deny the motion without prejudice to the parties addressing the jurisdictional issues in their briefs.

Accordingly,

IT IS ORDERED THAT:

(1) L-3's motion to dismiss is denied without prejudice to the parties raising the jurisdictional issues in their briefs.

(2) L-3's brief is due within 40 days of the date of filing of this order. Aimpoint should calculate the due date for its reply brief from the date of service of L-3's brief.

FOR THE COURT

FEB 25 2009

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

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

cc: W. Jay Devecchio, Esq.
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FEB 25 2009

**JAN HORBALY
CLERK**

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